

The Child Labour (Prohibition And Regulation) Rules, 1988

UNION OF INDIA

India

The Child Labour (Prohibition And Regulation) Rules, 1988

Rule

THE-CHILD-LABOUR-PROHIBITION-AND-REGULATION-RULES-1988 of 1988

- Published on 10 August 1988
- Commenced on 10 August 1988
- [This is the version of this document from 10 August 1988.]
- [Note: The original publication document is not available and this content could not be verified.]

The Child Labour (Prohibition And Regulation) Rules, 1988Published vide G.S.R. 847(E), dated 10.8.1988, published in the Gazette of India, Ext. Part 2, Section 3(i), dated 10.8.1988

355.

In exercise of the powers conferred by sub-section (1) of section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement .-(1) These rules may be called The [Child and Adolescent Labour] (Prohibition and Regulation) Rules, 1988.

(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions .-In these rules, unless the context otherwise requires,-

(a)["Act" means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986);(b)"Committee" means the Technical Advisory Committee constituted under sub-section (1) of section 5 of the Act;](c)"Chairman" means the Chairman of the Committee appointed under sub-section (2) of section 5 of the Act;(d)"Form" means a Form appended to these rules;(da)["Fund" means the Child and Adolescent Rehabilitation Fund constituted under sub-section (1) of section 14B of the Act; [Inserted by Notificatio No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)](db)"Inspector" means the Inspector appointed by the Central Government under

section 17;(dc)"Municipality" means an institution of self-Government constituted under article 243Q of the Constitution;](e)"register" means the register required to be maintained under section 11 of the Act;(ea)["Panchayat" means a Panchayat constituted under article 243B of the Constitution;] [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)](f)"Schedule" means the Schedule appended to the Act;(g)"section" means a section of the Act.(h)[words and expressions used in these rules, but not defined therein and defined in the Act, shall have the meanings as assigned to them in the Act.] [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)]

2A. [Awareness on prohibition of employment of child and adolescents in contravention to Act. [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)]

- The Central Government, to ensure that the children and adolescents are not employed or permitted to work in any occupation or process in contravention to the provisions of the Act, through appropriate measures, shall -(a)arrange public awareness campaigns using folk and traditional media and mass media including television, radio, internet based application and the print media to make the general public, including the employers and the children and adolescents who may be employed in contravention to the provisions of the Act, aware about the provisions of the Act, and thereby discourage employers or other persons from engaging children and adolescents in any occupation or process in contravention of the provisions of the Act;(b)promote reporting of enterprises or instances of employment of children or adolescents in contravention to the provisions of the Act, by developing and advertising easily accessible means of communication to authorities specified by the Central Government;(c)display to the possible extent the provisions of the Act, these rules and any other information relating thereto in railway coaches, at railway stations, major bus stations, toll plazas, ports and port authorities, airports and other public places including shopping centers, markets, cinema halls, hotels, hospitals, Panchayat offices, police stations, resident welfare association offices, industrial areas, schools, educational institutions, court complexes, and offices of all authorities authorised under the Act;(d)promote through appropriate method the inclusion of the provisions of the Act in learning material and syllabus in school education; and(e)promote inclusion of training and sensitisation material on the provisions of the Act and the responsibilities of various stakeholders thereto, in Central Labour Service, police, judicial and civil service academies, teachers training and refresher courses and arrange sensitisation programmes for other relevant stakeholders including, Panchayat members, doctors and concerned officials of the Government.

2B. Child to help his family without affecting education.

(1)Subject to the provisions of section 3, a child may, without affecting his school education, in any manner, -(a)help his family in his family enterprise, subject to the condition that such help,-(i)shall not be in any hazardous occupation or process listed in Part A and Part B of the Schedule to the Act;(ii)shall not include work or occupation or process at any stage of the manufacturing, production, supply or retail chain that is remunerative for the child or his family or the family

enterprise;(iii)shall only be allowed to help in his family, or in a family enterprise, where his family is the occupier;(iv)shall not perform any tasks during school hours and between 7 p.m. and 8 a.m.;(v)shall not be engaged in such tasks of helping which hinders or interferes with the right to education of the child, or his attendance in the school, or which may adversely affect his education including activities which are inseparably associated to complete education such as homework or any extra-curricular activity assigned to him by the school;(vi)shall not be engaged in any task continuously without rest which may make him tired and shall be allowed to take rest to refresh his health and mind, and a child shall not help for more than three hours excluding the period of rest in a day;(vii)shall not include in anyway substitution of the child for an adult or adolescent while helping his family or family enterprise; and(viii)shall not be in contravention to any other law for the time being in force;(b)aid or assist his family in such manner which is not incidental to any occupation, work, profession, manufacture or business, or for any payment or benefit to the child or any other person exercising control over the child, and which is not detrimental to the growth, education and overall development of the child.Explanation 1. - For the purposes of this rule, only - (a)biological brother and sister of the child;(b)brother or sister of the child through lawful adoption by parents of the child; and(c)biological brother and sister of parents of the child,shall be included for comprising the family of a child.Explanation 2. - For the purposes of Explanation 1, it is hereby clarified that preliminarily, any doubt as to whether a person is a biological brother or sister, may be removed by examining the pedigree of such person issued by the concerned Municipality or Panchayat, as the case may be, or any other legal document issued by concerned authority of the appropriate Government.(2)Where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer referred to in clause (i) of sub-rule (1) of rule 17C for information.

2C. Child to work as an artist.

(1)Subject to the provisions of section 3, a child may be allowed to work as an artist subject to the following conditions, namely: -(a)no child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest;(b)any producer of any audio -visual media production or any commercial event involving the participation of a child, shall involve a child in participation only after obtaining the permission from the District Magistrate of the district where the activity is to be performed, and shall furnish to the District Magistrate before starting the activity an undertaking in Form C and the list of child participants, consent of parents or guardian, as the case may be, name of the individual from the production or event who shall be responsible for the safety and security of the child, and ensure that all screening of his films and television programmes shall be made with a disclaimer specifying that if any child has been engaged in the shooting, then, all the measures were taken to ensure that there has been no abuse, neglect or exploitation of such child during the entire process of the shooting;(c)the undertaking referred to in clause (b) shall be valid for six months and shall clearly state the provisions for education, safety, security and reporting of child abuse in consonance with the guidelines and protection policies issued by the Central Government from time to time for such purpose including -(i)ensuring facilities for physical and mental health of the child;(ii)timely nutritional diet of the child;(iii)safe, clean shelter with sufficient provisions for daily necessities; and(iv)compliance to all laws applicable

for the time being in force for the protection of children, including their right to education, care and protection, and against sexual offences;(d)appropriate facilities for education of the child to be arranged so as to ensure that there is no discontinuity from his lessons in school and no child shall be allowed to work consecutively for more than twenty-seven days;(e)one responsible person be appointed for maximum of five children for the production or event, so as to ensure the protection, care and best interest of the child;(f)at least twenty per cent, of the income earned by the child from the production or event to be directly deposited in a fixed deposit account in a nationalised bank in the name of the child which may be credited to the child on attaining majority; and(g)no child shall be made to participate in any audio visual and sports activity including informal entertainment activity against his will and consent.(2)For the purposes of clause (c) to the Explanation to sub-section (2) of section 3, the expression such other activity? contained therein, shall mean -(i) any activity where the child himself is participating in a sports competition or event or training for such sports competition or event;(ii)cinema and documentary shows on television including reality shows, quiz shows, talent shows; radio and any programme in or any other media;(iii)drama serials;(iv)participation as anchor of a show or events; and(v)any other artistic performances which the Central Government permits in individual cases, which shall not include street performance for monetary gain.]

3. Term of office of the members of the Committee .-(1) The term of office of the members of the Committee shall be one year from the date on which their appointment is notified in the Official Gazette:-

Provided that the Central Government may extend the term of office of the member of the Committee for a maximum period of two years:Provided further that the member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.(2)The members appointed under sub-rule (1) shall be eligible for re-appointment.

4. Secretary to the Committee .-The Central Government may appoint an officer not below the rank of an Under Secretary to the Government of India as Secretary of the Committee.

5. Allowances to non-official members .-The non-official members and Chairman of the Committee shall be paid such fees and allowances as may be admissible to the officers of the Central Government drawing a pay of rupees four thousand and five hundred or above.

6. Resignation .-(1) A member may resign his office by writing under his hand addressed to the Chairman.

(2)The Chairman may resign his office by writing under his hand addressed to the Central Government.(3)The resignation referred to in sub-rule (1) and sub-rule (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation,

whichever is earlier, by the Chairman or the Central Government, as the case may be.

7. Removal of Chairman or member of the Committee .-The Central Government may remove the Chairman or any member of the Committee at any time before the expiry of the term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

8. Cessation of membership .-If a member-

(a)is absent without leave of the Chairman for three or more consecutive meetings of the Committee; or(b)is declared to be of unsound mind by a competent Court; or(c)is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or(d)is, or at any time, has been adjudicated insolvent or has suspended his debts or has compounded with his creditors, shall cease to be a member of the Committee.

9. Filling up of casual vacancies .-In case a member resigns his office under rule 6 or ceases to be a member under rule 8, the casual vacancy thus caused shall be filled up by the Central Government and the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

10. Time and place of meetings .-The Committee shall meet at such times and places as the Chairman may fix in this behalf.

11. Notice of meetings .-The Secretary to the Committee shall give at least seven days notice to every member of the Committee of the time and place fixed for each meeting alongwith the list of business to be transacted at the said meeting.

12. Presiding at meetings .-The Chairman shall preside at every meeting of the Committee at which he is present; if, however, the Chairman is unable to attend a meeting, any member elected by the members present among themselves shall preside at the meeting.

13. Quorum .-No business shall be transacted at a meeting of the Committee unless at least three members of the Committee other than the Chairman and the Secretary are present:

Provided that at any meeting in which less than three of the total members are present, the Chairman may adjourn the meeting to a date as he deems fit and inform the members present and

notify other members that the business of the scheduled meeting shall be disposed of at the adjourned meeting irrespective of the quorum and it shall be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending the meeting.

14. Decision by majority .-All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairman, or in the absence of Chairman, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

15. Sub-Committees. - The Committee may constitute one or more Sub-Committees, whether consisting only of members of the Committee or partly of members of the Committee and partly of other persons as it thinks fit, for such purposes, as it may decide and any Sub-Committee so constituted shall discharge such functions as may be delegated to it by the Committee.

15A. [Hours of work. [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017. (w.e.f. 10.8.1988)]

- Subject to the provisions of section 7, no adolescent shall be required or permitted to work in an establishment in excess of such number of hours of work as is permissible under the law for the time being in force regulating the hours of work of the adolescent in such establishment.]

16. Register to be maintained under section 11 of the Act.

(1)Every occupier of an establishment shall maintain a register in respect of [adolescents] [Substituted 'children' by Notification No. G.S.R. 543(E), dated 2.6.2017. (w.e.f. 10.8.1988)] employed or permitted to work, in Form A.(2)The register shall be maintained on a yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

16A. [Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation Fund. [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017. (w.e.f. 10.8.1988)]

(1)The amount credited, deposited or invested, as the case may be, under sub-section (3) of section 14B to the Child and Adolescent Labour Rehabilitation Fund and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner, namely:-(i)the Inspector or the nodal officer having jurisdiction shall, under his supervision, ensure that an account of such child or adolescent is opened in a nationalised bank and inform the bank in

which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of section 14B;(ii)the interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be transferred every six months to the account of the child or adolescent, as the case may be, by the bank or officer responsible to invest the amount under information to the Inspector;(iii)when the concerned child or adolescent completes the age of eighteen years, then, as soon as may be possible forthwith or within a period of three months, the total amount credited, deposited or invested in favour of the child along with interest accrued thereon remaining in the bank or remaining so invested under sub-section (3) of section 14B, shall be transferred to the said bank account of child or adolescent, as the case may be; and(iv)the Inspector shall prepare a report of the amount transferred under clause (ii) and clause (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the Central Government for information.(2)Any amount recovered by way of fine or for composition of offences in pursuance of an order or judgement of a Court in favour of a child or adolescent for the contravention of the provisions of the Act, shall also be deposited in the Fund and shall be spent in accordance with such order or judgement.]

17. [Certificate of age. [Substituted by Notification No. G.S.R. 543(E), dated 2.6.2017. (w.e.f. 10.8.1988)]

(1)Where an Inspector has an apprehension that any adolescent has been employed in any of the occupation or processes in which he is prohibited to be employed under section 3A of the Act, he may require the employer of such adolescent to produce to the Inspector a certificate of age from the appropriate medical authority.(2)The appropriate medical authority shall, while examining an adolescent for issuing the certificate of age under sub-rule (1), take into account -(i)the Aadhar card of the adolescent, and in the absence thereof;(ii)the date of birth certificate from school or the matriculation or equivalent certificate from the concerned examination Board of the adolescent, if available, and in the absence thereof;(iii)the birth certificate of the adolescent given by a corporation or a municipal authority or a Panchayat;and only in the absence of any of the methods specified in clauses (i) to (iii), the age shall be determined by such medical authority through an ossification test or any other latest medical age determination test.(3)The ossification test or any other latest medical age determination test shall be conducted on the order of the appropriate authority of the rank of Additional Labour Commissioner, as may be specified by the Central Government in this behalf, and such determination shall be completed within fifteen days from the date of such order.(4)The certificate of age referred to in sub-rule (1) shall be issued in Form B.(5)The charges payable to the medical authority for the issue of the certificate of age shall be same as specified by the Central Government or the State Government, as the case may be, for their Medical Boards.(6)The charges payable to the medical authority shall be borne by the employer of the adolescent whose age is determined under this rule.Explanation. - For the purposes of this rule, -(i)"medical authority" means a Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees' State Insurance dispensaries or hospitals;(ii)"adolescent" means an adolescent as defined in clause (i) of section 2 of the Act.]

17. Certificate of age.- (1) All young persons in employment 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, shall produce a certificate of age from the appropriate medical authority, whenever required to do so by an Inspector.(2) The certificate of age referred to in sub-rule (1) shall be issued in Form B.(3) 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.(4) The charges payable to the medical authority shall be borne by the employer of the young person whose age is under question.Explanation.- For the purposes of sub-rule (1), the appropriate "Medical Authority" shall be Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees' State Insurance dispensaries or hospitals.

17A. [Persons who may file complaint. [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)]

- Any person who may file a complaint under the Act for commission of any offence include school teachers and representatives from school management committee, child protection committee, Panchayat or Municipality, who shall be sensitised to file complaint, in the event that any of students in their respective schools is employed in contravention to the provisions of the Act.

17B. Manner of compounding offences.

(1)An accused person,-(i)who commits an offence for the first time under sub-section (3) of section 14; or(ii)who being parent or a guardian, commits an offence under the said section,may file an application to the District Magistrate having jurisdiction for compounding the offence under sub-section (1) of section 14D.(2)The District Magistrate shall after hearing the accused person and the Inspector concerned, on an application filed under sub-rule (1), dispose of such application, and if the application is allowed, issue the certificate of compounding, subject to -(i)the payment of a sum of fifty per cent; of the maximum fine provided for such offence within a period to be specified in such certificate; or(ii)the payment of an additional sum of twenty-five per cent; of the maximum fine provided for such offence together with the compounding amount specified under clause (i), if the accused person fails to pay the compounding amount under the said clause within the specified period, and such delayed payment shall be made within a further period as may be specified by the District Magistrate, which shall not exceed the period specified in that clause.(3)The compounding amount shall be paid by the accused person to the Central Government.(4)If the accused person fails to pay the compounding amount under sub-rule (2), then, the proceeding shall be continued as specified under sub-section (2) of section 14D.

17C. Duties of District Magistrate.

(1)The District Magistrate shall -(i)specify such officers subordinate to him, as he considers necessary, to be called nodal officers, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the Central Government under section 17A;(ii)assign such powers and duties, as he thinks appropriate, to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate officer;(iii)preside over as chairperson of the Task Force to be formed in a district

consisting of -(a)Inspector appointed under section 17 for the purposes of his local limits of jurisdiction;(b)Superintendent of Police for the purposes of his local limits of jurisdiction;(c)Additional District Magistrate for the purposes of his local limits of jurisdiction;(d)nodal officer referred to under clause (i) for the purposes of his local limits of jurisdiction;(e)Assistant Labour Commissioner (Central) for the purposes of his local limits of jurisdiction;(f)two representatives each from a voluntary organisation involved in rescue and rehabilitation of employed children in the district on rotation basis for a period of two years;(g)a representative of the District Legal Services Authority to be nominated by the District Judge;(h)a member of the District Anti-trafficking Unit;(i)Chairperson of the Child Welfare Committee of the District;(j)District Child Protection Officer in the District under the Integrated Child Protection Scheme of the Ministry of the Government of India dealing with women and child development;(k)District Education Officer;(l)any other person nominated by the District Magistrate;(m)Secretary of the Task Force shall be any of the nodal officers referred to in clause (i) and nominated by the Chairperson.(2)The Task Force referred to in clause (iii) of sub-rule (1) shall meet at least once in every month and shall make a comprehensive action plan for conducting the rescue operation, taking into account the time available, point of raid in accordance with the law for the time being in force, confidentiality of the plan, protection of victims and witnesses and the interim relief, in accordance with the guidelines for rescue and repatriation issued by the Central Government from time to time; and the Task Force shall also cause to upload the minutes of such meeting on the portal created for such purpose by the Central Government.(3)In addition to the duties referred to in sub-rule (1), the District Magistrate shall ensure through nodal officers that the children and adolescents who are employed in contravention of the provisions of the Act are rescued and shall be rehabilitated -(a)in accordance with the provisions of -(i)the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and the rules made there under;(ii)the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);(iii)the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016;(iv)any National Child Labour Project;(v)any other law or scheme for the time being in force under which such children or adolescents may be rehabilitated; and subject to -(I)the directions, if any, of a court of competent jurisdiction;(II)the guidelines for rescue and repatriation issued by the Central Government from time to time in this regard.

17D. Duties of Inspectors.

- An Inspector appointed by the Central Government under section 17, for the purposes of securing compliance with the provisions of the Act, shall -(i)comply with the norms of inspection issued by the Central Government from time to time;(ii)comply with the instructions issued by the Central Government from time to time for the purposes of securing the compliance with the provisions of the Act; and(iii)report the Central Government quarterly regarding the inspection made by him for the purposes of securing the compliance with the provisions of the Act and the action taken by him for such purposes.

17E. Periodical inspection and monitoring.

- The Central Government shall create a system of monitoring and inspection for carrying into effect the provisions of section 17, which may include-(i)the number of periodical inspection to be

conducted by the Inspector of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out;(ii)the intervals at which an Inspector shall report to the Central Government complaints received to him relating to the subject matter of inspection under clause (i) and the details of action taken by him thereafter;(iii)maintenance of record electronically or otherwise of-(a)children and adolescent found to be working in contravention of the provisions of the Act including children who are found to be engaged in family or family enterprises in contravention of the Act;(b)number and details of the offences compounded;(c)details of compounding amount imposed and recovered; and(d)details of rehabilitation services provided to children and adolescents under the Act.]FORM A[See Rule 16(1)]Year.....Name and address of employer.....Place of work.....Nature of work being done by the establishment.....

Sl.No.	[Name of adolescent] [Substituted 'Name of Child' by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)]		Father's Name	Date of Birth	Permanent Address	Date of joining the establishment	Name of the work on which employed	Daily hours of work	Intervals of rest	Wages paid	Remark
	No.	G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)]									
1	2	3	4	5	6	7	8	9	10	11	

FORM B(Certificate of Age)[See Rule 17(2)]Certificate No.....I hereby certify that I have personally examined (name Son/daughter of.....residing at..... and that he/she has completed his/her fourteenth year 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.....Place.....Date.....Medical AuthorityDesignation[FORM C [Inserted by Notification No. G.S.R. 543(E), dated 2.6.2017 (w.e.f. 10.8.1988)][See Rule 2C(1)(b)]Undertaking under rule 2C(1)(b) of the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988I producer of an audio visual media production or organiser of a commercial event, involving the participation of the following child/children, namely:-

S.No. Name of the Child/Children Parent's/Guardian's Name Address

do hereby undertake that in the course of the involvement of the above mentioned child/children in the event(specify the event), there shall be no violation of any of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) and the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988 and full care shall be taken of the physical and mental health, and other requirements of the child/children, so that he/they feel no inconvenience. I also undertake that during the event, all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and legal provisions against sexual offences will be complied. Dated:Name and signature of the Producer.]