

The Bihar Child Labour (Prohibition and Regulation) Rules, 1995

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Rule

THE-BIHAR-CHILD-LABOUR-PROHIBITION-AND-REGULATION-RULES of 1995

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The Bihar Child Labour (Prohibition and Regulation) Rules, 1995Published vide Notification No. G.S.R. 1, dated the 5th February, 1996 in Bihar Gazette (Extraordinary) dated 9.2.1996G.S.R. 1, dated the 9th February, 1996. - In exercise of the powers conferred by Sections 13 and 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (Act 61 of 1986) the Governor of Bihar is pleased to make the following rules, the same having being previously published as required, by the said sections ;:-Preliminary

1. Short title and commencement.

(1)These rules may be called the Bihar Child Labour (Prohibition and Regulation) Rules, 1995.(2)It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (Act 61 of 1986);(b)"Committee" means the Child Labour 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;(e)"Register" means the register required to be maintained under Section 11 of the Act;(f)"Schedule" means the Schedule appended to the Act;(g)"Section" means a section of the Act.

3. Terms 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 State 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 member appointed under sub-rule (1) shall be eligible for reappointment.

4. Secretary to the Committee.

- The State Government may appoint an officer not below the rank of an Under Secretary 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 State 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 State Government.(3)The resignation referred to in sub-rules (1) and (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignations, whichever is earlier, by the Chairman or the State Government as the case may be.

7. Removal of Chairman or member of the Committee.

- The State 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 State 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 State 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 along with 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 subcommittees 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.

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

(1) Every occupier of establishment shall maintain a register in respect of children 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.

17. Health and safety.

(1) Cleanliness in place of work. - In all establishments wherein children are permitted to work under the Act, arrangement shall be provided for cleanliness so that the work place is free from effluents arising from drain, spring or other nuisance and in particular dirt waste (solid/liquid) as a result of their accumulation during the course of manufacturing process, where due to the manufacturing process, the floor is liable to get wet to an extent capable of being drained, effective means of drainage shall be provided and maintained. (2) Disposal of Wastes and Effluents. - In all such establishments whereby the very nature of process and methods, adopted lead to generation of wastes and effluents, for such effluents whether solid, liquid or gaseous, a waste treatment and disposal scheme shall have to be approved by the authority declared under the Act. (3) Ventilation and Temperature. - In every establishment, effective arrangement shall be provided for circulation of fresh air and exhaust of impure air either by natural or mechanical devices so that the health of child workers may not be adversely affected. (4) Dust and Fumes. - In any of the establishment if dusts and fumes are generated and the possibility of their remaining in work environment which can adversely affect the health of children permitted to work under the Act, effective devices shall be provided to prevent their generation and/or for their egress. (5) Artificial humidification. - In all establishments where children are permitted to work under the Act, the standard of artificial humidification shall follow in accordance with the provisions as contained in Rules 17, 18, 19 and 20 of the Bihar Factories Rules, 1950. (6) Lighting. - Proper lighting facilities are required in every establishment where children are permitted to work under the Act. The intensity of illumination should not be less than foot candle in general and of three feet candle at the work place. (7) Drinking water. - The quantity of drinking water for children employed in an establishment shall be at least one gallon for child worker. The water provided for drinking shall be supplied - (a) from a public supply system, and/or (b) from any other source approved in writing by the Health Officer. (8) Latrines and Urinals. - In every establishment, where children are permitted to work under the Act, shall have provisions of sanitary type latrines and urinals and shall have arrangement of its cleaning every day and the supply of light and water, thereto. For a group of every 25 children employed, there shall be one latrine and one urinal. (9) Spittoons. - In every establishment where children are permitted to work spittoons in sufficient number should be provided which shall be kept in clean and hygienic conditions. (10) Fencing of machinery. - In each establishment where installed machines are operated, no child worker shall be allowed to make examination of or lubricate the machines unless moving parts of the machine are fenced by safeguards of substantial construction. (11) Work at or near a machinery in motion. - The child worker shall work in an establishment under the strict supervision of trained persons. (12) Employment of children on

dangerous machines. - No child shall be allowed to work or operate at dangerous machine. If it becomes extremely necessary to take work from a child on dangerous machine he shall be permitted when the following arrangements are ensured-(a)he shall be apprised of dangerous operation, risk and hazards involved in the machine.(b)he shall be allowed to work under strict guidance and supervision of experienced supervisors.(13)Devices for cutting-off power. - In every establishment where children are permitted to work under the Act, suitable device for cutting off power in machines under emergent situation shall be provided and maintained. Such devices shall be installed at suitable and convenient position in order that the same is accessible to a child worker.(14)Self acting machines. - No traversing part of a self acting machine and material carried in a factory shall, if a space is there over which a child worker is liable to pass, whether in the course of his employment or otherwise, be allowed to run for its, outward or inward traverse within a distance of 45 centimetres from any fixed structure, which is not a part of the machine.(15)Casing of new machinery. - In all establishments where children are permitted to work, all installed machineries driven with power shall be effectively encased and guarded.(16)Floors, stairs and means of access. - In all establishments where children are permitted to work under the Act-(a)All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained, which shall be kept free from obstruction and if it becomes necessary to ensure safety, gangways shall be provided with hand rails and toe boards.(b)There shall, as far as practicable, be provided with safe means of access to every place where child worker is required to work.(c)When a child is required to work at a height wherefrom he may fall, provisions shall be of fencing or otherwise ensure the safety of child worker.(17)Pits, Sumps, opening in floors, etc. - In an establishment where a child worker is permitted to work, every fixed vessel, sump, tank, pit or opening in the ground or in a floor, which by reason of its depth, situation, construction or contents is or may be a source of danger, shall be either security covered or fenced.(18)Excessive weight. - No child worker shall be employed in an establishment to lift more than 14 Kg., of any material in case of a male child and 12 kg. of material in case of a female child.(19)Protection of eyes. - No child while working in an establishment, shall be allowed to work, where there is risk of adverse effect on their eyes but the child may be allowed to work under strict supervision with suitable goggles or eye protector.(20)Explosive or inflammable dust, gas etc. - No child worker shall be allowed to enter any chamber, tank, pipe or other confined space in which any gas, fume, vapour which is toxic or explosive, is likely to be present.(21)Precautions in case of fire. - In every establishment, there shall be emergency exits in adequate numbers of a size not less than 3' x 6',-6 the doors of which shall be kept unobstructed and shall open outwards.(22)Maintenance of buildings. - If it appears to the Inspector that any part of the establishment is in such a state of disrepair as it likely to lead to condition detrimental to the health and welfare of a child worker, he may serve on the occupier or manager or both of the establishment an order in writing specifying the measures, which in his opinion should be taken requiring the same to be carried out before such date as is specified in this order.(23)Safety of buildings and machinery. - (a) No building, wall, chimney, bridge, tunnel, drain, road, gallery, passage, walkways, or gangways ladder, staircase, ramps, floor platforms, staging or any other structure of bricks, cement, concrete, steel or any other material whether of a permanent or temporary nature, shall be constructed, situated and maintained or allowed to remain or be used in an establishment and any machine, plant, equipment including electrical lines, wiring, fitting and apparatus (as defined in clause (e) of the Rule 2 of the Indian Electricity Rules, 1956) shall be constructed, provided, situated, maintained or allowed to be used, operated in an establishment in

such manner as may or is likely to cause any accident or bodily injury to a child worker.(b)No materials, articles or equipments, shall be kept, stalled or stored in such manner as may or is likely to cause any accident or any bodily injury to a child worker permitted to work in such an establishment.(24)Instructions, training and supervision in relation to employment of children on dangerous machines. - No child shall operate any dangerous machine without proper training and instruction. If it becomes necessary to take work from a child worker on dangerous machine the same shall be done only after the following is ensured-(a)They shall be apprised of the dangerous operation and hazards involved.(b)They are suitably guided to operate the machine safely and correctly.(c)They work under the supervision of a competent and experienced person.

18. Hours and period of work.

(1)No child shall be required and permitted to work in any establishment more than six hours including intervals of an hour.(2)The period of work on each day shall be so fixed that a child shall not work for more than three hours before interval of rest for at least an hour.(3)The period of work of a child shall be so arranged that inclusive of his interval of rest, under sub-rule (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.(4)No child shall be permitted to work between 7 P.M. and 8 A.M.(5)No child shall be required or permitted to work overtime.(6)No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

19. 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 process 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 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.Form "A"[See Rule 16 (1)]YearName and address of EmployerPlace of work..... Nature of work being done by the Establishment.....

Sl. No. Name of child Father's name Date of birth Permanent address

1 2 3 4 5

Date of joining the establishment.	Nature of work on which employed.	Daily hours of work.	Intervals of rest.	Wages paid.	Remarks
6	7	8	9	10	11

Form "B"Certificate of age[See Rule 19 (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.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 Hospital or any 'Certifying Surgeon'
notified under Section 10 of the Factories Act, 1948.