



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, शनिवार, जुलाई 30, 2016/ श्रावण 8, 1938 (शक)
No. 42] NEW DELHI, SATURDAY, JULY 30, 2016/SHRAVANA 8, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th July, 2016/Shravana 8, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 29th July, 2016, and is hereby published for general information:—

THE CHILD LABOUR (PROHIBITION AND REGULATION)

AMENDMENT ACT, 2016

No. 35 OF 2016

[29th July, 2016.]

An Act further to amend the Child Labour (Prohibition and Regulation) Act, 1986.

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

1. (1) This Act may be called the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

61 of 1986.

2. In the Child Labour (Prohibition and Regulation) Act, 1986 (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:—

Amendment of long title.

“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.”.

143

Amendment
of short title.

3. In section 1 of the principal Act, in sub-section (1), for the words, brackets and figures "the Child Labour (Prohibition and Regulation) Act, 1986", the words, brackets and figures "the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986" shall be substituted.

61 of 1986.

Amendment
of section 2.

4. In section 2 of the principal Act,—

(a) clause (i) shall be renumbered as clause (ia) thereof and before clause (ia) as so renumbered, the following clause shall be inserted, namely:—

'(i) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;'

(b) for clause (ii), the following clause shall be substituted, namely:—

'(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, whichever is more;'

35 of 2009.

Substitution
of new
section for
section 3.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

Prohibition of
employment
of children in
any occupa-
tion and
process.

"3. (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.

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)."

Insertion of
new section
3A.

6. After section 3 of the principal Act, the following section shall be inserted, namely:—

Prohibition of
employment
of adolescents
in certain
hazardous
occupations
and processes.

"3A. 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."

7. In section 4 of the principal Act, for the words "add any occupation or process to the Schedule", the words "add to, or, omit from, the Schedule any hazardous occupation or process" shall be substituted. Amendment of section 4.
8. In section 5 of the principal Act,—
 (i) in the marginal heading, for the words "Child Labour Technical Advisory Committee", the words "Technical Advisory Committee" shall be substituted;
 (ii) in sub-section (1), for the words "Child Labour Technical Advisory Committee", the words "Technical Advisory Committee" shall be substituted. Amendment of section 5.
9. In the heading of Part III of the principal Act, for "CHILDREN" substitute "ADOLESCENTS." Amendment of Part III.
10. In section 6 of the principal Act, for the word and figure "section 3", the word, figure and letter "section 3A" shall be substituted. Amendment of section 6.
11. In section 7 of the principal Act, for the word "child", wherever it occurs, the word "adolescent" shall be substituted. Amendment of section 7.
12. In section 8 of the principal Act, for the word "child", the word "adolescent" shall be substituted. Amendment of section 8.
13. In section 9 of the principal Act, for the word "child", at both the places, where it occurs, the word "adolescent" shall be substituted. Amendment of section 9.
14. In section 10 of the principal Act, for the word "child", at both the places, where it occurs, the word "adolescent" shall be substituted. Amendment of section 10.
15. In section 11 of the principal Act,—
 (a) for the word "children", the word "adolescent" shall be substituted.
 (b) for the word "child", wherever it occurs the word "adolescent" shall be substituted. Amendment of section 11.
16. In section 12 of the principal Act,—
 (a) in the marginal heading, for the words and figures "sections 3 and 14" the words, figures and letter "sections 3A and 14" shall be substituted;
 (b) for the words and figures "sections 3 and 14", the words, figures and letter "sections 3A and 14" shall be substituted. Amendment of section 12.
17. In section 13 of the principal Act, for the word "children", wherever it occurs, the word "adolescent" shall be substituted. Amendment of section 13.
18. In section 14 of the principal Act,—
 (a) for sub-section (1), the following sub-sections shall be substituted, namely:—
 "(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:
 Provided that the parents or guardians of such children shall not be punished unless they permit such child for commercial purposes in contravention of the provisions of section 3.
 (1A) Whoever employs any adolescent or permits any adolescent to work in contravention of the provisions of section 3A shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:

Provided that the parents or guardians of such adolescent shall not be punished unless they permit such adolescent to work in contravention of the provisions of section 3A.

(1B) Notwithstanding anything contained in sub-sections (1) and (1A) the parents or guardians of any child or adolescent referred to in section 3 or section 3A, shall not be liable for punishment, in case of the first offence."

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Whoever, having been convicted of an offence under section 3 or section 3A commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.

(2A) Notwithstanding anything contained in sub-section (2), the parents or guardian having been convicted of an offence under section 3 or section 3A, commits a like offence afterwards, he shall be punishable with a fine which may extend to ten thousand rupees."

(c) clauses (a), (b) and (c) of sub-section (3) shall be omitted.

Insertion of new sections 14A, 14B, 14C and 14D.

19. After section 14 of the principal Act, the following sections shall be inserted, namely:—

Offences to be Cognizable.

"14A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed by an employer and punishable under section 3 or section 3A shall be cognizable.

2 of 1974.

Child and Adolescent Labour Rehabilitation Fund.

14B. (1) The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.

(2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1).

(3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.

(4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.

Explanation:— For the purposes of appropriate Government, the Central Government shall include the Administrator or the Lieutenant Governor of a Union territory under article 239A of the Constitution.

Rehabilitation of rescued child or adolescent.

14C. The child or adolescent, who is employed in contravention of the provisions of this Act and rescued, shall be rehabilitated in accordance with the laws for the time being in force.

Compounding of offences.

14D. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the District Magistrate may, on the application of the accused person, compound any offence committed for the first time by him, under sub-section (3) of section 14 or any offence committed by an accused person being parent or a guardian, in such manner and on payment of such amount to the appropriate Government, as may be prescribed.

2 of 1974.

