

# THE CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION) ACT, 1986\*

(61 of 1986)

[23rd December, 1986]

<sup>1</sup>[An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.]

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

## PART I PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called <sup>2</sup>[the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986].

(2) It extends to the whole of India.

(3) The provisions of this Act, other than Part III, shall come into force at once, and Part III shall come into force on such date<sup>3</sup> as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for different classes of establishments.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

<sup>4</sup>[(i) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;]

<sup>5</sup>[(ia)] “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;

<sup>6</sup>[(ii) “child” means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), whichever is more;]

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\* By section 3 of the Child Labour (Prohibition and Regulation) Amendment Act, 2016 (35 of 2016) nomenclature of the Act has been substituted for “the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986).”

1. Subs. by Act 35 of 2016, sec. 2, for “An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.”

2. Subs. by Act 35 of 2016, sec. 3, for “the Child Labour (Prohibition and Regulation) Act, 1986”.

3. Part III came into force on 26th May, 1993, vide S.O. 333(E), dated 26th May, 1993.

4. Ins. by Act 35 of 2016, sec. 4(a).

5. Clause (i) renumbered as clause (ia) thereof by Act 35 of 2016, sec. 4(a).

6. Subs. by Act 35 of 2016, sec. 4(b), for clause (ii). Clause (ii), before substitution, stood as under:

“(ii) “child” means a person who has not completed his fourteenth year of age;”

- (iii) "day" means a period of twenty-four hours beginning at midnight;
- (iv) "establishment" includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;
- (v) "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;
- (vi) "occupier", in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;
- (vii) "port authority" means any authority administering a port;
- (viii) "prescribed" means prescribed by rules made under section 18;
- (ix) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector;
- (x) "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.

## PART II

### PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

<sup>1</sup>[3. Prohibition of employment of children in any occupation and process.—(1) No child shall be employed or permitted to work in any occupation or process.

(2) Nothing in sub-section (1) shall apply where the child,—

- (a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;
- (b) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

Provided that no such work under this clause shall effect the school education of the child.

1. Subs. by Act 35 of 2016, sec. 5, for section 3. Section 3, before substitution, stood as under:

"3. Prohibition of employment of children in certain occupations and processes.—No child shall be employed or permitted to work 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:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government."

*Explanation.*—For the purposes of this section, the expression,

- (a) “family” in relation to a child, means his mother, father, brother, sister and father’s sister and brother and mother’s sister and brother;
- (b) “family enterprise” means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;
- (c) “artist” means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2).]

<sup>1</sup>[3A. **Prohibition of employment of adolescents in certain hazardous occupations and processes.**—No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule:

Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.]

**4. Power to amend the Schedule.**—The Central Government, after giving by notification in the Official Gazette, not less than three months’ notice of its intention so to do, may, by like notification, <sup>2</sup>[add to, or, omit from, the Schedule any hazardous occupation or process] and thereupon the Schedule shall be deemed to have been amended accordingly.

**5. <sup>3</sup>[Technical Advisory Committee].**—(1) The Central Government may, by notification in the Official Gazette, constitute an advisory committee to be called the <sup>4</sup>[Technical Advisory Committee] (hereafter in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.

(3) the Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

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1. Ins. by Act 35 of 2016, sec. 6.

2. Subs. by Act 35 of 2016, sec. 7, for “add any occupation or process to the Schedule”.

3. Subs. by Act 35 of 2016, sec. 8(i), for “Child Labour Technical Advisory Committee”.

4. Subs. by Act 35 of 2016, sec. 8(ii), for “Child Labour Technical Advisory Committee”.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowance, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

### PART III

#### REGULATION OF CONDITIONS OF WORK OF <sup>1</sup>[ADOLESCENTS]

**6. Application of Part.**—The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in <sup>2</sup>[section 3A] is carried on.

#### COMMENTS

This section regulates the working conditions of the adolescent in employments where they are not prohibited from working by section 3 of this Act.

**7. Hours and period of work.**—(1) No <sup>3</sup>[adolescent] shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no <sup>3</sup>[adolescent] shall work for more than three hours before he has had an interval for rest for at least one hour.

(3) The period of work of a <sup>3</sup>[adolescent] shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.

(4) No <sup>3</sup>[adolescent] shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No <sup>3</sup>[adolescent] shall be required or permitted to work overtime.

(6) No <sup>3</sup>[adolescent] shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

#### COMMENTS

This section stipulates that no adolescent shall work for more than 3 hours before he has had an interval for rest for at least one hour. The double employment of a adolescent is banned.

**8. Weekly holidays.**—Every <sup>4</sup>[adolescent] employed in an establishment shall be allowed in each week, a holiday of one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous

1. Subs. by Act 35 of 2016, sec. 9, for "CHILDREN".

2. Subs. by Act 35 of 2016, sec. 10, for "section 3".

3. Subs. by Act 35 of 2016, sec. 11, for "child".

4. Subs. by Act 35 of 2016, sec. 12, for "child".