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ABSTRACT OF CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

Object of the Act

The Act prohibits the engagement of Children in certain employments and processes which are considered unsafe and harmful to child workers and to regulate the conditions of work of children in certain other employments.

Scope and Coverage

The Act extends to the whole of India. It applies to all establishments and workshops wherein any industrial process is carried on (excluding one covered under section 67 of Factories Act, 1948. [Section 1 (2), 2])

Definitions

"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. [Section 2(i)]

"Child" means a person who has not completed his fourteenth year of age. [Section 2(ii)]

"Day" means a period of twenty four hours beginning at mid-night. [Section 2(iii)]

"Establishment" includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment. [Section 2(iv)]

"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. [Section 2(v)]

"Occupier" in relation to an establishment or a workshop, means the person who has ultimate control over the affairs of the establishment or workshop. [Section 2(vi)]

"Week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for particular area by the Inspector. [Section 2(ix)]

"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. [Section 2(x)]

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATION AND PROCESSES

No child should be employed or permitted to work in any occupation set forth in Part A of Schedule, or in any processes listed in Part B of Schedule appended to the Act, except a workshop wherein the processes is carried on by the occupier with the Aid of his family or a Government recognized/aided school. [Section 3 and Schedule]

The Schedule Part A: OCCUPATIONS

An 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 vendor or any other employee of the establishment from one platform to another or into or out of a moving train.

26. Handling of chromites and manganese ores.
27. Jute textile manufacture and 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. etc. (See item 30 of Part B Process).
31. Manufacture of cement pipes, cement products and other related work.
32. Manufacturing of glass, glassware including bangles, fluorescent tubes bulbs and other similar glass products.
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 engraving and soldering processes in electronic industry.
36. Manufacturing of burning coal and coal briquettes.
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 chaff cutting.
44. Saw mill—all process.
45. Sericulture processing.
46. Skinning, dyeing and process for manufacturing of leather and leather products.
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 processes).
52. Electroplating.
53. Graphite powdering and incidental processing.
54. Grinding or glazing of metals.
55. Diamond cutting and polishing.
56. Extraction of slate from mines.
57. Rag picking and scavenging.
58. Processes involving exposure to excessive heat (e.g. working near furnace) and cold.
59. Mechanised fishing.
60. Food-Processing.
61. Beverage Industry.
62. Timber Handling and loading.

4. Work relating to the construction of railway station or with another 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 toxic or inflammable substance or explosives.
11. Handloom and power loom industry.
12. Mines (Underground and underwater) and collieries
13. Plastic units and Fiber glass workshops.
14. Employment of children as domestic workers or servants.
15. Employment of children in dhabas (road side eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres.
16. Diving.
17. Circus.
18. Caring of Elephants.

Part B: PROCESSES

1. Beedi making.
2. Carpet Weaving including preparatory and incidental process thereof.
3. Cement manufacture including bagging of cement.
4. Cloth printing, dyeing and weaving including processes, preparatory and incidental thereto.
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 including processing and polishing of granite stones.
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.
15. All 'hazardous process' as defined in section 2(cb) and 'dangerous operation' as notified in rule made under section 87 of the Factories Act, 1948 (63 of 1948).
16. Printing (as defined in section 2(k)(iv) of the Factories Act, 1948 (63 of 1948).
17. Cashew and cashew nut descaling and processing.
18. Soldering process in electronic industries.
19. Agarbathi manufacturing.
20. Automobile repairs and maintenance including processes incidental thereto, namely welding, lathe work, dent beating and printing.
21. Brick kilns and Roof tiles 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.

To be displayed for reference only. In case of any Doubt/Explanation, please contact Labour Department of your area or REFER TO STATUTES.

62. Timber handling and loading.
63. Mechanical Loading.
64. Warehousing.

65. Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries, agate industry.

Child Labour Technical Advisory Committee [Section 5]

The Central Government has constituted a Child Labour Technical Advisory Committee to advise it for the purpose of addition of occupations and processes wherein employment of children ought to be prohibited.

Hours and Period of Work [Section 7(4) and (5)]

No child shall be permitted to work overtime and between 7pm and 8am. No child shall work for more than six hours a day with a gap of at least one hour of rest after three hours. No child is permitted to work at two establishments in the same day.

Weekly Holiday [Section 8]

Every employed child shall be allowed a weekly holiday and such specified holiday shall not be altered by the employer more than once in three months, that too, with a prior notice at a conspicuous place in the establishment.

Health and Safety of Child Workers [Section 13]

The appropriate govt. has been empowered to make rules for health and safety of working children. These rules may provide for matters related to cleanliness, drinking water, sanitation, lighting, ventilation, dust and fumes, temperature and artificial humidification, fencing of machinery, excessive weights, protection of eyes, device for cutting off power, etc.

Obligations of Employers

- 1) The employer will notify the Inspector within 30 days of employment of a child.
- 2) The employer shall maintain a register in respect of the employed children and make it available for inspection by the inspector. The register will show the name and date of birth, hours and period of work, rest interval and nature of work of every employed child.
- 3) A notice in the local language and in English, containing an abstract of Sections 3 and 14 of the Act is to be displayed at every railway station, port or establishment by its occupier.

Offences and Penalties [Section 14]

Offences	Penalties
1. Employing any child or permitting any child to work in violation of the provisions of section 3 of the Act	Imprisonment for atleast 3 months which may extend to one year, or fine of not less than ₹ 10,000 which may be increased to ₹ 20,000 or both.
2. Repeating the Offence after conviction under section 3	Imprisonment for not less than 6 months which may be extended to 2 years.
3. Failure to give Notice under section 9, or failure to maintain register as prescribed under section 11, or failure to display a Notice as required under section 12, or failure to comply with or contravention of any other provision	Simple imprisonment which may extend to one month, or fine upto ₹ 10,000 or both.

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