

# CHILD LABOUR (PROHIBITION AND REGULATION) RULES, 1988

[G.S.R. No. 847(E), dated 10-8-1988]<sup>1</sup>

In exercise of the powers conferred by sub-section (1) of Section 18 of the said Act, the Central Government, hereby makes the following rules, namely:—

**1. Short title and commencement:—** (1) These rules may be called the Child 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 Labour (Prohibition and Regulation) Act, 1986 (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. 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 reappointment.

**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 of 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 member present among themselves 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-Committee:**— 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.

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

(1) Every occupier of an 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. Certificate of age:**— (1) All young persons in employment 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 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 of hospitals.

#### **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 Child	Father's Name	Date of Birth	Permanent Address	Date of joining the establishment
1	2	3	4	5	6

Nature of work on which employed	Daily hours of work	Intervals of rest	Wages paid	Remarks
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 :

Medical Authority

Date :

Designation

—

# THE CHILDREN (PLEDGING OF LABOUR) ACT, 1933

(Act 2 of 1933)

[24th February, 1933]

An Act to prohibit the pledging of the labour of children.

Whereas it is expedient to prohibit the making of agreement to pledge the labour of children, and the employment of children whose labour has been pledged; it is hereby enacted as follows;

## Statement of Objects and Reasons

The Royal Commission of Labour found evidence in such widely separated areas as Amritsar, Ahmedabad and Madras of the practice of pledging child labour, that is, the taking of advances by parents or guardians on agreements, written or oral, pledging the labour of their children. In some cases, the children so pledged were subjected to particularly unsatisfactory working conditions. The Commission considered that the State would be justified in adopting strong measures to eradicate the evil, and the Bill seeks to do so by imposing penalties on parents by agreements pledging the labour of children and on person knowingly employing children whose labour has been pledged.

**1. Short title and extent:**— This Act may be called the Children (Pledging of Labour) Act, 1933.

(2) <sup>1</sup>[(1) It extends to the whole of India <sup>2</sup>[x x x].

(3) This section and Sections 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933.

**2. Definitions:**— In this Act, unless there is anything repugnant to the subject or context,—

*"an agreement to pledge the labour of a child"* means an agreement, written or oral, express or implied, whereby the parent or guardian of a child in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment :

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1. Subs. by A.O. 1960.

2. The words "except the State of Jammu and Kashmir" omitted by Act 51 of 1970.

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition;

*"child"* means a person who is under the age of fifteen years; and

*"guardian"* includes any person having legal custody of or control over a child.

**3. Agreements to the contrary to the Act to be void:—** An agreement to pledge the labour of a child shall be void.

**4. Penalty for parent or guardian making agreement to the labour of a child:—** Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.

**5. Penalty for making with parent or guardian an agreement to pledge the labour of a child:—** Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

**6. Penalty for employing a child whose labour has been pledged:—** Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child; to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.



## THE A.P. CHILD LABOUR (PROHIBITION AND REGULATION) RULES, 1995

*Framing of Rules for Health and Safety of Children Under Section 13(1) of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986)*

[G.O.Ms.No. 38, L.E.T and F (Lab. IV), dt. 18-10-1995]

In exercise of the powers conferred by sub-section (1) of Section 13 read with sub-section (1) of Section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act No. 61 of 1986), the Governor of Andhra Pradesh hereby makes the following rules for health and safety of the Children employed or permitted to work in any establishment or class of establishments, the same have been previously published as required under sub-section (1) of Section 18 of the Child Labour (Prohibition and Regulation) Act, 1986.

**1. Short title and Commencement:—** (1) These rules may be called the Andhra Pradesh Child Labour (Prohibition and Regulation) Rules, 1995.

(2) They shall come into force at once.

**2. Definitions:—** In these rules unless the context otherwise requires:

- (a) "Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986) ;
- (b) "Child Labour" means every Child who has not completed his fourteenth year of age and employed for wages on piece rate, weekly, daily, monthly basis or on contract basis ;
- (c) "Government" means the Government of Andhra Pradesh ;
- (d) "Section" means a section of the Act ;
- (e) "Form" means a form appended to these Rules ;
- (f) "Register" means the register required to be maintained under Section 11 of the Act ;
- (g) "Inspector" means an inspector appointed under Section 17 of the Act ;
- (h) "Establishment" means an establishment as defined in Section 2(iv) of the Act ;
- (i) "Local Authority" means the Commissioner in the case of an area within the limits of a municipality or corporation, the



Executive Officer in the case of an area within the jurisdiction of a panchayat and the president of district board in the case of any other area;

(j) "*Occupier*" means occupier as defined in Section 2 (vi) of the Act;

(k) "*Employer*" means an employer as defined in Section 2 of the Plantation Labour Act, 1951 and in Section 2 of the Andhra Pradesh Shops & Establishments Act, 1988 (Act No. 20 of 1988).

**3. Cleanliness in the place of work and its freedom from nuisance:-**

(1) The work site or place where child labour is engaged for work shall be swept, washed and dried atleast once in a day to keep them adequately clean and free from slippery agents or substances giving offensive smell.

(2) Where the floor of work site is liable to become wet in the course of any process, affective means of drainage shall be provided and maintained.

(3) No rubbish filth or debris shall be allowed to accumulate or to remain on or near in a work site in such position that effluent can arise there from.

**4. Disposal of Waste and Effluents:-** (1) In the case of work site where the child is engaged, the drainage system proposed to be connected to the public sewerage system, prior approval of the arrangement made shall be obtained from the local authority, as the State Government may appoint in this behalf.

(2) In the case of a work site situated in a place where no public sewerage system exists, prior approval of the arrangement made for the disposal of waste effluents shall be obtained from the Public Health Authorities or the Local Authority or such authority as the State Government may appoint in this behalf.

**5. Ventilation and Temperature:-** Effective and suitable provision shall be made in every work premises for securing and maintaining in every work room adequate ventilation by the circulation of fresh air and such air and temperature shall be provided to child labour engaged therein so that reasonable conditions of comfort and prevent injury to health.

**6. Lighting:-** (1) The place of every work site shall be provided and maintained with sufficient and suitable lighting, natural or artificial or both.

(2) An efficient portable electric battery or torch with an efficiently protected bulb shall be available in a suitable place for emergency lighting.

**7. Drinking Water:**— The drinking water provided for drinking at the work site shall be supplied,—

- (i) From the taps connected with public water supply system.; or
- (ii) From any other source approved in writing by the Health Officer;
- (iii) If drinking water is not supplied by the above mentioned source, it shall be kept in suitable vessels and renewed atleast daily. All practicable steps shall be taken to preserve the water and vessels free from contamination and to keep the vessels clean.

**8. Latrines and Urinals:**— (1) Latrines and Urinals shall be provided separately for Male and Female Children and shall be situated so as to be conveniently accessible in every work site in sufficient number for the use of children at all times. The walls, ceiling and partitions of every latrine and urinal shall be made of glazed tiles as far as practicable and whenever they are not made of glazed tiles they shall be white washed once in three months.

(2) All latrines and urinals provided shall be adequately lighted ventilated and at all times maintained in clean and sanitary conditions.

Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

**9. Spittoons:**— The spittoons shall be either of the following types,—

(1) A galvanized iron container with a conical funnel shaped cover, a layer of suitable disinfectant liquid shall always be maintained in the container.

(2) A container filled with cleaned sand and covered with a layer of bleaching powder.

(3) The spittoons mentioned under sub-rule (1) and (2) above shall be emptied, cleaned and disinfected atleast once in every day.

**10. Excessive Weight:**— No child shall be permitted to lift, carry or move by hand or head any weight exceeding the maximum limit of 10 kilograms.

**11. Protection of Eyes:**— Effective screens or suitable goggles shall be provided for the protection of children in any work site where they are employed in or in the vicinity of processes which involve risk of injury to the eyes from particles of fragments thrown off during the process or which involve risk of injury to the eyes by reasons of exposure to excessive light.

**12. Explosive or Inflammable Gas etc.:-** Every work site where child workers are employed shall be free from any inflammable substance or explosive gas, dust, etc.

**13. Precaution in case of Fire:-** (1) Every work site shall be provided with adequate means of escape in case of fire for the children employed therein and these means of escapes are so positioned that each child will have reasonable, fair and unobstructed passage from his work site to those exists.

(2) No exist intended to be used in case of fire shall be less than 2½ft. in width not less than 5 ft. 6 inches in height.

(3) Every work site shall be provided and maintained with all possible fire extinguishing appliances at all times.

**14. Safety of Building and Machinery:-** Adequate measures shall be provided for proper safety of buildings and machineries where child is engaged.

**15. Hours and period of Work:-** (1) No child shall be permitted to work in any establishment or class of establishments for more than three hours before he has had an interval for rest.

(2) No child shall be permitted to work for more than six hours. These six hours will include the following.

- rest interval,
- time spent in waiting for work,
- 2 hours spent for education and recreational activities.

**16. Weekly Holidays:-** Every child labour shall be entitled to one day in the week as a holiday, and for that holiday, the child labour shall be paid wages at a rate equal to the daily average of his wages for the days on which he has worked during the week immediately preceding the holiday.

**17. Medical Facilities to be Provided:-** (1) Every employer or occupier shall provide the medical requirements of all the child labour employed.

(2) Every employer or occupier shall get the medical checkup done every month of all the child labour employed.

(3) Every employer or occupier shall maintain a Medical Register of all the Child Labour employed as in Annexure I.



**18. In Cases of Accidents:**— (1) Every employer or occupier shall be required to report to the concerned inspector about an accident of any child labour.

(2) Every employer or occupier shall be required to bear all the medical expenses that may occur due to the accident.

(3) Every employer or occupier shall maintain a register of all accidents and dangerous occurrences which occur in Annexure-II.

**19. Evidence as to Age of a Child Labour:**— (1) In respect of a child in an establishment, the inspector of the area within whose jurisdiction the establishment is situated may, at any time, in writing require the employer or occupier to produce at his own cost within such time, not being less than ten days from the date of requisition one of the following documents showing the age of such child labour employed viz., a certified copy of any extract from.

- (i) The records of any school ;
- (ii) The birth register of local authority ;
- (iii) Certificate granted by any Government Medical and Health Officer.

(2) In the case of employer's failure to produce either of the documents required under sub-rule (1) above, the inspector, shall at the cost of the employer arrange to get the medical checkup done or determine the age of the child labour employed, through medical examination by an Assistant Surgeon of a district or regular doctor of equivalent rank employed in E.S.I. Dispensaries or hospitals, wherever necessary. The Medical Authority shall issue the certificate in Form No. A appended to these Rules.

**20. Registers:**— Every employer or occupier shall be required to maintain in respect of children 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 establishments showing the particulars in Form No. B appended to the Rules.

**21. Letter of Appointment:**— Every employer or occupier shall be required to give a letter of appointment to every child labour employed by him in Form C appended to the Rules.

**22. Powers of Inspectors:**— Subject to any rules made in this behalf, an inspector may within the local limits for which he is appointed enter, examine any premises which he has reason to inspect.



Every employer or occupier shall be required to make available for inspection by an inspector at all times during the working hours or when work is being carried all such registers as prescribed under these Rules.

**23. Return:**— Every employer or occupier shall furnish to the inspector on or before the 30th January of every following year, the annual return ending 31st December of the preceding year in Form No. D appended to the Rules in duplicate who will submit the same to the Labour Commissioner on or before 31st January of every year.

**24. Interpretation:**— If any difficulty arises as to interpretation of these rules, the decision of the State Government shall be final.

#### ANNEXURE I

[See Rule 17(3)]

#### **Health Register**

Sl. No.	Department/works	Name of the worker	Sex	Age (Last Birth-day)	Date of Employment on present work	Nature of Job or Occupation
1	2	3	4	5	6	7

Raw Materials Product's or bye-products likely to be exposed to	Date of Medical Examination & the Results thereof		Signs and Symptoms observed During Examination	Nature of tests & Results thereof
	Date	Result (flt/unfit)		
8	9	10	11	12

#### ANNEXURE II

[See Rule 18(3)]

Accident Book and Register of Accident and Dangerous Occurrences .....

Name of the Factory .....

Location of Postal Address of the Factory .....

Factory Licence No. ....

Sl. No.	Date & time of notice to inspector	Name & Address of the injured person	Sex	Age	Date of the injury Accident or dangerous occurrence	Cause of injury	Nature of injury or Accident or dangerous occurrence
1	2	3	4	5	6	7	8

**FORM 'A'**

[See Rule 19]

**Certificate of Age**

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 any examination, is ..... years (Completed). His/  
 her descriptive marks are, -

Thumb-impression/Signature of Child .....

Medical Authority Designation .....

Place :

Date :

**FORM 'B'**

[See Rule 20]

Name .....

Name and address of the employer ..... Place of work .....

Nature of work done by the establishment .....

Sl. No.	Name of the child	Father's/ Mother's Name	Date of Birth	Permanent Address	Date of Joining in the establishment	Nature of work employed
1	2	3	4	5	6	7

Daily hours of work	Intervals of rest	Wage paid	Remarks
8	9	10	11

**FORM 'C'**

[See Rule 21]

**Letter of Appointment**

1. Name and Address of the Employer and the Organisation :
2. Registration Number :  
Kumari/Master  
Daughter/Son of

Passport  
Size Photo  
of Child  
Labour

Aged ..... Date of Birth ..... has been appointed  
in this ..... with effect from .....

Signature of the Occupier/Employer

To

Kumari/Master

(Enter full name of the child labour)

Note : Strike out the words which are not Applicable.

Copy to :

The Inspector ..... for record

**FORM 'D'**

[See Rule 23]

Annual Return of the Employer on occupier to be sent to Inspector:-

For the year ending 31st December .....

1. Full name and Address of the Employer;
2. Name of the Establishment :
3. Postal Address :
4. Nature of Industry/Occupation/Work carried on :
5. Name of the Manager or Person responsible for supervision in control of the establishment :

6. Number of Children who worked in the establishment during the year (with full details in the annexure).

## Annexure

Name and Age of the Child Labour	Period of work	Nature of work	Whether letter of appointment issued	Remarks
1	2	3	4	5