

NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)
and
Worst Forms of Child Labour Convention, 1999 (No.182)

INDIA

RATIFICATIONS

Convention No. 138 -

Convention No. 182 -

1) *Country Overview*

2) *The Child Labour (Prohibition and Regulation) Act, 1986 and rules (Act No. 61 of 1986) [23rd December, 1986]*

Original language: English – [Full Official Text \(📄 on line\)](#) – ILO Summary.

Article 3, Parts A and B establishing **occupations and processes prohibited to children**.

3) *The Right of the Children to Free and Compulsory Education Act, No. 35 of 27 August 2009*

Original language: English – [Full Official Text \(📄 on line\)](#) – ILO Summary.

Article 3(1): stating that every child of the age of six to fourteen years shall have a right to free and compulsory education.

4) *Child Labour (Prohibition and Regulation) Amendment Bill, 2012*

Original Language: English – [Full Official Text \(📄 on line\)](#) – ILO Summary.

A Bill further to amend the Child Labour (Prohibition and Regulation) Act, 1986. NOT officially approved. An amendment to the Act was introduced to parliament December 4, 2012 by the Minister of Labour and Employment. The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986. The amendment seeks to prohibit the

employment of all children under the age of 14 years and to prohibit the employment of "adolescents" (i.e. a person between 14 and 18 years of age) in hazardous employment and occupations. It prohibits employment of adolescents in hazardous occupations as specified (mines, inflammable substance and hazardous processes).

5) *CRC, Concluding Observations of the Committee on the Rights of the Child, Feb. 2004*

INDIA

Country Overview

International Conventions and selected Laws on child labour and education		Working children by sector, aged 5-14 years										
C138, Minimum Age	No	<p>A pie chart illustrating the distribution of working children aged 5-14 years in India across different sectors. The largest segment is Agriculture at 69.4%, followed by Manufacturing and Services, both at 13%, and Other at 4.6%.</p> <table border="1"> <thead> <tr> <th>Sector</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>69.4%</td> </tr> <tr> <td>Manufacturing</td> <td>13%</td> </tr> <tr> <td>Services</td> <td>13%</td> </tr> <tr> <td>Other</td> <td>4.6%</td> </tr> </tbody> </table>	Sector	Percentage	Agriculture	69.4%	Manufacturing	13%	Services	13%	Other	4.6%
Sector	Percentage											
Agriculture	69.4%											
Manufacturing	13%											
Services	13%											
Other	4.6%											
C182, Worst Forms of Child Labour	No											
CRC	✓											
General Minimum age for admission to employment	No											
Minimum Age for Hazardous Work	14											
Compulsory Education Age	14											
List of hazardous work (*)	Yes											
Free Public Education	Yes											
<p>(*) The list of hazardous work includes: Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting ; Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form ;Handling of toxic or inflammable substances or explosives; Cotton ginning and processing and production of hosiery goods; Manufacturing or handling of pesticides and insecticides</p>		<p>Sources: Primary completion rates: UNESCO Institute for Statistics, 2013. (1) All other data: Understanding Children's Work Project's analysis of statistics from PNAD Survey, 2011.(2) Cited in: 2012 Findings on the Worst Forms of Child Labour, United States Department of Labour's Bureau of International Labour Affairs</p>										

INDIA

The Child Labour (Prohibition and Regulation) Act, 1986 and rules (Act No. 61 of 1986) [23rd December, 1986]

Original language

English

Abstract

Article 3, Parts A and B of Annex D establishing **occupations and processes prohibited to children.**

Text of legal provisions

- **Article 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. ...”

- **PART A**

Occupations

“Any occupation concerned with: -

- (1) Transport of passengers, goods or mails by railways;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform to another or in to or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;

- (5) A port authority within the limits of any port;
- (6) * Work relating to selling of crackers and fireworks in shops with temporary licenses;
- (7) # Abattoirs/Slaughter House;
- (8) \$ Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and power loom industry;
- (12) Mines (underground and under water) and collieries;
- (13) Plastic units and fiberglass workshops”

➤ **PART B**
Processes

- (1) Beedi-making.
- (2) Carpet-weaving.
- (3) Cement manufacture, including bagging of cement.
- (4) Cloth printing, dyeing and weaving.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica-cutting and splitting.
- (7) Shellac manufacture.
- (8) Soap manufacture.
- (9) Tanning.
- (10) Wool-cleaning.
- (11) Building and construction industry.
- (12) * Manufacture of slate pencils (including packing).
- (13) * Manufacture of products from agate.
- (14) * Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.
- (15) # “Hazardous processes” as defined in Sec. 2 (cb) and ‘dangerous operation’ as notice in rules made under section 87 of the Factories Act, 1948 (63 of 1948)
- (16) # Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)
- (17) # Cashew and cashewnut descaling and processing.
- (18) # Soldering processes in electronic industries.
- (19) \$ ‘Aggarbatti’ manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units.
- (22) Cotton ginning and processing and production of hosiery goods.
- (23) Detergent manufacturing.
- (24) Fabrication workshops (ferrous and non ferrous)
- (25) Gem cutting and polishing.

- (26) Handling of chromite and manganese ores.
- (27) Jute textile manufacture and coir making.
- (28) Lime Kilns and Manufacture of Lime.
- (29) Lock Making.
- (30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enameling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing.
- (31) Manufacture of cement pipes, cement products and other related work.
- (32) Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products.
- (33) Manufacture of dyes and dye stuff.
- (34) Manufacturing or handling of pesticides and insecticides.
- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry.
- (36) Manufacturing of burning coal and coal briquettes.
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
- (38) Moulding and processing of fiberglass and plastic.
- (39) Oil expelling and refinery.
- (40) Paper making.
- (41) Potteries and ceramic industry.
- (42) Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill – all processes.
- (45) Sericulture processing.
- (46) Skinning, dyeing and processes for manufacturing of leather and leather products.
- (47) Stone breaking and stone crushing.
- (48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form.
- (49) Tyre making, repairing, re-treading and graphite beneficiation.
- (50) Utensils making, polishing and metal buffing.
- (51) 'Zari' making (all processes)'.
(52) @ Electroplating;
- (53) Graphite powdering and incidental processing;
- (54) Grinding or glazing of metals;
- (55) Diamond cutting and polishing;

- (56) Extraction of slate from mines;
- (57) Rag picking and scavenging.
- a. for item (2), the following item shall be substituted, namely:
“(2) carpet weaving including preparatory and incidental process thereof”;
 - b. for item(4), the following item shall be substituted, namely:
“(4) cloth printing, dyeing and weaving including processes preparatory and incidental thereto”
 - c. for item (11) the following shall be substituted, namely:
“(11) Building and Construction Industry including processing and polishing of granite stones.”

* Ins. by Notification No. S. O. 404(E) dated the 5th June 1989 published in the Gazette of India, Extraordinary.

Ins. by Notification No. S. O. 263 (E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.

\$ Ins. Sr. No. 8-13 in Part A and Sr. No. 19-51 in Part B by Notification No. S. O. 36 (E) dated 27th January 1999 published in the Gazette of India, Extraordinary.

@ Ins. Sr. No. 52 – 57 part B by Notification No. S.O. 397 (E) dated the 10th May 2001 published in the Gazette of India, Extraordinary”.

INDIA

The Right of the Children to Free and Compulsory Education Act, No. 35 of 27 August 2009

Original language

English

Abstract

Article 3(1): stating that every child of the age of six to fourteen years shall have a right to free and compulsory education.

Text of legal provisions

➤ **Article 3 (1)**

« Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.»

INDIA

Child Labour (Prohibition and Regulation) Amendment Bill, 2012ⁱ

Original language

English

Abstract

Article 4: defining the child as a person who has not completed fourteen years old and Article 5 prohibiting some types of occupations and processes for children.

Text of legal provisions

➤ Article 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 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;’.

➤ Article 5

“For section 3 of the principal Act, the following section shall be substituted, namely:

“3. No child shall be employed or permitted to work in any occupation or process:

Provided that nothing in this section shall apply where the child helps his family after his school hours or helps his family in fields, home-based work, forest gathering or attends technical institutions during vacations for the purpose of learning, but does not include any help or attending technical institutions where there is subordinate relationship of labour or work which are outsourced and carried out in home.”

➤ **Article 6.**

« After section 3 of the principal Act, the following section shall be inserted, namely :

“3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule.”.

➤ **The Schedule**

- (1) Mines;
- (2) Inflammable substances or explosives;
- (3) Hazardous process.

Explanation. – For the purposes of this Schedule, “hazardous process” has the meaning assigned to it in clause (cb) of the Factories Act, 1948”.

ⁱ A Bill further to amend the Child Labour (Prohibition and Regulation) Act, 1986 NOT yet approved.

INDIA

COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 26 Feb. 2004

➤ Education, leisure and cultural activities

64. The Committee welcomes the adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education for all children aged 6-14, the continued efforts of the State party to increase girls' enrolment in school and the Midday Meal Scheme. While noting an increased enrolment rate, the Committee is seriously concerned that 60 million children do not attend primary school. The Committee is further concerned at the high, although decreasing, level of illiteracy and the striking disparities in terms of access to education, attendance at primary and secondary school and dropout rates between boys and girls. The Committee is also concerned that striking disparities regarding these rates also exist between different states, between rural and urban areas, and between the affluent and the poor and disadvantaged groups. The Committee is further concerned at the insufficient number of trained teachers, schools and classrooms, and the lack of relevant learning material, which affect the quality of education.

➤ Economic exploitation, including child labour

72. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture. The Committee is further very concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.