

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

SUMMARY

Based on the recommendations of Gurupadaswamy Committee, the Child Labour (Prohibition & Regulation) Act was enacted in 1986. As per the Act, employment of children was prohibited in certain specified hazardous occupations and processes and regulates the working conditions in others. The list of hazardous occupations and processes is progressively being expanded on the recommendation of Child Labour Technical Advisory Committee constituted under the Act. Subsequently the act was amended in 2016 with the enactment of the Child Labour (Prohibition & Regulation) Amendment Act 2016 prohibiting the employment of Children below 14 years in all employment and also with the provisions for prohibition on employment of adolescents(14-18 Years) in the scheduled hazardous occupations and processes .

The Child and Adolescent Labour Act 1986 is an Indian law that aims to prevent the exploitation of children and adolescents in the workforce. The Act prohibits the employment of children under the age of 14 in certain hazardous occupations and regulates the working conditions of children and adolescents aged 14 to 18 years. The Act requires employers to maintain a register of child workers and provides for the appointment of Inspectors to enforce the provisions of the Act. The Act also provides for penalties for violations, including fines and imprisonment. The Act was amended in 2016 to increase the penalties for violations and to broaden the scope of prohibited occupations.

TABLE OF CONTENTS

PART I: PRELIMINARY

Section 1: Short Title, Extent And Commencement

Section 2: Definitions

PART II: PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

Section 3: Prohibition Of Employment Of Children In Any Occupation And Process

Section 3A: Prohibition Of Employment Of Adolescents In Certain Hazardous Occupations And Processes

Section 4: Power To Amend The Schedule

Section 5: Technical Advisory Committee

PART III: REGULATION OF CONDITIONS OF WORK OF CHILDREN

Section 6: Application Of Part

Section 7: Hours And Period Of Work

Section 8: Weekly Holidays

Section 9: Notice To Inspector

Section 10: Disputes As To Age

Section 11: Maintenance Of Register

Section 12: Display Of Notice Containing Abstract Of Sections 3 And 14

Section 13: Health And Safety

PART IV: MISCELLANEOUS

Section 14: Penalties

Section 14A: Offences To Be Cognizable

Section 14B: Child And Adolescent Labour Rehabilitation Fund

Section 14C: Rehabilitation Of Rescued Child Or Adolescent

Section 14D: Compounding Of Offences

Section 15: Modified Application Of Certain Laws In Relation To Penalties

Section 16: Procedure Relating To Offences

Section 17: Appointment Of Inspectors

Section 17A: District Magistrate To Implement The Provisions

Section 17B: Inspection And Monitoring

Section 18: Power To Make Rules

Section 19: Rules And Notifications To Be Laid Before Parliament Or State Legislature

Section 20: Certain Other Provisions Of Law Not Barred

Section 21: Power To Remove Difficulties

Section 22: Repeal And Savings

Section 23 To 26: Repealed

PART I: PRELIMINARY

Section 1: Short Title, Extent and Commencement

1 Short title, extent and commencement -

This Act may be called the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

It extends to the whole of India.

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 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.

Simplified

Easy-to-Understand Explanation of the Law's Introduction -

The name of this law is the "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986."

This law is applicable throughout all of India.

Most parts of this law are effective immediately. However, Part III will start on a date that the Indian government decides and announces. This start date can be different for each state and for different types of businesses or establishments.

Explanation using Example

Imagine a scenario where a local factory in Mumbai, India, is employing children under the age of 14 to work on the assembly line. The employment of

these children is discovered by a local NGO that advocates for children's rights. The NGO decides to take action against the factory owner.

Using Section 1 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the NGO points out that the Act is applicable throughout India, which includes Mumbai. They highlight that the Act is in force and that employing children under the age of 14 in any establishment is illegal as per the provisions of the Act that are currently in effect. The NGO can then take legal steps to ensure that the factory complies with the Act, and the children are removed from labor. The factory owner may face legal consequences for violating this law.

Section 2: Definitions

In this Act, unless the context otherwise requires,

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

(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;

(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;

(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.

Simplified

This law defines certain terms as follows:

Adolescent: A person who is between 14 and 18 years old.

Appropriate Government: The Central Government for businesses it controls, like railways, major ports, mines, or oilfields. In other cases, it's the State Government.

Child: A person who is under 14 years old, or younger if specified by the education law of 2009.

Day: A 24-hour period starting at midnight.

Establishment: Places like shops, businesses, workshops, farms, hotels, restaurants, theaters, or other entertainment venues.

Family: For a business owner, this includes them, their spouse, and their siblings, children.

Occupier: The person in charge of a business or workshop.

Port authority: The group in charge of a port.

Prescribed: Defined by rules set out in section 18 of this law.

Week: A seven-day period starting at midnight on Saturday, or another night if approved by an Inspector.

Workshop: A place where industrial work happens, but not including certain factories covered by the Factories Act of 1948.

Explanation using Example

Imagine a scenario where a local restaurant owner, Mr. Sharma, employs a young boy, Rohan, to help with dishwashing and cleaning tasks. Rohan claims to be 15 years old, but does not have any formal documentation to prove his age. A concerned customer notices Rohan working during school hours and reports this to the authorities.

Upon investigation, the labor inspector refers to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. According to the definitions provided in the Act:

Rohan is considered an "adolescent" if he is indeed 15, as that means he has completed his fourteenth year but not his eighteenth.

The "establishment" in question is the restaurant owned by Mr. Sharma.

Mr. Sharma is the "occupier" of the restaurant, having control over its affairs.

If Rohan is found to be under fourteen, he would be classified as a "child" and his employment would be a direct violation of the Act. If he is between fourteen and eighteen, his working hours and the type of work he is permitted to do would be regulated under the Act.

The "appropriate Government" responsible for enforcing the Act in this case would be the State Government, unless the restaurant is part of a chain that is under Central Government control.

PART II: PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

Section 3: Prohibition Of Employment Of Children In Any Occupation And Process

3 Prohibition of employment of children in any occupations and processes -

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

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

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;

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 affect the school education of the Child.

Explanation - For the purposes of this section, the expression,

"family" in relation to a child, means his mother, father, brother, sister and father's sister and brother and mother's sister and brother;

"family enterprises" means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;

"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).

Simplified

Simplified Explanation of the Law on Child Labor:

Children are not allowed to work in any job or be part of any work process.

However, there are two exceptions to this rule:

A child can help out with family work or in a family business, as long as it's not dangerous work that's listed in the law's Schedule, and they can only do this after school or during school holidays.

A child can work in the entertainment industry, like in movies, TV, or sports, but not in the circus, as long as it's safe and doesn't interfere with their school education.

Definitions:

"Family" means the child's parents, siblings, and their maternal and paternal aunts and uncles.

"Family enterprises" are businesses run by family members that might also employ other people.

"Artist" refers to a child engaged in creative activities like acting, singing, or sports, which might be part of a profession or hobby, especially those mentioned in the second exception.

Explanation using Example

Here is a hypothetical scenario demonstrating the application of Section 3 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986:

Rahul, a 12-year-old boy, lives with his parents who own a small family-run pottery business. After school and during his summer vacation, Rahul helps his parents by painting pots in their workshop, which is not listed as a hazardous occupation. This is permissible under the Act, as per Section 3(2)(a), because Rahul is helping his family in a non-hazardous family enterprise outside of school hours.

In another instance, Seema, an 11-year-old girl, has been offered a role in a television serial. The producers ensure that her work as an actress does not interfere with her school education and that all prescribed safety measures are followed, making her employment compliant with Section 3(2)(b) of the Act.

However, if Rahul was asked to work in a fireworks factory, which is a hazardous occupation, it would be a violation of Section 3(1) as it prohibits the employment of children in any occupation or process, especially hazardous ones.

Section 3A: Prohibition Of Employment Of Adolescents In Certain Hazardous Occupations And Processes

(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.

Simplified

Explanation of Rule 3A: No Work for Teens in Dangerous Jobs

Teens (adolescents) are not allowed to have jobs or work in any risky jobs or activities that are listed in a specific list (the Schedule). However, the Central Government has the power to announce what kind of safe jobs teens are allowed to do under this law.

Explanation using Example

Imagine a scenario where a 16-year-old boy named Rohit is seeking a part-time job to support his family financially. An owner of a local chemical factory is looking to hire cheap labor for handling toxic substances, which is listed as a hazardous occupation in the Schedule of the Child and Adolescent Labour (Prohibition and Regulation) Act. According to Section 3A of the Act, it is illegal for the factory owner to employ Rohit or any adolescent in such dangerous work. If the factory owner hires Rohit for this job, he would be violating the law and could face legal consequences. The Act is designed to protect adolescents like Rohit from the dangers of working in hazardous occupations.

Section 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, add to, or, omit from, the Schedule any hazardous occupation or process and thereupon the Schedule shall be deemed to have been amended accordingly.

Simplified

The Central Government has the power to update the list of dangerous jobs or processes that are not allowed for children and adolescents. To make any changes, they must first announce their plans in an official publication called the Official Gazette and give at least three months' notice. Once they publish the change in the Gazette, the list is considered officially updated.

Explanation using Example

Imagine the Central Government identifies a new form of hazardous work in electronics recycling plants where children are exposed to harmful chemicals. To protect children from this danger, the government decides to add this occupation to the list of hazardous occupations in the Schedule of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. They publish a notice in the Official Gazette, stating their intention to amend the Schedule to include electronics recycling as a hazardous occupation. After giving the public three months to respond to this notice, they officially add this occupation to the Schedule through another notification. Now, employing children in electronics recycling plants becomes illegal, and the Schedule is considered updated with this addition.

Section 5: Technical Advisory Committee

The Central Government may, by notification in the Official Gazette, constitute an advisory committee to be called the 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.

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

The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

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.

The term of office of, the manner of filling casual vacancies in the office of, and the allowances, 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.

Simplified

5 Technical Advisory Committee

The Central Government can create a group called the Technical Advisory Committee. This group's job is to give advice on what jobs and processes should be added to a list that's part of the law.

This committee will have a leader (Chairman) and up to ten other people chosen by the Central Government.

The committee can meet whenever it needs to and can decide on how it wants to run its meetings.

If the committee thinks it's necessary, it can create smaller groups (sub-committees) to focus on specific issues. It can include people who aren't already on the main committee.

Rules will be set for how long people can be on the committee, how to replace members who leave, if members get paid, and how the committee can add non-members to the sub-committees.

Explanation using Example

Imagine a scenario where the government is concerned about the rising number of children being employed in a new type of hazardous industry that has emerged due to technological advancements. To address this, the Central Government decides to update the list of hazardous occupations and processes that children and adolescents are prohibited from working in, as per The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

Under Section 5 of the Act, the government issues a notification to form the Technical Advisory Committee. This committee is tasked with advising on the inclusion of this new industry into the Schedule of prohibited occupations and processes for children and adolescents. The committee, consisting of a Chairman and ten experts from relevant fields, convenes to assess the risks and implications of child labour in this industry. After thorough research and several meetings to discuss their findings, the committee advises the government to add this industry to the Schedule, effectively banning child labour in this new sector and protecting children from exploitation.

PART III: REGULATION OF CONDITIONS OF WORK OF CHILDREN

Section 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 section 3A is carried on.

Simplified

Understanding Which Businesses This Section Covers - This section is relevant to businesses or specific types of businesses where the types of work or activities that are banned for children, as listed in section 3A, are not happening.

Explanation using Example

Imagine a family-owned restaurant that does not engage in any hazardous occupations or processes as listed in Section 3A of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Despite this, the restaurant must comply with the provisions of Part III of the Act, which prohibits the employment of children below the age of 14 years in any form of occupation. This means the restaurant cannot hire children to assist with serving food, cleaning dishes, or any other tasks, even if these tasks are not deemed hazardous under the Act.

Section 7: Hours And Period Of Work

(1) No 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 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 an 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 adolescent shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No adolescent shall be required or permitted to work overtime.

(6) No adolescent shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

Simplified

Simplified Explanation:

(1) Young people in their teens are not allowed to work more hours than the law allows for the place they work or the type of work they do.

(2) Their workday must be set up so they don't work longer than three hours at a time and get at least a one-hour break after working three hours.

(3) Their total workday, including breaks and waiting time, can't be longer than six hours.

(4) They can't work at night between 7 p.m. and 8 a.m.

(5) They are not allowed to work extra hours beyond their normal working hours.

(6) If they've worked at one place during a day, they can't be made to work at a different place the same day.

Explanation using Example

Imagine a scenario where a 16-year-old named Arjun works at a local grocery store. According to Section 7 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986:

Arjun's working hours should not exceed the prescribed limit for the grocery store.

He must not work for more than three hours straight without a rest interval of at least one hour.

His total workday, including rest time, should not be spread over more than six hours.

He is not allowed to work late hours, specifically not between 7 p.m. and 8 a.m.

Arjun cannot be asked to work overtime, regardless of the circumstances.

If Arjun worked at a cafe in the morning, he cannot be legally employed at the grocery store on the same day.

If the store owner violates these rules, they could face legal consequences under the Act.

Section 8: Weekly Holidays

Every 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 place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

Simplified

If you are a young person (adolescent) working at a place, you have the right to take one full day off every week. The employer must choose this day off and let everyone know by putting up a permanent notice where it's easy to see. The employer can't change this chosen day off more than once every three months.

Explanation using Example

Imagine a 16-year-old boy named Arjun who works as a packer in a warehouse. According to Section 8 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Arjun is entitled to a weekly holiday. The warehouse owner must display a notice in the warehouse stating that Arjun's weekly day off is Sunday. This notice must be placed where it's easily

visible to all employees, and the owner cannot change Arjun's designated holiday more than once every three months. This ensures that Arjun, as an adolescent worker, receives his rightful day of rest each week.

Section 9: Notice To Inspector

(1) Every occupier in relation to an establishment in which a adolescent was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely :

- (a) the name and situation of the establishment;
- (b) the name of the person in actual management of the establishment;
- (c) the address to which communications relating to the establishment should be sent; and
- (d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, who employs, or permits to work, any adolescent after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars as are mentioned in sub-section (1).

Explanation - For the purposes of sub-sections (1) and (2), "date of commencement of this Act, in relation to an establishment" means the date of bringing into force of this Act in relation to such establishment.

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment 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.

Simplified

Simplified Explanation:

(1) If you're in charge of a place where a young person (adolescent) was working right before this law started to apply to your place, you have to tell the local

labor inspector about it within 30 days. You need to send a written notice with the following details:

(a) The name and location of the place (establishment);

(b) The name of the person managing the place;

(c) The contact address for the place;

(d) What kind of work or processes are done there.

(2) If, after the law starts applying to your place, you hire a young person or allow them to work, you must also inform the local labor inspector within 30 days. The written notice should include the same details listed in point (1).

Note: When we say "the date this law starts applying to your place," we mean the day when this law was put into action for your establishment.

(3) However, this requirement to notify doesn't apply to family-run places or to schools that are set up or supported by the government.

Explanation using Example

Imagine a scenario where a factory owner, Mr. Gupta, has been employing adolescents in his garment manufacturing establishment. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 has just come into force. Mr. Gupta is now required to inform the local authorities about the adolescents working in his factory.

Within 30 days of the Act coming into force, Mr. Gupta must send a notice to the Inspector of the area that includes:

The name and location of his garment factory.

The name of the person managing the factory, which is Mr. Gupta himself.

The factory's address for official communications.

A description of the garment manufacturing work that is carried out in the factory.

If Mr. Gupta decides to employ an adolescent after the Act has come into force, he must again notify the Inspector with similar details within 30 days of the employment.

However, if Mr. Gupta's factory was a family business where only his family members worked, or if it was a school receiving government support, he would not need to send this notice under sections 7, 8, and 9 of the Act.

Section 10: Disputes As To Age

Section 10: If any question arises between an Inspector and an occupier as to the age of any adolescent who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such adolescent granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

Simplified

Section 10 Simplified: If there is a disagreement between a workplace inspector and the person in charge of a place of work (the occupier) about how old a young worker (adolescent) is, and there is no official medical certificate to prove the young worker's age, then the inspector must ask a designated medical expert to decide the worker's age.

Explanation using Example

Imagine a scenario where a factory inspector visits a manufacturing unit and notices a young worker operating a machine. The inspector suspects that the worker is below the age of 18, which is the legal working age for certain types of labor. The factory owner claims that the worker is indeed 18 and is legally permitted to work there. However, the worker does not have any proof of age or a birth certificate to confirm this. According to Section 10 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, since there is a dispute regarding the worker's age and no age certificate is available, the inspector can refer this matter to a medical authority designated by the law to determine the worker's age. The decision of this medical authority will then be used to resolve the question of whether the adolescent can legally work in the establishment.

Section 11: Maintenance Of Register

There shall be maintained by every occupier in respect of adolescent employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment, showing -

- (a) the name and date of birth of every adolescent so employed or permitted to work;
- (b) hours and periods of work of any such adolescent and the intervals of rest to which he is entitled;
- (c) the nature of work of any such adolescent;
- (d) such other particulars as may be prescribed.

Simplified

If you run a business and have young workers (adolescents) working for you, you must keep a record of them. This record needs to be available for government officials (Inspectors) to check anytime during the hours your business is open or when work is happening. The record should include:

- (a) The full name and birth date of each young worker.
- (b) The work schedule for these workers, including their shift times, breaks, and rest periods.
- (c) The type of work they do.
- (d) Any other information that the law requires.

Explanation using Example

Imagine a scenario where a small manufacturing unit that produces garments employs adolescents. According to Section 11 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the owner of the manufacturing unit (the occupier) is required to maintain a register containing specific details about the adolescent workers. Here's how this law might be applied:

The owner keeps a register in the office that lists the name and date of birth of each adolescent worker to confirm they are of legal working age. The register also includes a schedule showing the start and end times of each adolescent's shift, along with the designated break times to ensure they receive adequate rest. Additionally, the register details the specific tasks assigned to each adolescent, such as sewing, cutting fabric, or packaging, to document the nature of their work. Finally, the register includes other necessary information as required by the law, such as the wages paid and emergency contact details.

When an Inspector from the labor department visits the unit, the owner must present this register for review to ensure compliance with the law. If the owner

fails to maintain this register or if it is found that the adolescents are working longer hours than permitted or doing hazardous work, the owner could face penalties under the Act.

Section 12: Display Of Notice Containing Abstract Of Sections 3 And 14

Display of notice containing abstract of sections 3A and 14 - Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of sections 3A and 14.

Simplified

Simplified Explanation of Section 12: Every railway company, port authority, and employer must put up a clear and easy-to-see notice at every train station, within port areas, or at the workplace. This notice must be in the local language and in English. It should summarize the contents of sections 3A and 14 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

Explanation using Example

Imagine a scenario where a small manufacturing unit employs several workers and is located in a suburban area. The owner of this unit is required by law to display a notice at the entrance or on a notice board within the premises, which is easily visible to all workers and visitors. This notice must contain a summary of sections 3A and 14 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Section 3A pertains to the prohibition of employment of adolescents in hazardous occupations and processes, while section 14 outlines the penalties for employing any child or adolescent in contravention of the Act. The notice must be in both the local language of the area and in English to ensure that all employees, including those who might not be proficient in English, can understand the legal rights and protections afforded to them and the obligations of the employer under the Act.

Section 13: Health And Safety

(1) The appropriate Government may, by notification in the Official Gazette, make rules for the health and safety of the adolescent employed or permitted to work in any establishment or class of establishments.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely:

- (a) cleanliness in the place of work and its freedom from nuisance;
- (b) disposal of wastes and effluents;
- (c) ventilation and temperature;
- (d) dust and fume;
- (e) artificial humidification;
- (f) lighting;
- (g) drinking water;
- (h) latrine and urinals;
- (i) spittoons;
- (j) fencing of machinery;
- (k) work at or near machinery in motion;
- (l) employment of adolescent on dangerous machines;
- (m) instructions, training and supervision in relation to employment of adolescent on dangerous machines;
- (n) device for cutting off power;
- (o) self-acting machines;
- (p) easing of new machinery;
- (q) floor, stairs and means of access;
- (r) pits, sumps, openings in floors, etc.;
- (s) excessive weights;
- (t) protection of eyes;
- (u) explosive or inflammable dust, gas, etc.;
- (v) precautions in case of fire;

- (w) maintenance of buildings;
- (x) safety of buildings and machinery.

Simplified

- (1) The government can create safety and health rules for young workers in workplaces through official announcements.
- (2) These rules can cover a wide range of topics, including:
 - (a) Keeping the workplace clean and free from health hazards;
 - (b) Getting rid of waste and polluted water;
 - (c) Making sure there is good air flow and a comfortable temperature;
 - (d) Controlling dust and fumes;
 - (e) Managing artificial moisture in the air;
 - (f) Providing proper lighting;
 - (g) Ensuring access to drinking water;
 - (h) Having enough toilets and urinals;
 - (i) Providing spittoons;
 - (j) Safeguarding machinery to prevent accidents;
 - (k) Managing work around moving machinery;
 - (l) Regulating work on dangerous machines for young workers;
 - (m) Offering guidance, training, and supervision for young workers on dangerous machines;
 - (n) Having a way to quickly turn off power;
 - (o) Controlling automatic machines;
 - (p) Checking new machinery to make sure it's safe;
 - (q) Ensuring floors and stairs are safe and accessible;
 - (r) Covering pits and other floor openings to prevent falls;

- (s) Avoiding carrying heavy weights that could cause injury;
- (t) Protecting eyes from hazards;
- (u) Handling explosive or flammable materials safely;
- (v) Having a plan for what to do if there's a fire;
- (w) Keeping buildings in good repair;
- (x) Ensuring buildings and machinery are safe to use.

Explanation using Example

Imagine a situation where a local bakery employs adolescents to assist with the baking and packaging processes. The state government, concerned about the well-being of these young workers, decides to implement specific health and safety regulations tailored to protect them. They issue a notification stating that the bakery must ensure:

The work area is kept clean and free from any health hazards.

Proper disposal systems are in place for waste products and effluents generated by the bakery.

Adequate ventilation is maintained to prevent the buildup of heat, especially near the ovens.

Measures are taken to control dust from flour and fumes from baking, which could be harmful if inhaled.

Drinking water is available and easily accessible to all employees.

The bakery is equipped with proper lighting to ensure a safe working environment.

Latrines and urinals are sanitary and accessible to the adolescent workers.

Any machinery used is fenced off, and adolescents are not allowed to work on or near machinery in motion unless they are properly trained and supervised.

This notification is in accordance with Section 13 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, ensuring that the health and safety of adolescent workers are a priority in the workplace.

PART IV: MISCELLANEOUS

Section 14: Penalties

(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.

(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.

(3) Whoever -

(d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder, shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

Simplified

(1) If someone hires a child or lets a child work illegally (against the rules set out in section 3), they can be sent to jail for at least six months, but up to two years. They can also be fined at least 20,000 rupees, but up to 50,000 rupees. They might face both jail time and a fine. However, the child's parents or guardians won't be punished for this unless they allowed the child to work for business reasons against the rules of section 3.

(1A) If someone hires a teenager or lets a teenager work illegally (against the rules set out in section 3A), they can face the same punishments as for hiring a child: jail for at least six months, but up to two years, or a fine of at least 20,000 rupees, but up to 50,000 rupees, or both. The teenager's parents or guardians won't be punished unless they allowed the teenager to work against the rules of section 3A.

(1B) Even if the rules in (1) and (1A) are broken, the first time it happens, the child's or teenager's parents or guardians won't be punished.

(2) If a person has already been found guilty of hiring a child or teenager illegally and does it again, they can be sent to jail for at least one year, but up to three years.

(2A) If a parent or guardian has already been found guilty of allowing their child or teenager to work illegally and does it again, they can be fined up to 10,000 rupees.

(3) If someone doesn't follow any other rules of this Act or the regulations made under it, they can be put in jail for up to one month or fined up to 10,000 rupees, or both.

Explanation using Example

Imagine a scenario where a local restaurant owner employs a 12-year-old child to work as a dishwasher. This is in direct contravention of section 3 of The Child and Adolescent Labour (Prohibition and Regulation) Act, which prohibits child labor. Upon inspection by the authorities, the restaurant owner is found guilty of employing a child. As a result, the restaurant owner faces legal consequences as outlined in section 14(1) of the Act, which includes imprisonment for at least six months and a fine of at least twenty thousand rupees. However, the child's parents are not penalized in this instance, as it is the first offence and they did not knowingly permit the child to work for commercial purposes.

Section 14A: Offences To Be Cognizable

14A. Offences to be Cognizable - Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed by an employer and punishable under section 3 or section 3A shall be cognizable.

Simplified

Understanding Section 14A - Crimes that Can Be Immediately Acted Upon by Police - This section means that if an employer commits a crime under this law by employing a child or adolescent in a way that's not allowed, the police can take action against the employer without needing a court order. This is true even though other laws might say that the police need a court order first.

Explanation using Example

Imagine a scenario where a factory owner employs a 12-year-old child to work on heavy machinery, which is a clear violation of Section 3 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Since Section 14A states that such offences are cognizable, the police can arrest the factory owner without a warrant, based on the knowledge of the child being employed there, and initiate legal proceedings against the owner.

Section 14B: Child And Adolescent Labour Rehabilitation Fund

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.

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).

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.

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.

Simplified

Simplified Explanation of the Child and Adolescent Labour Rehabilitation Fund:

The government will create a special bank account in each district, or for a couple of districts together, called the Child and Adolescent Labour Rehabilitation Fund. Money collected from fines paid by employers who illegally hired children or adolescents will go into this account.

For every child or adolescent who has been exploited for labor and for whom a fine has been collected, the government will add an extra ₹15,000 to this Fund.

The money in the Fund will be kept in a bank or invested in some way that the government decides is best.

The money that the Fund earns, including any interest, will be given to the child or adolescent it was collected for. The government will set rules for how this will be done. The term "appropriate Government" includes the Central Government, as well as the Administrator or Lieutenant Governor of a Union territory, as explained in the Constitution.

Explanation using Example

Imagine a scenario where a local bakery owner employed a 14-year-old child to work full-time. The employment of the child is in violation of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Upon inspection by the authorities, the bakery owner is fined for this illegal employment. Here's how Section 14B of the Act comes into play:

The fine collected from the bakery owner is credited to the Child and Adolescent Labour Rehabilitation Fund established for the district where the bakery is located.

Additionally, the government adds an amount of fifteen thousand rupees to the Fund for the rehabilitation of the child who was employed at the bakery.

The money in the Fund is then securely deposited or invested by the government.

The child, now removed from work, will receive the accumulated amount and any interest earned when prescribed, to assist in their rehabilitation and possibly support their education or vocational training.

Section 14C: Rehabilitation Of Rescued Child Or Adolescent

14C Rehabilitation of rescued child or adolescent - 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.

Simplified

Helping a child or young person after rescue - If a child or young person was working illegally according to this law and is saved, they must be helped and supported to recover, as per the current laws.

Explanation using Example

Example of Section 14C Application: Imagine a 12-year-old boy named Arjun is found working in a hazardous industry, which is a clear violation of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Once authorities rescue Arjun, they ensure he is rehabilitated according to current laws. This means Arjun might be placed in a special care facility, enrolled in a school, or provided with vocational training, depending on the rehabilitation programs available at the time. The goal is to reintegrate him into society and give him the opportunity for a better future, free from exploitation.

Section 14D: Compounding Of Offences

14D Compounding of offences - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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) If the accused fails to pay such amount for composition of the offence, then, the proceedings shall be continued against such person in accordance with the provisions of this Act.

(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought in writing, to the notice of the Court in which the prosecution is pending and on the approval of the composition of the offence being given, the person against whom the offence is so compounded, shall be discharged.

Simplified

Simplifying "Compounding of Offences" from The Child and Adolescent Labour Act

Settling Offences Out of Court - (1) Even though the usual criminal process says otherwise, a District Magistrate has the power to settle a case out of court. This can happen if someone who has broken the law for the first time, or if a parent or guardian does so, asks for it. The settlement involves paying a certain amount of money to the government, and the exact rules and amount will be specified.

(2) If the person accused of the offence doesn't pay the agreed settlement amount, then the case will go back to being handled through the normal legal process under this Act.

(3) If an offence is settled before any legal action is started, then no legal action will be taken for that particular offence against the person who settled the case.

(4) If the offence is settled after legal action has already started, this settlement needs to be written down and shown to the court handling the case. If the court agrees to the settlement, then the person who settled will no longer be legally charged with that offence.

Explanation using Example

Imagine a scenario where a local shopkeeper is found employing a 13-year-old child as a helper in his grocery store, violating the provisions under The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. This is the first time the shopkeeper has committed such an offence. Upon being caught, the shopkeeper is charged under section 14 of the Act.

Seeking to avoid a criminal trial, the shopkeeper applies to the District Magistrate for compounding the offence, as per Section 14D. The District Magistrate agrees to the compounding of the offence and prescribes an amount to be paid by the shopkeeper as a fine to the appropriate government.

The shopkeeper pays the prescribed amount, and as a result, according to Section 14D(3), no prosecution is initiated against him for this particular instance of employing a child labourer. The offence is treated as compounded, and the shopkeeper is advised to not repeat such illegal activities in the future.

Section 15: Modified Application Of Certain Laws In Relation To Penalties

(1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 14 of this Act and not under the Acts in which those provisions are contained.

(2) The provisions referred to in sub-section (1) are the provisions mentioned below:

(a) section 67 of the Factories Act, 1948 (63 of 1948);

(b) section 40 of the Mines Act, 1952 (35 of 1952);

(c) section 109 of the Merchant Shipping Act, 1958 (44 of 1958);

(d) section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

Simplified

If someone is found guilty of breaking any rules related to child and adolescent labor that are mentioned in another part of this law, they will be punished according to Section 14 of this Child and Adolescent Labour Act. They will not be punished under the laws where those rules originally come from.

The rules we're talking about are listed below:

The rule from Section 67 of the Factories Act of 1948.

The rule from Section 40 of the Mines Act of 1952.

The rule from Section 109 of the Merchant Shipping Act of 1958.

The rule from Section 21 of the Motor Transport Workers Act of 1961.

Explanation using Example

Imagine a factory owner who employs a 14-year-old child to operate heavy machinery, which is a violation of section 67 of the Factories Act, 1948. Upon inspection, authorities find the child working and the owner is charged with the offence. Under Section 15 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the factory owner would not be penalized under the Factories Act, 1948. Instead, the owner would face the consequences laid out in Section 14 of the Child and Adolescent Labour Act, which could include fines and imprisonment specifically designed to address child labour violations.

Section 16: Procedure Relating To Offences

(1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

Simplified

(1) If someone believes an offence related to child labor has occurred, they, a police officer, or an inspector can report it to a court that has the power to hear the case.

(2) If a recognized medical authority issues a certificate stating a child's age, that certificate will be accepted as the truth about the child's age under this law.

(3) Only higher-level courts, such as those of a Metropolitan Magistrate or a Magistrate of the first class, are allowed to handle cases involving child labor offences.

Explanation using Example

Imagine a scenario where a local shopkeeper employs a 12-year-old child to work full-time in his shop. A concerned neighbor, who is aware of the child's age and the work he is performing, decides to take action against this illegal employment under The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. According to Section 16(1) of the Act, the neighbor, even

though not directly related to the child, has the right to file a complaint in a court of competent jurisdiction.

To prove the child's age, a medical certificate from a government hospital is obtained, which indicates that the child is indeed 12 years old. As per Section 16(2), this certificate is accepted as conclusive evidence of the child's age in the court proceedings against the shopkeeper.

The case is brought to the attention of the legal system, and it is determined that only a Metropolitan Magistrate or a Magistrate of the first class can preside over this matter, in line with Section 16(3). Consequently, the case is scheduled to be heard in the appropriate court, ensuring that the matter is dealt with by a qualified judicial officer.

Section 17: Appointment Of Inspectors

The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of this Act and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

Simplified

The government can assign Inspectors to make sure that the rules of this law are followed. Any Inspector given this job will be considered a government worker under the Indian Penal Code.

Explanation using Example

Imagine a scenario where a local manufacturing company is suspected of employing children under the legal working age. The state government, under Section 17 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, appoints an Inspector to investigate the company's compliance with child labor laws. The Inspector visits the company, reviews employment records, and observes the workplace. If they find evidence of underage employment, they can take legal action against the company. As an appointed Inspector, they have the authority of a public servant, which grants them certain legal protections and responsibilities while carrying out their duties.

Section 17A: District Magistrate To Implement The Provisions

The appropriate Government may confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of

this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

Simplified

Simplified Explanation: The government can give a District Magistrate the authority and responsibilities needed to make sure that the rules of this law are followed correctly. The District Magistrate can choose an officer who works under him to use these powers and do these duties within a specific area that will be defined.

Explanation using Example

An example of the application of Section 17A of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 could be as follows:

The state government, observing a high incidence of child labor in a particular district, decides to take action. It authorizes the District Magistrate (DM) to oversee the enforcement of the Act in that district. The DM, in turn, appoints a local Child Protection Officer (CPO) and assigns them the duty of conducting surprise inspections in factories suspected of employing underage workers. The CPO, using the authority given by the DM, finds several children working in a garment factory and takes the necessary steps to remove them from labor, provide them with care, and pursue legal action against the employer for violating the Act.

Section 17B: Inspection And Monitoring

The appropriate Government shall make or cause to be made periodic inspection of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out at such intervals as it thinks fit, and monitor the issues, relating to the provisions of this Act.

Simplified

Checking Workplaces and Keeping Watch - The government in charge will regularly check places where children are not allowed to work and where dangerous work is done. They will decide how often to do these checks and will keep an eye on how well the rules of this law are followed.

Explanation using Example

Imagine a small-scale manufacturing unit that employs several workers, including children, for assembling electronic components—a job categorized under hazardous occupations. As per Section 17B of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the local labor department, which is the appropriate government authority in this context, is required to conduct surprise inspections of this manufacturing unit periodically to ensure that no children are employed there. During one such inspection, they discover that two children under the age of 14 are working with hazardous substances. The labor inspectors report this violation, and the unit is penalized according to the provisions of the Act. Additionally, measures are taken to monitor the unit more closely to prevent further illegal child labor practices.

Section 18: Power To Make Rules

(1) The appropriate Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the conditions and the safety measures under clause (b) of sub-section (2) and other activities under clause (b) to Explanation of sub-section (2) of section 3;

(b) the term of office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 5;

(c) number of hours for which a child may be required or permitted to work under sub-section (1) of section 7;

(d) grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

(e) the other particulars which a register maintained under section 11 should contain.

(f) the manner of payment of amount to the child or adolescent under sub-section (4) of section 14B;

(g) the manner of composition of the offence and payment of amount to the appropriate Government under sub-section (1) of section 14D;

(h) the powers to be exercised and the duties to be performed by the officer specified and the local limits within which such powers or duties shall be carried out under section 17A.

Simplified

Simplified Explanation:

(1) The government can create rules to make this child labor law work. They will announce these rules in an official government publication, but first they'll let people know about them and get feedback.

(2) Specifically, these rules can cover a variety of areas, including:

(a) What safety measures need to be in place for certain types of work that children are allowed to do;

(b) How long the people who run the Technical Advisory Committee can serve, how to replace them if they leave, and how much money they get paid;

(c) How many hours children are allowed to work;

(d) How to get a certificate that proves how old a young person is for work purposes, who can give out these certificates, what they look like, how much they cost, and how to get one without a fee if you have other proof of age;

(e) What information needs to be in a register of child workers;

(f) How to pay children or teenagers if they are owed money under section 14B of the law;

(g) The process for settling cases out of court and how to pay fines to the government;

(h) What powers and responsibilities certain officers have and where they can use them.

Explanation using Example

Imagine a scenario where the state government decides to better regulate the employment of adolescents in a factory setting. To ensure the safety and well-being of these young workers, the government issues a notification to create specific rules under The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

For instance, the rules may stipulate that adolescents can only work a maximum of 6 hours a day, with mandatory breaks every 2 hours. Additionally, the factory must provide safety equipment like gloves and helmets and enforce strict safety protocols to prevent accidents.

To enforce these rules, the government establishes a Technical Advisory Committee to oversee compliance. The committee members, including a Chairman, are appointed for a term of 3 years, and they receive a stipend for their service. If a member resigns, the vacancy is promptly filled to ensure the committee's effective functioning.

Furthermore, the rules may require factories to maintain a detailed register of all adolescent workers, including their hours worked and tasks performed, to ensure that the conditions of employment are transparent and legal.

In case of any infringement of these rules, the government may allow for the offence to be compounded by paying a certain amount as a penalty, thereby avoiding lengthy legal procedures.

This example illustrates how Section 18 of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, empowers the government to create practical rules for the protection and regulation of child and adolescent labor in workplaces.

Section 19: Rules And Notifications To Be Laid Before Parliament Or State Legislature

(1) Every rule made under this Act by the Central Government and every notification issued under section 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification

shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the legislature of that State.

Simplified

(1) Any new rule created by the Central Government or any announcement made under section 4 of this law must be presented to both houses of the Indian Parliament as soon as possible. They need to be reviewed for a total of thirty days, which can happen during one parliamentary session or over several consecutive sessions. If both houses of Parliament decide within the time frame that follows these sessions that they want to change the rule or announcement, or if they decide it shouldn't be implemented at all, then the rule or announcement will only be effective in the changed form or not take effect. However, this won't affect anything that has already been done based on that rule or announcement before the changes or cancellation.

(2) Any new rule made by a State Government under this law must be shown to the state's legislature as soon as it's made.

Explanation using Example

Imagine the Central Government creates a new rule under The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, that specifies stricter penalties for employers who engage child labor in hazardous industries. As per Section 19(1), once this rule is formulated, it must be presented to both the Lok Sabha and the Rajya Sabha. Suppose Parliament is in session for a total of 40 days, split over two sessions—20 days each. This new rule would be placed before both Houses during these 40 days. If, within these sessions, members of both Houses agree that the penalties should be even harsher than proposed, they can modify the rule accordingly. Conversely, if they decide the rule is too strict, they can agree to not implement it at all. Any modifications or the decision to not enforce the rule will not affect any actions already taken under the rule before the change or cancellation.

Similarly, if a State Government in India makes a rule under this Act that mandates compulsory education for children rescued from labor, Section 19(2) requires that this rule be placed before the state's legislative assembly. The

members of the assembly will then have the opportunity to review, suggest modifications, or reject the rule altogether.

Section 20: Certain Other Provisions Of Law Not Barred

Subject to the provisions contained in section 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).

Simplified

This section means that the rules of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 are extra protections that work alongside other laws. Specifically, they add to the protections already in place from the Factories Act of 1948, the Plantations Labour Act of 1951, and the Mines Act of 1952. This Act does not replace or reduce the protections given by those other laws.

Explanation using Example

Imagine a scenario where a 14-year-old child is found working in a factory that manufactures garments. The factory is already governed by the Factories Act, 1948, which sets certain standards for working conditions. The discovery of the child working there would invoke the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. According to Section 20 of this Act, the legal actions taken against the factory owner would not replace or reduce the responsibilities and penalties that are already set out under the Factories Act, 1948. Instead, the factory owner would face additional consequences under both Acts for employing a child laborer, ensuring that the child's rights are doubly protected by both sets of laws.

Section 21: Power To Remove Difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty : Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Houses of Parliament.

Simplified

(1) If there's a problem implementing this child labor law, the Central Government can issue an order to fix it. This order must follow the law's rules and can only be issued within three years of the law being approved by the President.

(2) After the government makes such an order, it must be presented to both Houses of Parliament as soon as possible.

Explanation using Example

Imagine a situation where a new type of employment emerges in the gig economy, which involves children and adolescents in a way not clearly addressed by The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. There is confusion about whether this type of work falls under prohibited activities for children. To clarify this and ensure the protection of children, the Central Government decides to issue an order specifying that this new form of employment is indeed prohibited for children and adolescents under the Act. This order is published in the Official Gazette and is made within three years of the Act receiving the President's assent. Subsequently, the order is presented to both Houses of Parliament to ensure legislative oversight and transparency.

Section 22: Repeal And Savings

(1) The Employment of Children Act, 1938 (26 of 1938) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Simplified

(1) The law from 1938 that used to regulate child labor is no longer valid.

(2) However, anything that was done based on the old 1938 law will still count as long as it doesn't go against the new rules. It's like those actions were taken under the new law instead.

Explanation using Example

Imagine a factory that was inspected in 1985 and found to be in violation of the Employment of Children Act, 1938, for employing underage children. As a result, legal proceedings were initiated against the factory owner. In 1986, the Child and Adolescent Labour (Prohibition and Regulation) Act was enacted, repealing the 1938 Act. Despite the repeal, the legal actions taken against the factory owner under the 1938 Act would continue as if they were initiated under the new 1986 Act, provided they don't conflict with the new Act's provisions.

Section 23 To 26: Repealed

Sections 23 to 26 - Rep by the Repealing and Amending Act, 2001 (30 of 2001), s 2 and the First Schedule (wef 3 9 2001).

Simplified

Sections 23 to 26: These sections have been repealed (removed) by the Repealing and Amending Act of 2001. This means that as of September 3, 2001, these sections are no longer in effect and should not be considered as part of the law.