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## **Approval to move official amendments to the Child Labour (Prohibition & Regulation) Amendment Bill, 2012**

The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi, has given its approval for moving official amendments to the Child Labour (Prohibition & Regulation) Amendment Bill, 2012.

The Official Amendments along with the Amendment Bill 2012 proposes to make the following salient amendments to the Child Labour (Prohibition & Regulation) Act, 1986:-

1. Employment of children below 14 years prohibited in all occupations and processes and age of prohibition of employment linked to age under Right of Children to Free and Compulsory Education Act, 2009. However, an exception has been made:

- a) where the child helps his family or family enterprises, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;
- b) where the child 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 and provided that such work does not affect the school education of the child.

The Cabinet has approved the proposal for prohibition of employment of a child below 14 years. However, while considering a total prohibition on the employment of child, it would be prudent to also keep in mind the country's social fabric and socio-economic conditions. In a large number of families, children help their parents in their occupations like agriculture, artisanship etc. and while helping the parents, children also learn the basics of occupations. Therefore, striking a balance between the need for education for a child and the reality of the socio-economic condition and social fabric in the country, the Cabinet has approved that a child can help his family or family enterprise, which is other than any hazardous occupation or process, after his school hours or during vacation. Also, an exception has been made for a child working as artist in an audio-visual entertainment industry, except the circus, provided that the school education of the child is not affected.

2. A new definition of adolescent has been introduced in the CLPR Act and employment of adolescents (14 to 18 years of age) has been prohibited in hazardous occupations and processes. These provisions would go a long way in protecting adolescents from the employment not suitable to their age.

b) In case of a second or subsequent offence of employing any child or adolescent in contravention of the Act, the minimum imprisonment would be one year which may extend to three years. Earlier penalty for second or subsequent offence of employing any child in contravention of the Act, was imprisonment for a minimum term of six months which may extend to two years.

3. Stricter punishment for employers for violation of the Act has been proposed to act as a deterrent:

a) In case of first offence of employing any child or adolescent in contravention of the Act, penalty would be imprisonment for a term not less than six months but which may extend to two years or with fine not less than Rs.20,000/-, but which may extend to Rs.50,000/- or with both. Earlier penalty for employing any child in contravention of the Act, was imprisonment for term not less than three months but which may extend to one year, or with fine not less than Rs.10,000/-, but which may extend to Rs. 20,000/- or with both.

b) In case of a second or subsequent offence of employing any child or adolescent in contravention of the Act, the minimum imprisonment would be one year which may extend to three years. Earlier penalty for second or subsequent offence of employing any child in contravention of the Act, was imprisonment for a minimum term of six months which may extend to two years.

4. Offence of employing any child or adolescent in contravention of the Act by an employer has been made cognizable. This provision would act as a deterrent against the offence of employing a child or adolescent in contravention of the Act.

5. Punishment for parents/guardians: In the Principal Act, the same punishment was provided for parents/guardians for permitting a child to work in contravention of the Act, as prescribed for the employer of the child. However, taking a realistic view of the socio-economic conditions of the parents/guardians, there would be no punishment in case of a first offence by the parents/guardians and in case of a second and subsequent offence, the penalty would be a fine which may extend to Rs.10,000.

6. Constitution of Child and Adolescent Labour Rehabilitation Fund for one or more districts for the rehabilitation of the child or adolescent rescued. Thus, the Act itself will provide for a fund to carry out rehabilitation activities.

Background:

The Child Labour (Prohibition & Regulation) Act (CLPR Act) 1986 prohibits employment of a child in 18 occupations and 65 processes and regulates the conditions of working of children in other occupations/processes. As per this Act a child means any person who has not completed 14 years of age. The Act provides punishment for the offence of employing or permitting employment of any child in contravention of the provisions of this Act.

The Right of Children to Free and Compulsory Education Act, 2009 enjoins the State to ensure free and compulsory education to all children in the age group of 6 to 14 years. A corollary to this would be that if a child is in the work place, he would miss school. Thus, the CLPR Act is not aligned to the RTE Act as it permits employment of child below 14 years in occupations/processes not prohibited. Further, CLPR Act is not in conformity with the International Labour Organisation (ILO) Conventions 138 and 182, which provide for minimum age of entry into employment and prohibition of employment of persons below 18 years, in work which is likely to harm health, safety and morals.