

South Asia

Legal Minimum Age for Employment



Guidance

ILO DWT for South Asia

Work-in-progress – suggestions and corrections are welcome – khans@ilo.org

Basic Minimum Age (Art 2, C138)	Light Work (Art 7, C138)	Hazardous Work (Art 3, C138)	Hazardous/Prohibited Work List	Comments
AFGHANISTAN				
Convention 138 ratified in 2010 with basic minimum age specified: 14 years Convention 182 ratified in 2010				
15 years Article 13 of the Labor Law, 2007		18 years Articles 13 and 120 of the Labor Law, 2007	On 9 February 2014 ¹ Afghanistan's Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) announced a list of jobs which are prohibited for children below 18 years	The MoLSAMD, has developed a revised version of the Labor Law, which provides penalties for child labor violations. ¹
BANGLADESH				
Convention 138 not ratified Convention 182 ratified in 2001				
14 years Section 34 of the Bangladesh Labor Act, 2006; National Child Labour Policy, 2010	12 years and above Sections 44 of the Bangladesh Labor Act, 2006	18 years Sections 39 and 40 of the Bangladesh Labor Act, 2006; Children's Act 2013 (Act No. 24 of 2013); National Child Labour	A Hazardous Work List defines 38 occupations including ship breaking, leather manufacturing, construction, and automobile repair. Hazardous Work List; defined by Statutory Regulatory Order Number 65;	EDUCATION The national constitution of Bangladesh mentions free and compulsory education and also that the State shall adopt effective measures for the purpose of establishing a uniform, mass oriented and universal system of education. The Bangladesh Education Policy was approved and announced by the Government in 2010.

¹ Afghanistan Chamber of Commerce and Industries, "MOLSAMD Announces List of Prohibited Jobs for Child Labors." February 9, 2014
<http://www.acci.org.af/component/content/article/38-news/467-molsamd-announces-list-of-prohibited-jobs-for-child-labors.html>

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		Policy, 2010	The Factories Act, 1965 and Factories Rules, 1979 prohibit some kinds of dangerous occupations for children. Sections 24 and 25, Factories Act No. 4 of 1965; Articles 45 and 83 of Factories Rules 1979	The draft of Education Law, 2013, is pending approval. Article 5 (1) on page 4 of the draft law mentions that primary education will be recognised as a child's right. Article 17, National Constitution of Bangladesh
BHUTAN				
Bhutan is not a member of the ILO, therefore, ratification of conventions is not applicable				
13 years Section 171 of the Labor and Employment Act, 2007		18 years Sections 170 and 171 of the Labor and Employment Act, 2007	The Labour and Employment Act, 2007 prohibits the worst forms of child labour. Section 9, Labour and Employment Act, 2007	Bhutan's general minimum age for work is inconsistent with international standards and education is not compulsory.
INDIA				
Convention 138 not ratified Convention 182 not ratified				
There is no provision for general minimum age for work in India.	There is no provision for light work in India		The Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children below the age of 14 years in 18 occupations and	AMENDMENT The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 was introduced in Parliament

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			65 processes that are hazardous to the children's lives and health. These are updated periodically. <i>Parts A and B of the Schedule in the Child Labor Prohibition and Regulation Act;</i> The Factories Act of India, 1948 states that no child below the age of 14 years shall be allowed to work in factories. <i>Section 67 of the Factories Act, 1948</i>	(Rajya Sabha) on 4 December 2012. It seeks to prohibit the employment of children below 14 years of age in all occupations. For adolescents between 14 and 18 years it prohibits work in hazardous occupations and processes. The Amendment is controversial on a number of grounds, particularly in allowing work in family enterprises (with an expanded definition of families) and abolishing the existing hazardous work list and instead relying on a more restricted one under the Factories Act, 1948, which itself is under Amendment. EDUCATION The Constitution (Eighty-Sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education to all children in the age group of 6-14 years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, bestows on every child between 6 and 14 years of age a right to full time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards. <i>Article 21-A, Constitution of India; Right of Children to Free and Compulsory Education Act, 2009</i>

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MALDIVES				
Convention 138 signed in 2013 with minimum age specified: 16 years Convention 182 ratified in 2013				
16 years Section 6 of the Employment Act, 2008; Sections 26 and 27 of the Law on the Protection of the Rights of Children	There is no provision on light work in the Maldives	18 years Section 7 of the Employment Act, 2008; <i>Sections 26 and 27 of the Law on the Protection of the Rights of Children</i>	None- while the legal framework prohibits the employment of children in work that may be detrimental to their health and safety, the Government has not determined specific hazardous occupations and/or activities that are prohibited for children. The Drugs Act prohibits the use of a child in drug trafficking. Section 133, Drugs Act, 1991	EDUCATION The Constitution of Maldives, 2008 stipulates that everyone has the right to education without discrimination of any kind. Primary and secondary education shall be freely provided by the State. Article 36, Constitution of Maldives
NEPAL				
Convention 138 ratified in 1997 with minimum age specified: 14 years Convention 182 ratified in 2002				
14 years Chapter 2.3.1 of the Child Labor (Prohibition and Regulation) Act, 2000	There is no provision on light work in Nepal	16 years Chapter 2.3.2 of the Child Labor (Prohibition and Regulation) Act, 2000	The Child Labour (Prohibition and Regulation) Act, 2000 prohibits engaging a child in five broad categories of riskful occupation or work which have been elaborated in the schedule.	AMENDMENT The Child Labour (Prohibition and Regulation) Bill, 2016 is being drafted and will be placed before the cabinet for endorsement by the end of 2016. The Bill seeks to amend the Child Labour (Prohibition

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			<u>Chapter 3 (2) and Schedule of the Child Labor (Prohibition and Regulation) Act, 2000</u>	and Regulation) Act, 2000 in line with the provisions of the New Constitution of Nepal, 2015. Further, the amendment seeks to bring coherence in definitions related to children, child labour, worst forms and hazardous forms of child labour in line with the National laws and ILO conventions on child labour; introduce labour inspection in the informal sectors; raise the minimum age to employment to the international standards; and review the hazardous child labour list through tripartite consultations. EDUCATION The new Constitution of Nepal, 2015 has guaranteed free and compulsory education of children up to the elementary level (standard eight) and free education up to the secondary level (standard 10). There is inconsistency between the age for compulsory education and minimum age for employment. <u>Article 31, Constitution of Nepal, 2015</u>

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PAKISTAN				
Convention 138 signed in 2006 with minimum age specified: 14 years Convention 182 ratified in 2001				
There is no provision on minimum age for work in Pakistan.	There is no provision on light work in Pakistan.	14 years as per federal law (now devolved to Provinces) Sections 2 and 3 of the Employment of Children Act, 1991 14 years in Khyber Pakhtunkhwa Province Sections 2 and 3 of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015	The Employment of Children Act 1991 prohibits the employment of children under 14 years of age in 4 occupations and 34 processes. Parts I and II of the Schedule of the Employment of Children Act, 1991 The Employment of Children Rules prohibits child work on machines in motion and carrying excessive weights. Rule 12(3) and (7) and 15 of Employment of Children Rules, 1995 The Mines Act, 1923, prohibits children under 15 years of age to work in mines or be present in underground parts of a mine. Section 26, 26A and 26B, Mines Act No. IV of 1923 The Factories Act prohibits employment of young persons below 14 years of age to work in any factory. A child or adolescent below 18 years	PROVINCIAL LAW The 18th Amendment to the Pakistan Constitution devolves all child welfare and labour issues from the Federal Government to the four Provincial Governments. Until each province repeals or adopts a replacement law, federal laws on child protection and bonded labor are in force. Khyber Pakhtunkhwa is the only province to have passed a law on the minimum age, but it replicates the federal law EDUCATION Article 25A of the Constitution of Pakistan, which was introduced under Section 9 as part of the 18th Amendment Act, 2010, provides for free and compulsory education for children between the age of 5 and 16 years in such manner as may be determined by law. In line with this, the Right to free and Compulsory Education Act was passed by the National Assembly in 2012. This guarantees the right to free and compulsory education to children between the ages of 5 and 16 years of age. Article 25A, Constitution of Pakistan, 1973; Right to Free and Compulsory Education Act, 2012

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			of age can work in a factory only if he gets a physical fitness certificate form a surgeon. <u>Article 50 and 51, Factories Act, 1934;</u> According to the same act, no child below 14 years is to be allowed to clean, lubricate or adjust any part of machinery while that part is in motion; No child or adolescent below 17 years of age is to work on dangerous machines or and no child below 14 years must go near cotton openers. <u>Section 27, 28 and 32 respectively of the Factories Act of 20 August 1934 as amended of 1997.</u> The West Pakistan Shops and Establishments Ordinance, 1969 prohibits employment of children below 14 years of age in shops, and commercial, industrial and other establishments. <u>Article 20, Shops and Establishments Ordinance, 1969;</u> The Road Transport Workers' Ordinance, 1961 prohibits employment of children below 18 years in road transport services. <u>Article 3, Road Transport workers' Ordinance, 1961</u>	

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			The Employment of Children Act, 1991, applicable in Khyber Pakhtunkhwa is modelled on the federal act and it also prohibits the employment of children under 14 years of age in 4 occupations and 34 processes. Sections 2 and 3 of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015	
SRI LANKA				
Convention 138 ratified in 2000 with minimum age specified: 14 years Convention 182 ratified in 1999				
14 years Sections 13 and 34 of the Employment of Women, Young Persons, and Children Act, 1956	Article 14 of the Employment of Women, Young Persons and Children Ac, 1956, provides that a regulation authorizing light agricultural or horticultural work may be made but does not define any specific age after which this may	18 years Section 20A of the Employment of Women, Young Persons, and Children Act, 1956	A 2010 Regulation made by the Minister of Labour Relations and Productivity Improvement under section 31 read with section 20A of the Employment of Women, Young Persons and Children Act, No. 47 of 1956, in accordance with the guidelines specified in section 20A of that Act provides a list of hazardous occupations prohibited for children under 18 years. Hazardous Occupations Regulations No. 1667/41 of 2010	EDUCATION The Free Education Act of Sri Lanka, 1945 paved the way for all children to gain free access to education at primary, secondary, and tertiary education. The Education Ordinance No. 31 of 1939 provides the principal legal basis for the system of education and enforced compulsory school attendance under Regulation No. 1 of 1997, for all children between the ages of 5 and 14. The Cabinet has approved extending this age to 16 years, however, the gazetting of this law is under process (As of May 2016).

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	be permitted.		The Penal Code criminalises the act of engaging children in the Worst Forms of Child Labour and reflects Articles 3 (a), (b) and (c) of ILO C 182. Section 360 (c) of the Penal Code also addressed the issue of child trafficking fairly comprehensively in line with the Palermo Protocol recently acceded to by Sri Lanka. <u>Penal Code, 1885</u>	Further the Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended, stipulates that it is a criminal offence to offer employment to children under the age of 14 that would lead to depriving them of education.

May 2016