

Jammu and Kashmir Child Labour (Prohibition and Regulation) Rules, 1997

JAMMU & KASHMIR

India

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Rule

JAMMU-AND-KASHMIR-CHILD-LABOUR-PROHIBITION-AND-REGULA of 1997

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Jammu and Kashmir Child Labour (Prohibition and Regulation) Rules, 1997(Published vide Labour Department Notification SRO 223, dated 3rd July, 1997)In exercise of the powers conferred by section 13 read with section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (Act No. 61 of 1986), the Government of Jammu and Kashmir hereby frame the following rules the same having been previously published as required under sub-section (1) of section 18 of the said Act, namely:

1. Short title, extent and commencement

(1)These rules may be called the Jammu and Kashmir Child Labour (Prohibition and Regulation) Rules, 1997.(2)They shall extend to the whole of State.(3)They shall come into force from the date of their publication in the Government Gazette.

2. Definitions

-In these rules unless the context otherwise requires, (a)"Act" means the Child Labour (Prohibition and Regulation) Act, 1986;(b)"Form" means the form appended to these rules;(c)"Medical Authority" means a Government Medical Doctor not below the rank of Assistant Surgeon or a regular doctor of equivalent rank employed in Employees State Insurance Dispensaries and Hospitals; and(d)"Schedule" means the Schedule appended to the Act.

3. Maintenance of Register

(1) Every occupier of an establishment shall maintain a register in Form A in respect of children employed or permitted to work in such establishments for inspection of an Inspector at all times during working hours. (2) The register shall be maintained on a yearly basis and retained by the occupier for a period of three years after the date of the last entry made therein. (3) Every occupier shall get all the registers and records to be maintained by him stamped by the Inspector concerned.

4. Hours of work

(1) No child shall be required or permitted to work in any establishment for more than thirty-six hours, in any week or for more than six hours in any day. (2) The periods of work of any child engaged in any establishment along with his interval of rest shall not in any day spread over more than six hours and that he shall not work for more than three hours continuously before he has had an interval of rest of at least one hour.

5. Certificate of age

(1) Children employed in any of the occupation 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 shall produce a certificate of age from the Medical Authority in Form B, whenever required to do so by an Inspector. (2) The charges payable to the Medical Authority for the issue of such certificate shall be the same as prescribed by the State Government or the Central Government, as the case may be, for their respective Medical Boards. (3) The charges payable to the Medical Authority shall be borne by the employer of the child whose age is under question.

6. Issuance of certificate of age

(1) For the purposes of rule 5, children employed in any establishment shall apply to the Medical Authority for issuance of certificate of age. (2) The Medical Authority after satisfying himself about the age of the child shall issue a certificate of age in Form B within a period of seven days from the date of submitting application.

7. Methods for cleaning the establishment

(a) In every establishment where manufacturing process is carried on all the ceiling, tops, passages and stair cases of such rooms, shall be plastered or shall be lime-washed/colour washed at least once in every two years: Provided that an Inspector may require these to be lime-washed or colour washed earlier than two years if in his opinion these have become so unclean as to require immediate lime-washing or colour washing. (b) All the beams, rafters, doors, window-frames and other wood work with the exception of floors shall be either painted or varnished once in seven years dating from the period when last painted or varnished and shall be kept clean. The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in a

register maintained by the occupier which shall be produced before the Inspector when required: Provided that the provision of the rules shall not apply to establishments used only for the storage of articles which is made of galvanized iron-tiles, asbestos or sheets of similar material or glazed bricks. (c) No rubbish, filth or debris shall be allowed to accumulate or to remain on premises in an establishment in such a position that effluvia therefrom can arise within the establishment. (d) The doors affording exit from any room of establishment where manufacturing process is carried on shall not be locked or fastened. (e) In every establishment referred to in clause (b) buckets and chemical fire extinguishers shall be provided in suitable number and suitable sites according to the nature of the work carried on any of the site of the premises.

8. Safety

(a) Every dangerous part of machinery in an establishment shall be securely fenced by any safeguard of substantial construction. (b) In every establishment where manufacturing process is carried on with the aid of electric power, suitable devices for cutting of power in emergencies from running machinery shall be provided and maintained. (c) No employee with loose clothes on shall be allowed or made to work near the moving machinery of belt.

9. Welfare

-In every establishment where manufacturing process is carried on, a first aid box, with the following contents shall be maintained :- (i) Six medium sterilised dressing. (ii) Six 21" x 4" bandages. (iii) One ounce bottle containing 2 per cent alcoholic-Iodine. (iv) One ounce bottle containing selvolatile having the dose and mode of administration indicated on the label. (v) One pair of scissors. (vi) One tube of eye ointment. (vii) One role of sticking plaster. (viii) Surgical cotton.

10. Drinking Water

(a) In every establishment effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein, a sufficient supply for whole some drinking water. (b) All such points shall be legibly marked 'drinking water' in a language understood by a majority of the workers. (c) Adequate facilities shall be provided for ventilation and circulation of fresh air; and (d) In every establishment sufficient number of latrines and urinals shall be provided for use of Child Labourers.

11. Inspectors

(a) An Inspector appointed by the State Government may enter any place where persons are employed in any occupation covered under the Act and may take on the spot or otherwise such evidence of any persons and exercise such other power of Inspector as he may deem necessary for carrying out the purposes of the Act. (b) If it appears to the Inspector that any violation of the provisions mentioned in section 13(2) of the Act will involve imminent danger to human life or safety he shall serve on the occupier of the establishment an order in writing, for prohibiting the

employment, unless directions ensuring safety have been complied with.(c)Any person aggrieved by an order of the Inspector under sub-rule (b) shall have right of appeal to the Deputy Labour Commissioner:Provided that such appeal shall be filed within 30 days of the date of the order. The order of the Deputy Labour Commissioner passed in appeal shall be final.Form A[See rule 3 (1)]Year_____Name and address of occupier_____Place of work _____Nature of work being done by the establishment_____

S. No.	Name of child	Father's Name	Date of birth	Permanent address	Date of joining the estab.	Nature of work on which employed	Daily hours of work	Intervals of rest	Wages paid	Remarks.
1	2	3	4	5	6	7	8	9	10	11

Form B[See rule 4 (2)]Certificate of AgeCertificate No. _____I hereby certify that I have personally examined (Name) _____ S/o _____ residing at _____ and that he/she has completed his/her _____ years and his/her age as nearly as/can be ascertained from my examination, is _____ years (completed). His/her descriptive marks are _____ Thumb impression/Signature of child _____Medical AuthorityDesignationPlace_____Dated_____