

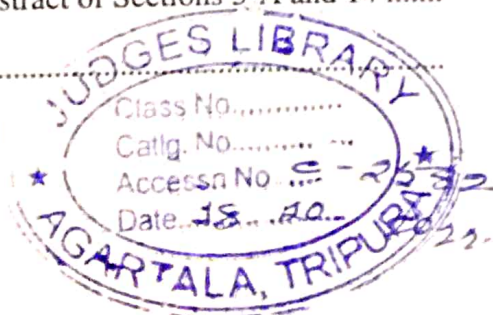
The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

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The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986¹

[Act 61 of 1986]

[23rd December, 1986]

²[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]

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

Statement of Objects and Reasons.—There are a number of Acts which prohibit the employment of children below 14 years and 15 years in certain specified employments. However, there is no procedure laid down in any law for deciding in which employments, occupations or processes the employment of children should be banned. There is also no law to regulate the working conditions of children in most of the employments where they are not prohibited from working and are working under exploitative conditions.

2. This Bill intends to—

- (i) ban the employment of children, *i.e.* those who have not completed their fourteenth year, in specified occupations and processes;
- (ii) lay down a procedure to decide modifications to the Schedule of banned occupations or processes;
- (iii) regulate the conditions of work of children in employments where they are not prohibited from working;
- (iv) lay down enhanced penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
- (v) to obtain uniformity in the definition of “child” in the related laws.

3. The Bill seeks to achieve the above objects.

Statement of Objects and Reasons of Amendment Act 35 of 2016.—The Child Labour (Prohibition and Regulation) Act, 1986, provides for prohibition of the engagement of children in certain employments and for regulating the conditions of work of children in certain other employments.

2. Section 3 of the said Act, *inter alia*, provides that employment of children below the age of fourteen years is prohibited in any of the occupations or processes specified in the schedule to the said Act. Section 6 of the said Act provides that the provisions of Part III of the Act (which relates with the regulation of conditions of work of children) shall apply to an establishment or a class of establishments in which none of the occupations referred to in Section 3 is carried on.

1. Received the assent of the President on Dec. 23, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dt. 23rd December, 1986, pp. 1-9.

2. *Subs.* for “An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments” by Act 35 of 2016, S. 2 (w.e.f. 1-9-2016).

3. It is proposed to prohibit employment of children in all occupations and processes to facilitate their enrolment in schools in view of the Right of Children to Free and Compulsory Education Act, 2009 and to prohibit employment of adolescents (persons who have completed fourteenth year of age but have not completed eighteenth year) in hazardous occupations and processes and to regulate the conditions of service of adolescents in line with the ILO Convention 138 and Convention 182, respectively.

4. The provisions of the Bill, inter alia, provide for—

- (i) the amendment of the long title of the said Act in view of the proposed provision to prohibit employment of children below fourteen years in all occupations and processes and the proposed provision to prohibit employment of adolescents (persons who have completed fourteenth year of age but have not completed eighteenth year) in hazardous occupations and processes set forth in the proposed schedule;
- (ii) the amendment of the short title of the said Act in view of the insertion of the proposed new definition of "adolescent" whose employment in hazardous occupations and processes is also proposed to be prohibited;
- (iii) the insertion of a new definition of "adolescent" that means a person who has completed his fourteenth year of age but not completed his eighteenth year in Section 2 of the said Act;
- (iv) the amendment of the definition of "child" to provide that 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;
- (v) the amendment of Section 3 of the said Act to prohibit employment of children in all occupations and processes except where the child helps his family after his school hours or helps his family in fields, home based work, forest gathering or attends technical institutions during vacations for the purpose of learning, but does not include any help or attending technical institutions where there is subordinate relationship of labour or work which are outsourced and carried out in home;
- (vi) the insertion of a new Section 3-A to prohibit employment of adolescents in any hazardous occupations and processes specified in the proposed schedule;
- (vii) the amendment of Section 4 of the said Act to empower the Central Government to add or omit any hazardous occupations and processes from the schedule to the proposed legislation;
- (viii) the omission of Part III of the said Act in view of the prohibition of employment of children below fourteen years of age in all occupations and processes;
- (ix) the amendment of sub-section (1) of Section 14 to enhance the punishment from 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, to 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, for employment or permitting any children to work in any occupations or processes in contravention of Section 3. However, the parents or guardians of such children shall not be liable for such punishment unless they permit such children for commercial purposes;
- (x) the insertion of new sub-section (1-A) in Section 14 to provide punishment of 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 for employment or permitting to work any adolescent in any hazardous occupations or processes. However, the parents or guardians of such adolescents shall not be liable for punishment unless they permit such adolescents to work in contravention of the provisions of Section 3-A;
- (xi) the amendment of sub-section (2) of Section 14, which provides punishment for the convicted offender who commits a like offence afterwards, to enhance the minimum punishment existing therein from six months to one year and maximum punishment from two years to three years;

- (xii) the insertion of a new Section 14-A to provide that the offences under the proposed legislation shall be cognizable notwithstanding anything contained in the Code of Criminal Procedure, 1973;
- (xiii) the omission of the provisions of clauses (a) and (b) of sub-section (3) of Section 14 of the Act in view of the prohibition of the employment of children below fourteen years in all occupations and processes;
- (xiv) the insertion of new Section 17-A to empower the appropriate Government to confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the proposed legislation are properly carried out and to empower the District Magistrate to 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 in accordance with the rules made by the appropriate Government;
- (xv) the insertion of new Section 17-B which empowers the appropriate Government to make periodic inspection or cause such inspection to be made, of the places at which the employment of the children is prohibited and the hazardous occupation or process are carried out, at such intervals as it thinks fit and monitor the issues relating to the provisions of the Act; and
- (xvi) the substitution of the existing schedule to the Act by new schedule in view of the prohibition of children in all occupations and processes and regulation of employment of adolescents in hazardous occupations and processes.

5. The Bill seeks to achieve the above objectives.

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called ³[the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986].

(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.

NOTIFICATIONS

(1)

Ministry of Labour, S.O. 757(E), dated August 3, 1987, published in the Gazette of India, Extra., Part II, Section 3 (ii), dated 3rd August, 1987, p. 2 [No. S-27025/60/86-CL] as corrected by S.O. 69(E), dated 11-1-1989

In exercise of the powers conferred by sub-section (3) of Section 1 of the Child Labour (Prohibition and Regulation) Act, 1986, the Central Government in order to regulate the conditions of work of children, applies the provisions of Part III of the Act to the establishments where the following processes are carried on in the State/Union Territories mentioned against them:—

- | | |
|---|--------------------------------------|
| 1. Zari Making and Embroidery | — Delhi and Uttar Pradesh |
| 2. Precious Stone Polishing | — Gujarat and Rajasthan |
| 3. Slate and Slate pencil manufacturing | — Madhya Pradesh and Andhra Pradesh. |

3. Subs. for “the Child Labour (Prohibition and Regulation) Act, 1986” by Act 35 of 2016, S. 3 (w.e.f. 1-9-2016).



(2)

Ministry of Labour, Noti. No. S.O. 27(E), dated December 30, 1991, published in the Gazette of India, Extra., Part II, Section 3 (ii), dated 10th January, 1992, p. 2 [F. No. S-27025/46/91-CL]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Child Labour (Prohibition and Regulation) Act, 1986 and in supersession of the S.O. 757(E), of the Government of India in the Ministry of Labour, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 3rd August, 1987, as corrected by corrigendum No. S.O. 69(E), dated the 11th January, 1989, except as respects things done or omitted to be done before such supersession, the Central Government hereby applies the provisions of Part III of the said Act to all those establishments throughout the country, for purposes of regulation of conditions of work of children, where the following processes are carried on, namely:—

1. Zari Making and Embroidery
2. Precious Stone Polishing
3. Slate Manufacturing.

(3)

S.O. 333(E), dated May 26, 1993.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby appoints the 26th day of May, 1993 as the date on which the provisions of Part III of the said Act shall come into force in respect of all classes of establishments, throughout the territory of India, in which none of the occupations and processes referred to in Section 3 of the said Act is carried on.

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

- ⁴[(i)] “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;]
- ⁵[(ia)] “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;
- ⁶[(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 (35 of 2009), whichever is more;]
- [(iii)] “day” means a period of twenty-four hours beginning at midnight;
- [(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;

4. Ins. by Act 35 of 2016, S. 4(a) (w.e.f. 1-9-2016).

5. Renumbered by Act 35 of 2016, S. 4(a) (w.e.f. 1-9-2016).

6. Subs. by Act 35 of 2016, S. 4(b) (w.e.f. 1-9-2016). Prior to substitution it read as:
“(ii) “child” means a person who has not completed his fourteenth year of age;”

- (viii) "prescribed" means prescribed by rules made under Section 18;
- (ix) "week" means a period of seven days beginning at midnight 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 (63 of 1948), for the time being, apply.

CASE LAW ▶ Control over establishment or workshop.—In relation to an establishment or workshop the occupier person has ultimate control over the affairs of the establishment or workshop. *Hemendra Bhai v. State of Chhattisgarh*, (2003) 6 AIC 241 (Chh) : (2003) 1 CGJ 1.

▶ **"Child".**—The expression 'child' as defined in Section 2(ii) of the Child Labour (Prohibition and Regulation) Act, 1986 means a person who has not completed his fourteenth year of age. The penalty for employing a child is imprisonment for maximum period of one year with fine, *Mahesh v. State of Maharashtra*, 2016 SCC OnLine Bom 9821.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

7[3. Prohibition of employment of children in any occupation and process.—(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;

7. Subs. by Act 35 of 2016, S. 5 (w.e.f. 1-9-2016). Prior to substitution it read as:

"3. Prohibition of employment of children in certain occupations and processes.—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."

- (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).]

CASE LAW ▶ Applicability.—Where any process is carried out, in any workshop, by occupier with aid of his family or to any school established by or receiving assistance or recognition from Government this section shall not apply. *Hemendra Bhai v. State of Chhattisgarh*, (2003) 6 AIC 241 (Chh) : (2003) 1 CGLJ 1.

▶ **Effect of RTE Act.**—Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986 authorising the use of child labour in so called non-hazardous industries would offend constitutional mandate and is no longer good law after the passing of RTE Act and the amendment in the Constitution by inserting Article 21A — Held that whenever a child above the age of 14 years is forced to work, it has to be treated as an offence under Section 374 IPC and to be dealt with sternly. Court on its *Own Motion v. State of Punjab*, 2013 SCC OnLine P&H 7489 : ILR (2013) 2 P&H 533 : (2013) 3 RCR (Cri) 298 (DB)

▶ **Penalty and compensation.**—If employer employs child labour contrary to the prohibition he is not merely liable to pay compensation but is also subject to suffer the penalty stated under the Act. *Oriental Insurance Co. Ltd. v. Rathnamma*, (2000) 3 LLN 630 (Kant).

⁸[3-A. **Prohibition of employment of adolescents in certain hazardous occupations and processes.**—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.]

4. Power to amend the Schedule.—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, ⁹[add to, or, omit from, the Schedule any hazardous occupation or process] and thereupon the Schedule shall be deemed to have been amended accordingly.

¹⁰[**5. Technical Advisory Committee.**—(1) The Central Government may, by notification in the Official Gazette, constitute an advisory committee to be called the ¹¹[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.

8. Ins. by Act 35 of 2016, S. 6 (w.e.f. 1-9-2016).

9. Subs. for "add any occupation or process to the Schedule" by Act 35 of 2016, S. 7 (w.e.f. 1-9-2016).

10. Subs. for "Child Labour Technical Advisory Committee" by Act 35 of 2016, S. 8(i) (w.e.f. 1-9-2016).

11. Subs. for "Child Labour Technical Advisory Committee" by Act 35 of 2016, S. 8(ii) (w.e.f. 1-9-2016).

(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.

NOTIFICATION

Ministry of Labour and Employment, Noti. No. S.O. 2824(E), dated September 1, 2016, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st September, 2016, p. 2, No. 2137

In exercise of the powers conferred by Section 5 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) read with Rule 3 of the Child Labour (Prohibition and Regulation) Rules, 1988, the Central Government hereby constitutes an advisory committee to be called the Technical Advisory Committee consisting of the following members, namely—

- | | | | |
|----|---|---|----------|
| 1. | Director General, Factory Advice Services Labour Institutes, Mumbai. | — | Chairman |
| 2. | Director General, Mines Safety, Dhanbad | — | Member |
| 3. | Director-General, Health Services, Government of India, New Delhi or his nominee not below the level of Additional Director-General | — | Member |
| 4. | Director General, Indian Council of Medical Research, New Delhi or her nominee not below the level of Deputy Director-General | — | Member |
| 5. | Chief Controller of Explosives, Nagpur | — | Member |
| 6. | Director, National Institute of Occupational Health, Ahmedabad | — | Member |
| 7. | Director, Industrial Toxicology Research Centre, Lucknow | — | Member] |

CASE LAW ► Children working in circuses.—Following directions issued to the Central as well as the State Governments and Union Territories for rescue, rehabilitation and social integration of children/ juveniles working in circuses: (i). There should be a constant monitoring of circuses, both static and mobile; to ensure that child labour is not used in these circuses. The monitoring should also ensure that the children are not exploited in any other manner. (ii). In the event the law enforcement machinery is made aware of any instance of use of employment of child labour or any other violation of law by the circuses, prompt action should be taken to stop the violation of law and take necessary follow-up action. (iii). The Central Government should monitor the activities of the circuses through the National Commission for Protection of Child Rights and the State Governments so that these directions are complied with, *Bachpan Bachao Andolan v. Union of India*, (2015) 17 SCC 186.

PART III

REGULATION OF CONDITIONS OF WORK OF ¹²[ADOLESCENTS]

6. **Application of Part.**—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 ¹³[Section 3-A] is carried on.

7. **Hours and period of work.**—(1) No ¹⁴[adolescent] 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 ¹⁵[adolescent] 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 ¹⁶[adolescent] 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 ¹⁷[adolescent] shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No ¹⁸[adolescent] shall be required or permitted to work overtime.

(6) No ¹⁹[adolescent] shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

8. **Weekly holidays.**—Every ²⁰[adolescent] 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.

9. **Notice to Inspector.**—(1) Every occupier in relation to an establishment in which a ²¹[adolescent] 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;

12. Subs. for "CHILDREN" by Act 35 of 2016, S. 9 (w.e.f. 1-9-2016).

13. Subs. for "Section 3" by Act 35 of 2016, S. 10 (w.e.f. 1-9-2016).

14. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

15. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

16. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

17. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

18. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

19. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

20. Subs. for "child" by Act 35 of 2016, S. 11 (w.e.f. 1-9-2016).

21. Subs. for "child" by Act 35 of 2016, S. 13 (w.e.f. 1-9-2016).

(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 ²²[adolescent] 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.

10. Disputes as to age.—If any question arises between an Inspector and an occupier as to the age of any ²³[adolescent] 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 ²⁴[adolescent] granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

CASE LAW ▶ Reference of dispute.—Dispute as to age should be referred to prescribed medical authority. *Anant Construction Co. v. Govt. Labour Officer & Inspector*, (2006) 9 SCC 225 : 2006 SCC (L&S) 1683.

11. Maintenance of register.—There shall be maintained by every occupier in respect of ²⁵[adolescent] 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 ²⁶[adolescent] so employed or permitted to work;

(b) hours and periods of work of any such ²⁷[adolescent] and the intervals of rest to which he is entitled;

(c) the nature of work of any such ²⁸[adolescent]; and

(d) such other particulars as may be prescribed.

12. Display of notice containing abstract of ²⁹[Sections 3-A and 14].—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

22. Subs. for “child” by Act 35 of 2016, S. 13 (w.e.f. 1-9-2016).

23. Subs. for “child” by Act 35 of 2016, S. 14 (w.e.f. 1-9-2016).

24. Subs. for “child” by Act 35 of 2016, S. 14 (w.e.f. 1-9-2016).

25. Subs. for “children” by Act 35 of 2016, S. 15(a) (w.e.f. 1-9-2016).

26. Subs. for “child” by Act 35 of 2016, S. 15(b) (w.e.f. 1-9-2016).

27. Subs. for “child” by Act 35 of 2016, S. 15(b) (w.e.f. 1-9-2016).

28. Subs. for “child” by Act 35 of 2016, S. 15(b) (w.e.f. 1-9-2016).

29. Subs. for “Sections 3 and 14” by Act 35 of 2016, S. 16(a) (w.e.f. 1-9-2016).

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 ³⁰[Sections 3-A and 14].

13. Health and safety.—(1) The appropriate Government may, by notification in the Official Gazette, make rules for the health and safety of the ³¹[adolescent] employed or permitted to work in any establishment or class of establishments.

(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 ³²[adolescent] on dangerous machines;
- (m) instructions, training and supervision in relation to employment of ³³[adolescent] 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. Penalties.—³⁴[(1) Whoever employs any child or permits any child to work in contravention of the provisions of Section 3 shall be punishable with

30. Subs. for "Sections 3 and 14" by Act 35 of 2016, S. 16(b) (w.e.f. 1-9-2016).

31. Subs. for "children" by Act 35 of 2016, S. 17 (w.e.f. 1-9-2016).

32. Subs. for "children" by Act 35 of 2016, S. 17 (w.e.f. 1-9-2016).

33. Subs. for "children" by Act 35 of 2016, S. 17 (w.e.f. 1-9-2016).

34. Subs. by Act 35 of 2016, S. 18(a) (w.e.f. 1-9-2016). Prior to substitution it read as:

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.]

³⁵[(1-A) Whoever employs any adolescent or permits any adolescent to work in contravention of the provisions of Section 3-A 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 adolescent shall not be punished unless they permit such adolescent to work in contravention of the provisions of Section 3-A.

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

³⁶[(2) Whoever, having been convicted of an offence under Section 3 or Section 3-A 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.]

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

(3) Whoever—

(a) ³⁸[* * *]

(b) ³⁹[* * *]

(c) ⁴⁰[* * *]

“(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.”.

35. *Ins.* by Act 35 of 2016, S. 18(a) (w.e.f. 1-9-2016).

36. *Subs.* by Act 35 of 2016, S. 18(b) (w.e.f. 1-9-2016). Prior to substitution it read as:

“(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.”

37. *Ins.* by Act 35 of 2016, S. 18(b) (w.e.f. 1-9-2016).

38. *Omitted* by Act 35 of 2016, S. 18(c) (w.e.f. 1-9-2016). Prior to omission it read as:

“(a) fails to give notice as required by Section 9; or”.

39. *Omitted* by Act 35 of 2016, S. 18(c) (w.e.f. 1-9-2016). Prior to omission it read as:

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

40. *Omitted* by Act 35 of 2016, S. 18(c) (w.e.f. 1-9-2016). Prior to omission it read as:

(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.

CASE LAW ▶ Directions to curb child labour.—In this PIL petition, Supreme Court gave certain directions in the matter of employment of child labour and discontinuation of the same. These directions include payment of compensation of Rs 20,000 per child if employment is illegal, providing of education to be the responsibility of employer, obligation of the State in the matter, working hours of child labour in non-hazardous jobs, creation of Welfare Fund and so on. *M.C. Mehta v. State of T.N.*, (1996) 6 SCC 756 : 1997 SCC (L&S) 49.

▶ **Proof of age.**—In case, the prosecution itself could not prove the age of the child as required by the Act, the applicant cannot be compelled to fill up the lacuna of the prosecution. *Ramchander v. State of U.P.*, (2002) 1 LLJ 907 (All).

▶ **Minimum penalty.**—Once offence under Section 67 of Factories Act, 1948 stands established, the minimum penalty prescribed under Section 14(1) of the Child Labour (Prohibition and Regulation) Act, 1986 had to be imposed. *State of Gujarat v. Bhupendra Kumar Jagjivandas Patel*, 2001 Lab IC 2352 : (2001) 2 LLJ 1517 (Guj).

▶ **Bar on civil action.**—Punishment under Section 14 of the Act, would not bar civil action for realisation of Child Labour Compensation. *Anil Kumar Agarwal v. Asstt. Labour Commr.*, (1999) 1 Cur LR 687 : (1999) 2 LLJ 1318 : (1999) 81 FLR 43 (All).

⁴¹[**14-A. Offences to be Cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed by an employer and punishable under Section 3 or Section 3-A shall be cognizable.]

⁴²[**14-B. Child and Adolescent Labour Rehabilitation Fund.**—(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.

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

41. Ins. by Act 35 of 2016, S. 19 (w.e.f. 1-9-2016).

42. Ins. by Act 35 of 2016, S. 19 (w.e.f. 1-9-2016).

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

⁴³[**14-C. Rehabilitation of rescued child or adolescent.**—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.]

⁴⁴[**14-D. Compounding of offences.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974.), 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) 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.]

15. Modified application of certain laws in relation to penalties.—(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 (44 of 1958); and
- (d) Section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

16. Procedure relating to offences.—(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.

43. Ins. by Act 35 of 2016, S. 19 (w.e.f. 1-9-2016).

44. Ins. by Act 35 of 2016, S. 19 (w.e.f. 1-9-2016).

(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.

CASE LAW ▶ Jurisdiction to file a complaint.—Jurisdiction of Inspector under Section 16(2) to file a complaint does not extend to trying of the said complaint himself, which only courts, not inferior to the Metropolitan Magistrate or a Magistrate of the First Class are competent to try. Moreover, he had no jurisdiction to impose fine. *Anant Construction Co. v. Govt. Labour Officer & Inspector*, (2006) 9 SCC 225 : 2006 SCC (L&S) 1683.

▶ **Complaint—Meaning.**—The word 'complaint' has a wide meaning since it includes even an oral allegation. It may, therefore, be assumed that no form is prescribed which the complaint must take. It may, only be said that there must be an allegation which *prima facie* discloses the commission of an offence with the necessary facts for the Magistrate to take action. (1970) 1 SCC 665 : 1970 SCC (Cri) 263. See also (1970) 2 SCC 414 : 1970 SCC (Cri) 469.

17. Appointment of inspectors.—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).

NOTIFICATIONS

(1)

Ministry of Labour, S.O. 593(E), dated July 28, 1989, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th July, 1989, p. 2 [F.No. S-27025/48/89-CL]

In exercise of the powers conferred by Section 17 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby appoints the following officers as Inspectors in respect of every establishment under the control of the Central Government or a railway administration or a major port or a mine or an oilfield namely:—

1. The Chief Labour Commissioner (Central)
2. All Deputy Chief Labour Commissioners (Central)
3. All Regional Labour Commissioners (Central)
4. All Assistant Labour Commissioners (Central)
5. All Labour Enforcement Officers.

(2)

Ministry of Labour, Noti. No. S.O. 380(E), dated May 14, 1997, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 14th May, 1997, p. 1, No. 299 [F. No. S-27012/2/97-CL]

In exercise of the powers conferred by Section 17 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby appoints all the officers who have been appointed as Inspectors by the State Governments under the said Act for establishments falling within purview of the State Governments, as Inspectors in respect of every establishment under the control of Central Government or a railway administration or a major port or a mine or an oilfield.

⁴⁵**[17-A. District Magistrate to implement the provisions.]**—The appropriate Government may confer such powers and impose such duties on a District

45. Ins. by Act 35 of 2016, S. 20 (w.e.f. 1-9-2016).

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.]

⁴⁶[**17-B. Inspection and monitoring.**—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.]

18. Power to make rules.—(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:—

⁴⁷[(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;]

⁴⁸[(b)] the term of office of, the manner of filling casual vacancies of, and the allowances payable to the Chairman and members of the ⁴⁹[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;

⁵⁰[(c)] number of hours for which a ⁵¹[adolescent] may be required or permitted to work under sub-section (1) of Section 7;

⁵²[(d)] 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;

⁵³[(e)] the other particulars which a register maintained under Section 11 should contain.

⁵⁴[(f) the manner of payment of amount to the child or adolescent under sub-section (4) of Section 14-B;

46. Ins. by Act 35 of 2016, S. 20 (w.e.f. 1-9-2016).

47. Ins. by Act 35 of 2016, S. 21(i) (w.e.f. 1-9-2016).

48. Relettered by Act 35 of 2016, S. 21(i) (w.e.f. 1-9-2016).

49. Subs. for "Child Labour Technical Advisory Committee" by Act 35 of 2016, S. 21(ii) (w.e.f. 1-9-2016).

50. Relettered by Act 35 of 2016, S. 21(iii) (w.e.f. 1-9-2016).

51. Subs. for "child" by Act 35 of 2016, S. 21(iii) (w.e.f. 1-9-2016).

52. Relettered by Act 35 of 2016, S. 21(iii) (w.e.f. 1-9-2016).

53. Relettered by Act 35 of 2016, S. 21(iii) (w.e.f. 1-9-2016).

54. Ins. by Act 35 of 2016, S. 21(iv) (w.e.f. 1-9-2016).

- (g) the manner of composition of the offence and payment of amount to the appropriate Government under sub-section (1) of Section 14-D;
- (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 17-A.]

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

CASE LAW ► Failure to place rules before Houses of Parliament: Effect.—In *Jan Mohammad v. State of Gujarat*, AIR 1966 SC 385, the validity of rules framed under the Bombay Act 22 of 1939 was challenged on ground that the rules framed under the Act were not placed before the Legislative Assembly at the first session and therefore they had no legal validity. It was provided in that Act that the rules framed under the Act should be laid before each of the Houses at the session thereof next following. The Supreme Court held that the rules were valid from the date on which they were made and failure to place the rules before the Houses of Legislature did not affect the validity of the rules.

20. Certain other provisions of law not barred.—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 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951), and the Mines Act, 1952 (35 of 1952).

21. Power to remove difficulties.—(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.

22. Repeal and savings.—(1) The Employment of Children Act, 1938 (26 of 1938), is hereby repealed.

(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.

CASE LAW ▶ Effect of repeal.—The repeal of an enactment completely wipes out the law which is the subject-matter of the repeal. It is to be deemed as having existed only for those actions which were commenced, prosecuted and concluded. Even pending actions cannot continue. *Sylhet Cooperative Central Bank Ltd. v. Dhirendra Nath De*, AIR 1958 Bom 507 : 1958 Nag LJ 373.

When an Act is repealed, it is the same thing as if it had never existed except with reference to such parts as are saved by the repealing statute. *Waheed Hasan Khan v. State*, AIR 1960 Bom 299.

23. Amendment of Act 11 of 1948.—⁵⁵[Repealed]

24. Amendment of Act 69 of 1951.—⁵⁶[Repealed]

25. Amendment of Act 44 of 1958.—⁵⁷[Repealed]

26. Amendment of Act 27 of 1961.—⁵⁸[Repealed]

55. Section 23 have been *repealed* by Section 2 and the First Schedule of Act 30 of 2001. Prior to repeal it read as:

“23. *Amendment of Act 11 of 1948.*—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;”

Ed.: Repeal by this Act shall not affect any other enactment in which the *repealed* enactment has been applied, incorporated or referred to.

56. Section 24 have been *repealed* by Section 2 and the First Schedule of Act 30 of 2001. Prior to repeal it read as:

“24. *Amendment of Act 69 of 1951.*—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*.

Ed.: Repeal by this Act shall not affect any other enactment in which the *repealed* enactment has been applied, incorporated or referred to.

57. Section 25 have been *repealed* by Section 2 and the First Schedule of Act 30 of 2001. Prior to repeal it read as:

“25. *Amendment of Act 44 of 1958.*—In the Merchant Shipping Act, 1958, in Section 109, for the word “fifteen”, the word “fourteen” shall be *substituted*.

Ed.: Repeal by this Act shall not affect any other enactment in which the *repealed* enactment has been applied, incorporated or referred to.

58. Section 26 have been *repealed* by Section 2 and the First Schedule of Act 30 of 2001. Prior to repeal it read as:

“26. *Amendment of Act 27 of 1961.*—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*.

Ed.: Repeal by this Act shall not affect any other enactment in which the *repealed* enactment has been applied, incorporated or referred to.

⁵⁹[THE SCHEDULE

(See Section 3-A)

⁶⁰[PART A

Hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help

- (1) Mines and Collieries (underground and underwater) and related work in,—
- (i) stone quarries;
 - (ii) brick kilns;
 - (iii) preparatory and incidental processes thereof including extraction, grinding, cutting, splitting, polishing, collection, cobbling of stones or lime or slate or silica or mica or any other such element or mineral extracted from the earth; or
 - (iv) open pit mines.
- (2) Inflammable substances and explosives such as—
- (i) production, storage or sale of fire crackers;
 - (ii) for manufacture, storage, sale, loading, unloading or transport of explosives as defined under the Explosives Act, 1884 (4 of 1884);
 - (iii) work relating to manufacturing, handling, grinding, glazing, cutting, polishing, welding, moulding, electro-plating, or any other process involving inflammable substances;
 - (iv) waste management of inflammable substances, explosives and their by-products; or
 - (v) natural gas and other related products.

Hazardous processes (serial numbers (3) to (31) below are as specified in the First Schedule of the Factories Act, 1948 (63 of 1948))

- (3) Ferrous Metallurgical Industries
- (i) Integrated Iron and Steel;
 - (ii) Ferro-alloys;
 - (iii) Special Steels.
- (4) Non-ferrous Metallurgical Industries : Primary Metallurgical Industries, namely zinc, lead, copper, manganese and aluminium.
- (5) Foundries (ferrous and non-ferrous) : Castings and forgings including cleaning or smoothening or roughening by sand and shot blasting.
- (6) Coal (including coke) Industries:
- (i) Coal, Lignite, Coke, similar other substance;
 - (ii) Fuel Cases (including Coal Gas, Producer Gas, Water Gas).
- (7) Power Generating Industries.
- (8) Pulp and paper (including paper products) Industries.
- (9) Fertilizer Industries:
- (i) Nitrogenous;

59. Subs. by Act 35 of 2016, S. 22 (w.e.f. 1-9-2016).

60. Subs. by Noti. No. S.O. 2827, dt. 30-8-2017 (w.e.f. 30-8-2017). Prior to substitution it read as:

“(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).”

- (ii) Phosphatic;
- (iii) Mixed.
- (10) Cement Industries: Portland Cement (including slag cement, puzzolona cement and their products).
- (11) Petroleum Industries:
 - (i) Oil Refining;
 - (ii) Lubricating Oils and Greases.
- (12) Petrochemical Industries.
- (13) Drugs and Pharmaceutical Industries: Narcotics, Drugs and Pharmaceuticals.
- (14) Fermentation Industries (Distilleries and Breweries).
- (15) Rubber (Synthetic Industries).
- (16) Paints and Pigment Industries.
- (17) Leather Tanning Industries.
- (18) Electro-plating Industries.
- (19) Chemical Industries:
 - (i) Coke Oven By-products and Coaltar Distillation products;
 - (ii) Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydrocarbon, ozone, similar other gas);
 - (iii) Industrial Carbon;
 - (iv) Alkalies and Acids;
 - (v) Chromates and dichromates;
 - (vi) Lead and its compounds;
 - (vii) Electro chemicals (metallic sodium, potassium and magnesium, chlorates, per chlorates and peroxides);
 - (viii) Electro thermal produces (artificial abrasive, calcium carbide);
 - (ix) Nitrogenous compounds (cyanides, cyanamides, and other nitrogenous compounds);
 - (x) Phosphorus and its compounds;
 - (xi) Halogens and Halogenated compounds (chlorine, flourine, bromine and iodine);
 - (xii) Explosives (including industrial explosives and detonators and fuses).
- (20) Insecticides, Fungicides, Herbicides and other pesticides industries.
- (21) Synthetic Resin and Plastics.
- (22) Man-made Fiber (Cellulosic and non-cellulosic) industry.
- (23) Manufacture and repair of electrical accumulators.
- (24) Glass and Ceramics.
- (25) Grinding or glazing of metals.
- (26) Manufacture, handling and processing of asbestos and its products.
- (27) Extraction of oils and fats from vegetable and animal sources.
- (28) Manufacture, handling and use of benzene and substances containing benzene.
- (29) Manufacturing processes and operations involving carbon disulphide.
- (30) Dyes and dyestuff including their intermediates.
- (31) Highly flammable liquids and gases.



(32) Process involving handling and processing of hazardous and toxic chemicals as specified in Part II of the Schedule I to the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

(33) Work in slaughter houses and abattoirs including work with guillotines.

(34) Work involving exposure to radioactive substances including electronic waste and incidental processes therein.

(35) Ship breaking.

(36) Salt Mining or Salt Pan Work.

(37) Hazardous processes as specified in Schedule IX to the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules, 1998.

(38) Work in beedi making or processing of tobacco including manufacturing, pasting and handling tobacco or any drugs or psychotropic substance or alcohol in any form in food processing and beverage industry and at bars, pubs, parties or other similar occasions that serve alcoholic substances.

PART B

List of occupations and processes where children are prohibited to help in family or family enterprises (in addition to PART A)

Occupations

Any occupation concerned with—

1. transport of passengers, goods or mails by railways;
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 tracks;
5. a port authority within the limits of any port;
6. automobile workshops and garages;
7. handloom and powerloom industry;
8. plastic units and fiberglass workshops;
9. domestic workers or servants;
10. dhabas (roadside eateries), restaurants, hotels, motels, resorts;
11. diving;
12. circus;
13. caring of Elephant;
14. power driven bakery machine;
15. shoe making.

Processes

1. Carpet-weaving including preparatory and incidental process thereof;
2. Cement manufacture, including bagging of cement;
3. Cloth printing, dyeing and weaving including processes, preparatory and incidental thereto;
4. Shellac manufacture;
5. Soap manufacture;
6. Wool-cleaning;

7. Building and construction industry including processing and polishing of granite stones; hauling and stacking materials; carpentry; masonry;
8. Manufacture of slate pencils (including packing);
9. Manufacture of products from agate;
10. Cashew and cashew nut descaling and processing;
11. Metal cleaning, photo engraving and soldering processes in electronic industries;
12. Aggarbatti manufacturing;
13. Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting;
14. Roof tiles units;
15. Cotton ginning and processing and production of hosiery goods;
16. Detergent manufacturing;
17. Fabrication workshops (ferrous and non-ferrous);
18. Gem cutting and polishing;
19. Handling of chromite and manganese ores;
20. Jute textile manufacture and coir making;
21. Lime kilns and manufacture of lime;
22. Lock making;
23. Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zincsilicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wire patenting, lead casting, type founding in printing shops shot making and lead glass blowing;
24. Manufacture of cement pipes, cement products and other related work;
25. Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products;
26. Manufacturing or handling of pesticides and insecticides;
27. Manufacturing or processing and handling of corrosive and toxic substances;
28. Manufacturing of burning coal and coal briquettes;
29. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;
30. Oil expelling and refinery;
31. Paper making;
32. Potteries and ceramic industry;
33. Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms;
34. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
35. Saw mill – all processes;
36. Sericulture processing;
37. Skinning, dyeing and processes for manufacturing of leather and leather products;
38. Tyre making, repairing, re-treading and graphite beneficiation;
39. Utensils making, polishing and metal buffing;
40. 'Zari' making and processes involving the use of zari (all processes);
41. Graphite powdering and incidental processing;
42. Grinding or glazing of metals;
43. Diamond cutting and polishing;
44. Rag picking and scavenging;

45. Mechanized fishing;
 46. Food processing;
 47. Beverage industry;
 48. Cultivating, sorting, drying and packaging in spice industry;
 49. Timber handling and loading;
 50. Mechanical lumbering;
 51. Warehousing;
 52. Massage parlours, gymnasiums, or other recreational centres, or in medical facilities;
 53. Operations involving the following dangerous machines—
 - (a) hoists and lifts;
 - (b) lifting machines, chains, ropes and lifting tackles;
 - (c) revolving machinery;
 - (d) power presses;
 - (e) machine tools used in the metal trades;
 54. Composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding, as specified in sub-clause (iv) of clause (k) of Section 2 of the Factories Act, 1948.]
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