

South Asia

Key laws and legal provisions in relation to ILO Conventions No.138, No.182 and UN CRC



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Guidance

ILO DWT for South Asia

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

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Key laws and legal provisions in relation to ILO Convention No. 138, No. 182 and UN CRC

[NATLEX](#): Database of national labour, social security and related human rights legislation

Afghanistan **Bangladesh** **Bhutan** **India** **Maldives** **Nepal** **Pakistan** **Sri Lanka**

Slavery (e.g. sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour (incl. forced or compulsory recruitment for use in armed conflict	The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performance	The use, procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in the relevant international treaties	Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children ¹
C182 Art. 3a CRC Art. 35, 38	C182 Art. 3b CRC Art. 34	C182 Art. 3c CRC Art. 33	C138 Art. 3 C182 Art. 3d, 4 CRC Art. 32, 36
Afghanistan		Ratified: C182, C138, CRC	
Constitution (Art. 34, 49) Law on the Elimination of Violence against Women, 2011 -- Key Responsible Agency: Ministry of Women's Affairs (MOWA) Law on Countering Abduction and Human Trafficking, 2008 -- Key Responsible Agency: Ministry of Interior Affairs	Law on the Elimination of Violence against Women, 2011 -- Key Responsible Agency: Ministry of Women's Affairs (MOWA)		Labour Code, 2007 (Art. 120) -- Key Responsible Agency: Ministry of Labour, Social Affairs, Martyrs and Disables (MOLSAMD)
Bangladesh		Ratified: C182, CRC	
Constitution (Art. 20, 34) Penal Code (Art. 366,374) Children's Act, 2013 ; Suppression of Violence against Women and Children Act, 2000 (Art.8,9) - amended in 2003 - Key Responsible Agency: Ministry of Health & Family Welfare	Constitution (Art. 18) Penal Code (Art. 366, 372, 373) Children's Act, 2013 ; Suppression of Violence against Women and Children Act, 2000 (Art.8,9) amended in 2003; Suppression of Immoral Traffic Act, 1933 - Key Responsible Agency: Ministry of Health & Family Welfare	Children's Act, 2013 -- Key Responsible Agency: Ministry of Health & Family Welfare	Labour Act, 2006 (Chapter VII) ; Employment of Children Act, 1938 -- Key Responsible Agency: Ministry of Labour & Employment (MOLE) (http://www.mole.gov.bd/) Children's Act, 2013 - Key Responsible Agency: Ministry of Health & Family Welfare

¹ (Refer also to Lists of hazardous/prohibited processes and occupations annexed to national laws on employment of children)

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<p>Human Trafficking Deterrence and Suppression Act, 2012 -- Key Responsible Agency: Ministry of Home Affairs</p> <p>Bonded Labour Act, 2006 -- Key Responsible Agency: Ministry of Labour & Employment (MOLE)</p>			
<p>Bhutan</p>			<p>N/A</p>
<p>Constitution (Art. 17,18);</p> <p>Penal Code (Art. 227, 228, 379, 380)</p> <p>Child Adoption Act, 2012;</p> <p>Child Care & Protection Act, 2011 -- Key Responsible Agency: Ministry of Home & Cultural Affairs</p> <p>Labour & Employment Act, 2007 (Art.9) -- Key Responsible Agency: Ministry of Labour and Human Resources</p>	<p>Constitution (Art. 17,18) (http://www.wipo.int/wipo/lex/en/details.jsp?id=5214);</p> <p>Penal Code (Art. 225, 226; Ch. 26)</p> <p>Child & Care Protection Act, 2011 -- Key Responsible Agency: Ministry of Home & Cultural Affairs (http://www.mohca.gov.bt/)</p> <p>Labour & Employment Act, 2007 (Art.9) -- Key Responsible Agency: Ministry of Labour and Human Resources</p>	<p>Constitution, 2008 (Art. 17,18)</p> <p>Child Care & Protection Act, 2011 -- Key Responsible Agency: Ministry of Home & Cultural Affairs</p> <p>Labour & Employment Act, 2007 (Art.9) -- Key Responsible Agency: Ministry of Labour and Human Resources</p>	<p>Constitution (Art. 17,18);</p> <p>Penal Code (Art. 221, 223, 224)</p> <p>Child Care & Protection Act, 2011 -- Key Responsible Agency: Ministry of Home & Cultural Affairs</p> <p>Labour & Employment Act, 2007 (Art.9) -- Key Responsible Agency: Ministry of Labour and Human Resources</p>
<p>India</p>			<p>Ratified: CRC</p>
<p>Constitution (Art.23)</p> <p>Penal Code (Sec. 366-376)</p> <p>Prohibition of Child Marriage Act, 2007;</p> <p>Juvenile Justice (Care & Protection of Children) Act, 2015; Immoral Traffic (Prevention) Act, 1956) -- Key Responsible Agency: Ministry of Women & Child Development</p>	<p>Penal Code (Sec.366-376)</p> <p>Protection of Children from Sexual Offences Act, 2012;</p> <p>Juvenile Justice (Care & Protection) of Children Act, 2015;</p> <p>Indecent Representation of Women (Prohibition) Act, 1986; Immoral Traffic (Prevention) Act, 1956) - Key Responsible Agency:</p>	<p>Juvenile Justice (Care & Protection) of Children Act, 2015</p> <p>- Key Responsible Agency: Ministry of Women & Child Development</p> <p>Narcotic Drugs & Psychotropic Substance Act, 1985 -- Key Responsible Agency: Ministry of Home Affairs</p>	<p>Constitution (Art. 24,38)</p> <p>Child Labour (Prohibition & Regulation) Act, 1986</p> <p>Child Labour (Prohibition and Regulation) Amendment Act, 2016 http://egazette.nic.in/WriteReadData/2016/171046.pdf</p> <p>-- Key Responsible Agency:</p>

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<p>Child Labour (Prohibition & Regulation) Act, 1986 amended in 2006 (2012 amendment not yet adopted); Bonded Labour System (Abolition) Act, 1976 -- Key Responsible Agency: Ministry of Labour & Employment (MLE)</p> <p>Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 -- Key Responsible Agency: Ministry of Social Justice and Empowerment</p>	<p>Ministry of Women & Child Development</p> <p>Information Technology (Amendment) Act, 2008 -- Key Responsible Agency: Ministry of Communications & Information Technology</p> <p>Child Labour (Prohibition & Regulation) Act, 1986</p> <p>Child Labour (Prohibition and Regulation) Amendment Act, 2016 http://egazette.nic.in/WriteReadData/2016/171046.pdf f -- Key Responsible Agency: Ministry of Labour & Employment (MOLE) -- Key Responsible Agency:</p> <p>Young Persons (Harmful Publications) Act, 1956 -- Key Responsible Agency: Ministry of Home Affairs</p>		<p>Ministry of Labour & Employment (MOLE)</p> <p>Mines Act, 1952</p> <p>-- Key Responsible Agency: Ministry of Labour & Employment (MOLE)</p> <p>Juvenile Justice (Care & Protection) of Children Act, 2015 -- Key Responsible Agency: Ministry of Women & Child Development</p>
<p>Maldives Ratified: C182, CRC C138, CRC</p>			
<p>Constitution (Art. 35)</p> <p>Employment Act, 2008 -- Key Responsible Agency: Ministry of Human Resources, Youth & Sports</p>	<p>Penal Code</p> <p>Child Sex Abuse (Special Provision) Act, 2009 -- Key Responsible Agency: Ministry of Health and Family</p>	<p>Law on Drugs, 1977 -- Key Responsible Agency: Ministry of Health and Family</p>	<p>Constitution (Art. 35)</p> <p>Employment Act, 2008 -- Key Responsible Agency: Ministry of Human Resources, Youth & Sports</p>
<p>Nepal Ratified: C182, C138, CRC</p>			
<p>Interim Constitution (Art. 22)</p> <p>Civil Rights Act, 2012 -- Key Responsible Agency: Ministry of Law, Justice,</p>	<p>Interim Constitution (Art. 22)</p> <p>Electronic Transaction Act, 2008 -- Key Responsible Agency: Ministry of Science, Technology & Environment</p>	<p>Children's Act, 1992 (it does not cover 16-17 year-olds) -- Key Responsible Agency: Ministry of Women, Children & Social Welfare</p>	<p>Civil Rights Act, 2012 (art. 14) -- Key Responsible Agency: Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs</p>

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<p>Constituent Assembly and Parliamentary Affairs</p> <p>Human Trafficking & Transportation (Control) Act, 2007; Children's Act, 1992 (it does not cover 16-17 year-olds) -- Key Responsible Agency: Ministry of Women, Children & Social Welfare</p> <p>Foreign Employment Act, 2007; Bonded Labour Prohibition Act, 2002; Child Labour (Prohibition & Regulation) Act, 2000; Kamaya Labour (Prohibition) Act, 2000; Begging Prohibition Act, 1962 -- Key Responsible Agency: Ministry of Labour & Employment (MLE)</p>	<p>National Broadcasting Act, 1993 -- Key Responsible Agency: Ministry of Information & Communication</p> <p>Human Trafficking & Transportation (Control) Act, 2007; Children's Act, 1992 (it does not cover 16-17 year-olds) -- Key Responsible Agency: Ministry of Women, Children & Social Welfare</p> <p>Public Crime and Punishment Act, 1970 -- Key Responsible Agency: Ministry of Home Affairs</p> <p>The Hotel Management and Alcoholic Liquor Sale and Distribution (Control) Act, 1966; The Consumer Protection Act, 1998 -- Key Responsible Agency: Ministry of Commerce & Supply</p>		<p>Child Labour (Prohibition & Regulation) Act, 2000; Labour Act, 1992 -- Key Responsible Agency: Ministry of Labour & Employment (MLE)</p> <p>Children's Act, 1992 (it does not cover 16-17 year-olds) -- Key Responsible Agency: Ministry of Women, Children & Social Welfare</p> <p>Public Crime and Punishment Act, 1970 -- Key Responsible Agency: Ministry of Home Affairs</p>
<p>Pakistan Ratified: C182, C138, CRC</p>			
<p>Constitution (Art. 11); Penal Code (Sec. 122)</p> <p>Prevention & Control of Human Trafficking Ordinance, 2002 -- Key Responsible Agency: Ministry of Interior & Narcotics Control; Provincial Home Departments; Provincial Police.</p> <p>Bonded Labour System (Abolition) Act, 1992 -- Key Responsible Agency: Provincial Labour Departments.</p> <p>Emigration Ordinance, 1979</p>	<p>Constitution (Art. 37); Penal Code (Sec. 317-373)</p> <p>Prevention of Electronic Crimes Ordinance, 2007 -- Key Responsible Agency: Ministry of Law, Justice & Human Rights</p> <p>Prevention & Control of Human Trafficking Ordinance, 2002 -- Key Responsible Agency: : Ministry of Law, Justice & Human Rights; Provincial Home Departments; Provincial Police.</p>	<p>Anti-narcotics Force Act, 1997; Control of Narcotic Substances Act, 1997 -- Key Responsible Agency: Ministry of Interior & Narcotics Control</p>	<p>Constitution (Art. 11)</p> <p>Employment of Children Act, 1991; Road Transport Workers Ordinance, 1961; Punjab's Prohibition of Employment of Children Act (currently with provincial assembly for promulgation)</p> <p>- Key Responsible Agency: Ministry of Overseas Pakistanis & Human Resource Development (for Coordination with provinces); Provincial Labour Departments (for legislation, policies making and implementation).</p>

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<p>-- Key Responsible Agency: Ministry of Overseas Pakistani & Human Resource Development</p>			
<p>Sri Lanka</p>		<p>Ratified: C182, C138, CRC</p>	
<p>Penal Code (1993 amendment)</p> <p>National Child Protection Authority Act, 1998 -- Key Responsible Agency: Ministry of Child Development & Women's Affairs</p>	<p>Penal Code (1993, 1995 & 2006 amendments)</p> <p>National Child Protection Authority Act, 1998 -- Key Responsible Agency: Ministry of Child Development & Women's Affairs</p>		<p>Employment of Women, Young Persons & Children (Amendment) Act, 2006; Factories (Amendment) Act, 1984; Mines and Minerals Law, 1973; Employment of Women, Young Persons & Children Act, 1956 -- Key Responsible Agency: for all: Ministry of Labour & Labour Relations (MOLR)</p> <p>National Child Protection Authority Act, 1998 -- Key Responsible Agency: Ministry of Child Development & Women's Affairs</p>
<p>SRK/MC/KM Last update: August 2016</p>			