



F.No.A-42025/2/2004-CL (Vol.IV)
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi-1, Dated 03rd January, 2017

To

- (i) The Central Trade Union Organizations
(As per list attached at Annexure-I)
- (ii) NGOs (As per list attached at Annexure-II)
- (iii) The Employers' Associations
(As per list attached at Annexure-III)
- (iv) The Representative of State Governments
(As per list attached at Annexure-IV)

Subject: Tripartite Consultation Meeting for consideration of draft Child Labour (Prohibition & Regulation) Amendment Rules, 2016, Report of Technical Advisory Committee and Ratification of ILO Convention No.138 & 182 -- to be held on 10.01.2017 - regarding.

Madam/Sir,

It has been decided to hold a Tripartite Consultation Meeting under the chairmanship of Hon'ble MOS (Independent Charge) for Labour & Employment with the representatives of the Central Trade Unions, Employers' Association, NGOs and Central/State Governments on **10.01.2017 (Tuesday) at 11:00 A.M.** in Mirza Ghalib Chamber, SCOPE Convention Centre, CGO Complex, New Delhi on the subject cited above.

2. The agenda items for consideration in the Tripartite Meeting are as under:-

- Draft Child Labour (Prohibition & Regulation) Amendment Rules, 2016 (Copy enclosed. The draft Rules also available on Ministry's website- www.labour.gov.in)
- Ratification of ILO Convention No.138 & 182 (copy enclosed)
- Report of Technical Advisory Committee on review of Schedule of hazardous occupations & processes.

3. In this regard, the Central Trade Unions, Employers' Association, NGOs and Central/State Governments are requested to nominate one delegate/representative each from their respective organization for the Meeting. The non-official outstation delegates are entitled for travelling allowance (air fare – Economy Class-by most direct route-AIR INDIA only). The Non-official delegates have to submit the nomination letter for settlement of TA claims.

4. The Names with complete postal address, email address, telephone & Fax No. of the representatives who will be attending the Meeting, may be sent to this Ministry by Email to dk.himanshu@nic.in or anita.tripathi76@nic.in at the earliest.

5. It is requested to make it convenient to attend the meeting.

Yours faithfully,

Encl: as above


31/1/2017
(Anita Tripathi)

Deputy Secretary to the Government of India
Tele No.23711354

Copy with the request to attend the Meeting

1. All the Members of the Committee.
2. Secretary (L&E)/ AS (L&E)/JS(RA)
3. PS to MOS(IC), L&E/PSO to Secretary (L&E)

CENTRAL TRADE UNION ORGANIZATIONS

S. No	Name and Address of the Organization	Office Bearer
1.	Bhartiya Mazdoor Sangh, Dattopant Thengadi Bhawan, 27, Deendayal Upadhyay Marg, Rouse Avenue, New Delhi-110002. Tel: 011- 23222654, Fax: 011-23212648 Email: bms@indiya.com/bmsdtb@gmail.com	Shri Baij Nath Rai, President
2.	Indian National Trade Union Congress, 'SHRAMIK KENDRA', 4, Bhai Veer Singh Marg, New Delhi-110001. Tel: 011- 23747767/23747768, Fax: 011-23364244 Email: intuchq@del3.vsnl.net.in	Dr. G. Sanjeeva Reddy, President
3.	All India Trade Union Congress, 35-36, D.D.U. Marg, Rouse Avenue, New Delhi-110002. Tel: 011- 23217320, 23220264, Fax: 011-23222427 Email: aitucong@bol.net.in	Shri Ramendra Kumar, President Shri Gurudas Das Gupta, General Secretary
4.	Hind Mazdoor Sabha, 120, Baba Road, New Delhi-110001. Tel: 011- 23413519, Fax: 011-23411037 Email: hms1@gmail.com, hms1@gmail.com	Shri Sharad Rao, President Shri Harbhajan Singh Sidhu, General Secretary
5.	Centre of Indian Trade Unions, B. T. Rannadive Bhawan, 13-A, Rouse Avenue, New Delhi-110002. Tel: 23221306, 23221288, Fax: 23221284 Email: citu@bol.net.in , akpcitu@gmail.com	Dr. A. K. Padmanabhan, President Shri Gurudas Das Gupta, General Secretary
6.	All India United Trade Union Centre (AIUTUC), 77/2/1, Lenin Sarani, Kolkata-700013. Tel: 033-2265-9085, 2249-1828, 2265-3234, Fax: 033-22465605, 22465114, 22467754 Email: utucls@vsnl.net Delhi Address: 3A/38, WEA, Karol Bagh, New Delhi-110005. Tel: 011-25749464 Telefax: 011-25726631 (Coordinator- Mr. Prem Chand- Mob.9868434175)	Shri Krishna Chakraborti, President
7.	Trade Union Coordination Centre (TUCC), Central Committee, Lokhande Bhawan, F-52, Vikash Nagar, Hastashal, Uttam Nagar, New Delhi-110059. Tel: 23714131, 23352273,	Shri SP Tiwary, General Secretary

	Mob.09433031343 (S.P. Tiwary), 09331331343 Email: tucccc@yahoo.co.in & tuccindia@gmail.com	
8.	Self Employed Women's Association (SEWA), SEWA Reception Centre, Opp. Victoria Garden, Bhadra, Ahmedabad-380001, Gujarat. Tel: 079-25506441, 25506444, 25506441, Fax: 079-25506446 Email: mail@sewa.org, sewaunion@gmail.com	Ms. Jyotiben Mecwan, General Secretary
9.	All India Central Council of Trade Union (AICCTU), U-90, Shakarpur, Delhi-110092. Tel: 011- 22521067, Fax: 011-22442790, Email: aicctu@gmail.com	Shri S. Kumarasamy, President
10.	Labour Progressive Federation (LPF), Kalingram, 10, Thiyagaraya Street, North Usman Road, Thiyagaraya Nagar, Chennai-600017. Tel: 044-28143333, Fax: 044-28141122 Email: lpfhqr@gmail.com	Shri M. Shanmugam, General Secretary
11.	United Trades Union Congress, 249, Bipin Behari Ganguly Street, 1 st Floor, Kolkata-700012. Tel: 033-22259234, Telefax: 033-22375609, <u>Delhi Address:</u> 17, Ferozshah Road, New Delhi-110001. Ph.23782167, Fax: 23782342	Shri Abani Roy, General Secretary Email: shadique7@gmail.com
12.	National Front of Indian Trade Unions (Dhanbad), Water Board Colony, Harimandir Road, Hirapur, Dhanbad-826001. Tel: 0326-2310804, Fax: 0326-2310804, Email: nfitunp@gmail.com , contactus@nfitu.org <u>Delhi Address:</u> 5130/5, Main Bazar, Paharganj, New Delhi-110055. Mob.09312765869	Dr. Deepak Jaiswal, President

NGOs

S.No.	Name of the NGO	Address
1.	Prayas Juvenile Aid Centre Society	New Delhi
2.	Pratham	Mumbai
3.	HAQ Centre for Child Rights	New Delhi
4.	Bachpan Bachao Andolan	New Delhi
5.	Justice & Care	New Delhi
6.	Apne Aap	New Delhi
7.	Save the Children	New Delhi
8.	Child Rights and You (CRY)	New Delhi

EMPLOYERS' ORGANIZATION

S.No.	Name of the Organisation	Address
1.	Council of Indian Employers (CIC) - AIOE	All India Organisation of Employers Federation House, Tansen Marg, New Delhi-110001. Ph: 011- 23765083 E-mail- aioe@ficci.com
2.	Council of Indian Employers (CIE)-- SCOPE	1 st Floor, Core-8, SCOPE Complex, 7 Lodi Road, Jawaharlal Nehru Stadium Marg. CGO Complex, Pragati Vihar, New Delhi, DL 110003 Phone:0112436 2604 Email - scopedg@yahoo.com
3.	Council of Indian Employers (CIE)-- EFI	Army & Navy Building, 148, Mahatma Gandhi Road, Mumbai - 400023. Tel.:22814232/4093 E-mail:efisolar@mtnl.net.in, efisolar@gmail.com
4.	All India Manufacturers' Organization (AIMO)	4 th Floor, 'Jeevan Sahakar', Sir P.M.Road, Fort, Mumbai-400 001. Tel: 022-22615858 / 22615959 Fax: 022-22615656 Email: ainzoindia@aimoindia.com National President's - president@aimoindia.com National Gen. Secy E-mail: gs@aimoindia.com
5.	All India Association of Industries (AIAI)	New Excelsior Building, 6th Floor, A.K. Nayak Marg, Fort, Mumbai -- 400 001, Maharashtra, INDIA. Phone: +91-22-22019265 Fax: +91-22- 2201 9764 Email: info@aiaindia.com
6.	Federation of Association of Small Industries of India (FASII)	General Secretary/President (Whoever is authorized) Federation of Association of Small Industries of India (FASII) India (FASII), Laghodyog Kutee, 23-B/2, Guru Gobind Singh Marg (New Rohtak Road), Near Liberty Cinema, New Delhi-110005. Telefax No.28713341 Email:-fasii1959@gmail.com
7.	Indian Council of Small Industries (ICSI)	The President, Indian Council of Small Industries 19/2, Banamali Naskar Road, Kolkata-700060. Fax No.033-23490924, Tele No.033-23491129, 09830411264 (M) Email: pcric@vsnl.com , icsi.kolkata@yahoo.com
8.	Laghu Udhog Bharti (LUB)	Laghu Udhog Bharti (LUB) 1-E/11, Swami Ramtirath Nagar, Jhandewalan Extn., New Delhi-110055. Phone-23625064, 23525052, 41540772 Telefax:23525052 # Email --headoffice@lubindia.com
9.	The Associated Chambers of	The Associated Chambers of Commerce & Industry of India, 5, Sardar Patel Marg, Chankyapuri

	Commerce & Industry of India (ASOCHAM)	New Delhi-110 021. Phone:011-4655 0555 Fax:011-46536481/82 Email- assocham@nic.in
10.	Confederation of Indian Industries (CII)	Confederation of Indian Industry, 23, Institutional Area, Lodi Road, New Delhi-110 003. Phone:24621874, 24626149 Fax:24633168, 24626149, Email:ciico@ciionline.org , info@cii.in
11.	Federation of Indian Chambers of Commerce and Industry (FICCI)	Federation of Indian Chamber of Commerce & Industry, Federation House, Tansen Marg, New Delhi. Phone:23738760-70 FaxNo.23329369 Email:ficci@ficci.com
12.	PHD Chambers of Commerce & Industries (PHDCCI)	4/2, Siri Institutional Area, August Kranti Marg, New Delhi, Delhi 110016, New Delhi, DL 110016 Phone:011 2686 3801 Email- phdcci@phdcci.in
13.	Federation of Indian Micro, Small & Medium Enterprises	
14.	Chamber of Small Industry Associations	

List of Representative of State Governments

1. Secretary (Labour)
UT of Andman & Nicobar Islands
Secretariat, Port Blair-744101.
2. Principal Secretary (Labour)
Govt. of Andhra Pradesh
308, 3rd Floor, L Block Secretariat,
Hyderabad-500022
3. The Secretary (Labour)
Govt. of Arunachal Pradesh
Civil Secretariat, Block No. 9,
Itanagar-791111.
4. The Secretary (Labour)
Govt. of Assam
Block H, 1st Floor,
Dispur, Guwahati-781006
5. Secretary (Labour)
Govt. of Bihar
Vikas Bhawan, Baily Road,
Patna-800015
6. The Secretary (Labour)
Chandigarh Administration
UT Secretariat, Sector-9,
Chandigarh
7. Secretary (Labour)
Govt. of Chhattisgarh
D. K. S. Bhawan, Mantralaya,
Raipur, Chhattisgarh-492001
8. The Secretary (Labour)
UT of Dadra & Nagar Haveli
Silvassa-396230.
9. The Secretary (Labour)
UT of Daman and Diu
Secretariat, MOTI Daman-396220.
10. The Secretary-cum-Commissioner
Office of Labour Commissioner
Govt. of NCT of Delhi
5, Sham Nath Marg, Delhi-110054

11. Secretary (Labour)
Govt. of Goa
New Secretariat Complex,
Porvorim Goa-403501.
12. The Principal Secretary (Labour)
Govt. of Gujarat
Block No. 5, 6th Floor,
New Sachivalaya, Gandhinagar
13. The Principal Secretary (Labour)
Govt. of Haryana
Room No. 606, 6th Floor, Mini Secretariat,
Sector-17, Chandigarh
14. The Principal Secretary (Labour)
Govt. of Himachal Pradesh
A-419, H. P. Government Sectt.,
Shimla-171002
15. The Secretary (Labour)
Govt. of Jammu & Kashmir
Room No. 112, 1st Floor, Civil Secretariat,
Srinagar-190001.
16. The Principal Secretary (Labour)
Govt. of Jharkhand
Nepal House, Doranda,
Ranchi-834002.
17. The Additional Chief Secretary (Labour)
Govt. of Karnataka
Room No. 414, 4th Floor, Vikasa Soudha,
Dr. Ambedkar Veedhi, Bangalore
18. Additional Chief Secretary,
Department of Labour & Skill,
Govt. of Kerala
Room No. 138, 2nd Floor, North Block,
Govt. Sectt., Thiruvananthapuram
19. The Secretary
Deptt. Of Labour, Employment & Training
Lakshdweep Administration
Secretariat, Kavaratti
20. The Principal Secretary (Labour)
Govt. of Madhya Pradesh
Room No. 64, Mantralaya,
Vallabh Bhawan, Bhopal-462004

21. The Principal Secretary (Labour)
Govt. of Maharashtra
Room No. 128, Mantralaya
Mumbai-400032.
22. The Principal Secretary (Labour)
Govt. of Manipur
Manipur Secretariat, South Block,
Imphal-795001.
23. The Principal Secretary (Labour)
Govt. of Meghalaya
Addl. Secretariat Building,
Shillong-793001.
24. The Secretary,
Department Of Labour, Employment & Industrial Training,
Govt. of Mizoram
Upper Republic near Seventh Day Adventist Church,
Aizawl-796001.
25. Secretary (Labour)
Govt. of Nagaland
New Secretariat, Kohima-797001.
26. The Principal Secretary (Labour)
Govt. of Odisha
Shram Bhawan, Kharavel Nagar, near Gurudwara,
Bhubaneswar
27. The Secretary (Labour)
Govt. of Puducherry
B' Block, Ground Floor, Chief Secretariat,
Puducherry-605001.
28. The Principal Secretary (Labour)
Govt. of Punjab
Mini Secretariat, Sector-9,
Chandigarh-160001.
29. The Secretary & Commissioner (Labour)
Govt. of Rajasthan
Room No. 2024, Main Building,
Secretariat, Jaipur-302006
30. The Principal Secretary
Department of Labour
Government of Sikkim
Shram Bhawan, Sokaythang
PO-Tadong, Gangtok-737102

31. The Secretary
Department of Labour
Govt. of Tamil Nadu
Secretariat, Chennai-600009.

32. The Principal Secretary (Labour)
Govt. of Telangana
D-Block, 1st Floor, Room No. 230,
Telangana Secretariat, Hyderabad-500004.

33. The Special Secretary (Labour)
Govt. of Tripura
Civil Secretariat, Agartala-799001

34. The Principal Secretary (Labour)
Govt. of Uttar Pradesh
20-21, Bahukhandi Bhawan,
Sachivalaya, Lucknow-226001.

35. The Secretary (Labour)
Govt. of Uttarakhand
Secretariat, 4, Subhash Road,
Dehradun-248001.

36. The Additional Chief Secretary (Labour)
Govt. of West Bengal
New Secretariat Building, 12th Floor,
1, K.S. Roy Road, Kolkata-700001.

F.No.A-42025/2/2004-CL (Vol.IV)
 Government of India
 Ministry of Labour & Employment
 (Child Labour Section)

Shram Shakti Bhawan, Rafi Marg,
 New Delhi-1, Dated 1st September, 2016

OFFICE MEMORANDUM

Subject: Constitution of Committee for framing of Rules under Child Labour (Prohibition & Regulation) Act, 1986 as amended by Child Labour (Prohibition & Regulation) Amendment Act, 2016 – regarding.

In order to formulate Rules under Section 18 of the Child Labour (Prohibition & Regulation) Act, 1986 as amended by Child Labour (Prohibition & Regulation) Amendment Act, 2016, a Committee has been constituted with the following composition:

- | | | |
|--|-----|---------------------|
| 1. Joint Secretary, Child Labour, Ministry of L & E | --- | Chairman |
| 2. Representative of Ministry of Information & Broadcasting | --- | Member |
| 3. Representative of Office of CLC
(Sh. Rajiv Kumar, DDE, Film Division)
[Sh. Onkar Sharma, DDE] | --- | Member |
| 4. Representative of Ministry of Women & Child Development
[RASHMI SAKENA SAHNI, J.S.] | --- | Member |
| 5. Senior Officer, State Labour Department, Maharashtra
[Sh. Sunil Bagal, DDC] | --- | Member |
| 6. Ms. Helen Sekar, Senior fellow, VVGNLI | --- | Member |
| 7. Shri S. D. Singh, Retired Legal Consultant | --- | Member |
| 8. Deputy Secretary/ Director, Child Labour, Ministry of L & E | --- | Member
Secretary |

2. The terms of reference for the Committee will be as under:-

The Committee is required to frame Rules under following Sections:-

- (i) The conditions and safety measures for child who works as an artist in an audio visual entertainment industry, including advertisement, films, television serial, for any such other entertainment for the sports activity except the circus, under Section 3(2) (b).

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- (ii) Prescribing any other activity which a child as an artist can perform or practice under sub-section (c) of Explanation under 3(2)(b).
- (iii) The manner of payment of amount to the child or adolescent in whose favour the amount is credited in the Child and Adolescent Labour Rehabilitation Fund under sub-section 4 of Section 14 B.
- (iv) The manner and payment of the amount to the appropriate Government for compounding of offence committed for the first time under sub-section(3) of Section 14 or any offence committed by an accused person being parent or guardian; under section 14 D(1).
- (v) 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.
- (vi) Review of existing Rules made on the matter listed under Section 18 of the Principal Act.

Anita Tripathi
11/9/16
(Anita Tripathi)

Deputy Secretary to the Government of India

Tele No.23711354

To

- ✓(i) All the Members of the Committee
- ✓(ii) Secretary, Ministry of Information & Broadcasting
- ✓(iii) Secretary, Ministry of Women & Child Development
- ✓(iv) DG, VVGNI
- ✓(v) Principal Secretary, Labour Deptt., Government of Maharashtra
- ✓(vi) PS to Secretary (L&E) *11/9/16*
- ✓(vii) PS to CLC - *Sudh* *2/9/16*
- ✓(viii) PS to AS (L&E)
- ✓(ix) PS to JS(RA)

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2/9/2016

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2/9/2016

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Draft Child Labour (Prohibition and Regulation) Amendment Rules, 2016

1. (1) These rules may be called the Child Labour (Prohibition and Regulation) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Child Labour (Prohibition and Regulation) Rules, 1988 (hereinafter referred to as the Principal rules), in rule 1, in sub-rule (1), for the words, brackets and figures "the Child Labour (Prohibition and Regulation) Rules, 1988, the words, brackets and figures "the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988" shall be substituted.

3. In rule 2 of the principal rules,-

- (i) for clause (a), the following clause shall be substituted, namely:-
'(a) "Act" means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986)';
- (ii) for clause (b), the following clause shall be substituted, namely:-
'(b) "Committee" means the Technical Advisory Committee constituted under sub-section (1) of section 5 of the Act';
- (iii) after clause (d), the following clause shall be inserted, namely:-
'(dd) "Municipality" means an institution of self-government constituted under article 243Q of the constitution;';
- (iv) after clause (e), the following clause shall be inserted, namely:-
'(ee) "Panchayat" means a Panchayat constituted under article 243B of the constitution;';
- (v) for clause (g), the following clauses shall be substituted, namely:-
'(g) "section" means the section of the Act;
(h) the words and expressions used in these rules, but not defined therein and defined in the Act, shall have the meanings as assigned to them in the Act.'.

4. After rule 2 of the principal rules, the following rules shall be inserted, namely:-

"2A. Prevention of child employment.- To ensure that the children and adolescents are not employed or permitted to work in any occupation or process in contravention to the Act, the Central Government, through appropriate measures, shall –

- (a) arrange public awareness campaigns in media including the television, radio, internet and the print media to make the general public, including the employers and the children and adolescents who may be employed in contravention of the Act to aware the provisions of the Act, and thereby discourage employers or other persons from engaging children and adolescent in any occupation or process in contravention of the provisions of the Act;
- (b) promote reporting of enterprises or instances of employment of children or adolescents in contravention of the Act, by developing and advertising easily accessible means of communication to authorities specified by the Central Government;

- (c) display to the possible extent the provisions of the Act and these rules and other information relating thereto in railway coaches, at railway stations, major bus stations, ports and port authorities, airports and other public places including shopping centers, markets, cinema halls, hotels, hospitals, panchayat offices, police stations, court complexes, and offices of all authorities authorised under the Act;
- (d) promote through appropriate method the inclusion of the provisions of the Act in learning material and syllabus in school education; and
- (e) promote inclusion of training and sensitisation material on the provisions of the Act and the responsibilities of various stakeholders thereto, in police, judicial and civil service academies, teachers training and refresher courses and arrange sensitization programmes for other relevant stakeholders including, panchayat members.

2B. Child to help his family, etc.- (1) Subject to the provisions of section 3, a child without affecting his school education, in any manner, may-

- (a) help his family in his family enterprise, subject to the condition that such help,-
 - (i) shall not be in any hazardous occupation or process listed in Part B of the Schedule;
 - (ii) shall not include work or occupation or process that is remunerative for the child or his family or the family enterprise;
 - (iii) shall only be allowed to help in his family, or in a family enterprise where his family is the occupier;
 - (iv) shall not perform any tasks during school hours or between 7 pm and 8 am;
 - (v) shall not be engaged in such tasks of helping which hinders or interferes with the right to education of the child, or his attendance in the school, or which may adversely affect his education including activities which are inseparably associated to complete education such as homework or any extra-curricular activity assigned to him by the school;
 - (vi) shall not be any engagement which continues more than the period which may make him tired without rest and such rest shall be of at least to fresh his health and mind and a child shall not help for more than three hours excluding the period of rest in a day; and
 - (vii) shall not include in anyway substitution of the child for an adult or adolescent while helping his family or family enterprise;
- (b) aid or assist his family in such manner which is not incidental to any occupation, work, profession, manufacture or business, or for any payment or benefit to the child or any other person exercising control over the child, and which is not detrimental to the growth and development of the child;

Explanation 1.- For the purposes of this rule, for comprising the family of a child, only –

- (a) real brother and sister of the child, or

- (b) brother or sister of the child through lawful adoption by the parents of the child;
and
- (c) real brother and sister of the parents of the child;

shall be included.

Explanation 2.- For the purpose of this rule, an Inspector may seek the clarification from the Central Government, in case of any doubt in respect of 'help' for securing compliance with the provisions of section 3, and shall abide by the clarification so obtained;

2C. Child to work as an artist, etc.- (1) Subject to the provisions of section 3, a child may be allowed to work as an artist subject to the following conditions –

- (a) no child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest;
- (b) any producer of any audio –visual media production or any commercial event involving the participation of a child, shall involve a child in participation only after obtaining the permission from the District Magistrate of the district where the activity is to be performed and shall furnish to the District Magistrate before starting the activity an undertaking in Form C and the list of child participants, consent of parents, name of the individual from the production or event who shall be responsible for the safety and security of the child;
- (c) the undertaking referred to in clause (b) shall be valid for six months and shall clearly state the provisions for education, safety, security and reporting of child abuse including,-
 - (i) ensuring facilities for physical and mental health of the child;
 - (ii) timely nutritional diet of the child;
 - (iii) safe, clean shelter with sufficient provisions for daily necessities; and
 - (iv) compliance to all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and against sexual offences;
- (d) appropriate facilities for education of the child to be arranged so as to ensure that there is no discontinuity from his lessons in school;
- (e) one responsible person be appointed for maximum of five children for the production or event, so as to ensure the protection, care and best interest of the child;
- (f) twenty percent of the income earned by the child from the production or event to be directly deposited in a fixed deposit account in a nationalised bank in the name of the child which may be credited to the child on attaining majority; and
- (g) no child shall be made to participate in any audio visual and sports activity against his will and consent.

(2) For the purposes of clause (c) to the explanation of sub-section (2) of section 3, the expression “such other activity” contained therein, shall mean –

- (i) any activity where the child himself is participating in a sports competition or event or training for such sports competition or event;
- (ii) cinema shows on television, internet, radio or any other media including reality shows which includes quiz shows and talent shows;
- (iii) drama serials;
- (iv) participation as anchor of a show or events; and
- (v) any other artistic performances which the Central Government permits in individual cases.”.

5. After rule 15 of the principal rule, the following rules shall be inserted, namely:-

“15A. Hours of work – Subject to the provisions of section 7, no adolescent shall be required or permitted to work in an establishment in excess of such number of hours of work as is permissible under the law for the time being in force regulating the hours of work of the adolescent in such establishment.”.

6. In sub-rule (1) of rule 16 of the principal rules, for the word “children”, the word “adolescent” shall be substituted.

7. After rule 16 of the principal rules, the following rule shall be inserted, namely:-

“16A. The manner of payment of amount to the child or adolescent under sub-section (4) of section 14B, etc.,- (1) The amount credited to the Fund constituted under sub-section (1) of section 14B and deposited or invested, as the case may be, under sub-section (3) of that section, and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner, namely:-

- (i) the Inspector or the nodal officer having jurisdiction shall, under his supervision, ensure that an account of such child or adolescent is opened in a nationalised bank and inform the bank in which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of section 14B;
- (ii) the interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be bi-annually transferred to the account of the child or adolescent, as the case may be, by the bank or officer referred to in clause (i) under information to the Inspector referred to therein;
- (iii) when the concerned child or adolescent completes the age of eighteen years, then, as soon as may be possible forthwith, the total amount in his favour remaining in the bank or remaining so invested under sub-section (3) of section 14B shall be transferred to the account of child or adolescent, as the case may be; and
- (iv) the Inspector referred to in clause (i) shall prepare a report of the amount transferred under clause (ii) and clause (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the Central Government for information.

(2) Subject to the direction of the Court, any amount recovered in accordance with the Judicial pronouncement in favour of a child or adolescent in respect of the contravention of the provisions of the Act shall also be deposited in the Fund referred to in sub-rule (1) and shall be spent in accordance with such pronouncement.”.

8. In rule 17 of the principal rules, for sub-rule (1), the following sub-rules shall be inserted, namely:-

“(1) All adolescent employed in any of the occupations set-forth in the schedule, shall produce a certificate of age from the appropriate medical authority, required to do so by an Inspector.

(1A) The appropriate medical authority shall, while examining an adolescent for issuing the certificate of age under sub-rule (1), take into account –

- (i) the Aadhar Card of the adolescent; and in the absence thereof;
- (ii) the date of birth certificate from school or the matriculation or equivalent certificate from the concerned examination Board of the adolescent, if available; and in the absence thereof;
- (iii) the birth certificate of the adolescent given by a corporation or a municipal authority or a panchayat;

and only in the absence of the methods specified in clauses (i) to (iii), the age shall be determined by such medical authority through an ossification test or any other latest medical age determination test and such test shall be conducted on the order of appropriate authority specified by the Central Government in this behalf and such determination shall be completed within fifteen days from the date of such order. ”.

9. After rule 17 of the principal rules, the following rules shall be inserted, namely:-

“17A. Any person who may file a complaint for commission of the offence under sub-section (1) of section 16 may include school teachers and representatives from school management committee who shall be sensitised to file complaint in the event that any of students in their respective schools is employed in contravention to the provisions of the Act.

17.B. Manner of compounding the offence.- (1) An accused person,-

- (i) who commits an offence first time under sub-section (3) of section 14; or
- (ii) who being parent or a guardian, commits an offence under section 14;

may file application to the District Magistrate having jurisdiction for compounding the offence under sub-section (1) of section 14D.

(2) The District Magistrate shall after hearing the accused person and the Inspector concerned on application filed under sub-rule (1) dispose of the application and if application is allowed, issue the certificate of compounding subject to –

- (i) the payment of a sum of fifty percent of the maximum fine provided for such offence within a time specified in such certificate; or

- (ii) the payment of an additional sum of twenty-five percent of the maximum fine provided for such offence together with the compounding amount specified under clause (i), if the accused person fails to pay the compounding amount under that clause within time and such delayed payment shall be made within the period specified for such purpose in the certificate of compounding.

(3) The compounding amount shall be paid by the accused person to the Central Government.

(4) If the accused person fails to pay the compounding amount under sub-rule (2), then, the proceeding shall be continued as specified under sub-section (2) of section 14D.

17C. Duties of District Magistrate. - (1) The District Magistrate shall –

- (i) specify such officers subordinate to him, as he considers necessary, to be called the nodal officers, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the Central Government under section 17A and the District Magistrate may, as he thinks appropriate, assign such powers and duties to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate officer;
- (ii) preside over as chairperson of the Task Force to be formed in a District consisting of –
 - (a) Inspector appointed under section 17 by Central Government for the purposes of his local limit of jurisdiction;
 - (b) Superintendent of police for the purposes of his local limit of jurisdiction;
 - (c) Additional District Magistrate for the purposes of his local limit of jurisdiction;
 - (d) Nodal officer referred to under clause (i) for the purposes of his local limit of jurisdiction;
 - (e) Deputy Labour Commissioner for the purposes of his local limit of jurisdiction;
 - (f) two representatives each from a voluntary organisation involved in rescue and rehabilitation of employed children in the district on rotation basis for a period of two years;
 - (g) a representative of the District Legal Services Authority to be nominated by the District Judge; and
 - (h) a member of the District Anti Trafficking Unit;
 - (i) Chairperson of the Child Welfare Committee of the District;
 - (j) Child Labour Protection Officer in the District under the Integrated Child Protection Scheme of the Ministry of the Government of India dealing with women and child development;
 - (k) Any other person nominated by the District Magistrate;
 - (l) the Secretary of the Task Force who shall be any nodal officer referred to in clause (i) and nominated by the Chairperson.

(2) The Task Force referred to in clause (ii) of sub-rule (1) shall meet at least once in every month and shall make a comprehensive action plan for conducting the rescue operation taking into account the time available, point of raid in accordance with the law for the time being in force, confidentiality of the plan, protection of victims and witnesses and the interim relief in accordance with the guidelines for rescue and repatriation issued by the Central Government from time to time and the Task Force shall also cause to upload the minutes of such meeting on the portal created for such purpose by the Central Government.

(3) Apart from the duties referred to in sub-rule (1), the District Magistrate shall ensure through Nodal officers referred to in clause (j) of that sub-rule that the children and adolescent who are employed in contravention of the provisions of the Act and rescued shall be rehabilitated,

(a) in accordance with the provisions of –

- (i) the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and the rules made there under;
 - (ii) the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);
 - (iii) the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016;
 - (iv) any National Child Labour Project;
 - (v) any other law for the time being in force under which such children or adolescents may be rehabilitated; and
- (b) subject to the direction of the concerned court and in accordance with the judicial pronouncements;
- (c) the guidelines for rescue and repatriation issued by the Central Government from time to time in this regard.

17D. Duties of Inspectors.- An Inspector appointed by the Central Government under section 17, for the purposes of securing compliance with the provisions of the Act, shall

–

- (i) comply with the norms of inspection issued by the Central Government from time to time;
- (ii) comply with the instructions issued by the Central Government from time to time for the purposes of securing the compliance with the provisions of the Act by the Inspector; and
- (iii) report the Central Government quarterly regarding the inspection made by him for the purposes of securing the compliance with the provisions of the Act and the action taken by him for such purposes.

17E. Periodical inspection and monitoring for the purposes of section 17B etc.- The Central Government shall create a system of monitoring and inspection for carrying into effect the provisions of section 17 which may include inter-alia –

- (i) the number of periodical inspection to be conducted by the Inspector of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out;
- (ii) the intervals at which an Inspector shall report to the Central Government complaints received to him relating to the subject matter of inspection under clause (i) and the details of action taken by him thereafter;
- (iii) maintenance of record electronically or otherwise of-
 - (a) children and adolescent found to be working in contravention of the Act including children who are found to be engaged in family or family enterprises in contravention of the Act;
 - (b) number and details of the offences compounded;
 - (c) details of compounding amount imposed and recovered; and
 - (d) details of rehabilitation services provided to children and adolescent under the Act.”.

10. In Form A appended to the Principal rules, in column heading of column 2, for the words “Name of child”, the words “Name of adolescent” shall be substituted.

11. After Form B appended to the Principal rules, the following Form shall be inserted, namely:-

“FORM C

[See Rule 2C(b)]

Undertaking under Rule 2C(b) of the
Child Labour (Prohibition and Regulation) Rules, 1988

I Producer of An
audio visual media production/organizer of
..... A commercial event, involving the
participation of the following child/children, namely:-

S.No. Address	Name of the Child/ Children	Parent’s/Guardian’s Name
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do hereby undertake that in the course of the involvement of the above mentioned child/children in the event(specify the event),

there shall be no violation of any provision of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Child and Adolescent Labour (Prohibition & Regulation) Rules, 1988 and full care shall be taken of the physical and mental health and other requirements of the child/children so that he/they should not feel any inconvenience. I also undertake that during the event all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and legal provisions against sexual offences would be complied.

Dated:.....

Name and Signature "

F.No.

(.....)

Joint Secretary to the Government of India

Note.- The principal rules were published in the Gazette of India extra-ordinary vide G.S.R 847(E) dated 10.08.1988.

C138 - Minimum Age Convention, 1973 (No. 138)

Convention concerning Minimum Age for Admission to Employment (Entry into force: 19 Jun 1976) Adoption: Geneva, 58th ILC session (26 Jun 1973) - Status: Up-to-date instrument (Fundamental Convention).

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

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Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

- 1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
- 2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
- 3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
- 4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
- 5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement--
 - (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

- 1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

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- 2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
- 3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

- 1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
- 2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
- 3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

- 1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
- 2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
- 3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and

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plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

- 4. Any Member which has limited the scope of application of this Convention in pursuance of this Article--
 - (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
 - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of--

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

- 1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--
 - (a) not likely to be harmful to their health or development; and
 - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

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- 2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.
- 3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
- 4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

- 1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
- 2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

- 1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
- 2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
- 3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

- 1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age

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(Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

- 2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
- 3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
- 4. When the obligations of this Convention are accepted--
 - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

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- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

- 5. Acceptance of the obligations of this Convention--
 - (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
 - (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
 - (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

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- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 13

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

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- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000) Adoption: Geneva, 87th ILC session (17 Jun 1999) - Status: Up-to-date instrument (Fundamental Convention).

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

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Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term **child** shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term **the worst forms of child labour** comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

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- (c) 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;
- (d) 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.

Article 4

- 1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
- 2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
- 3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

- 1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
- 2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

- 1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
- 2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

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- (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
- 3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

- 1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
- 2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

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- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
- 2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

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- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.