

**THE CHILD AND ADOLESCENT LABOUR (PROHIBITION AND  
REGULATION) (GUJARAT AMENDMENT) BILL, 2020.**

**GUJARAT BILL NO. 25 OF 2020.**

***A BILL***

*further to amend the Child and Adolescent Labour (Prohibition and  
Regulation) Act, 1986 in its application to the State of Gujarat.*

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Child and Adolescent Labour (Prohibition and Regulation) (Gujarat Amendment) Act, 2020.

**Short title and  
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Amendment of section 14 of 61 of 1986.**      **2.**      In the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 14, - **61 of 1986.**
- (i) in sub-section (1), for the words “fifty thousand rupees”, the words “one lakh rupees” shall be substituted;
- (ii) in sub-section (1A), for the words “fifty thousand rupees”, the words “one lakh rupees” shall be substituted.
- Amendment of section 14D of 61 of 1986.**      **3.**      In the principal Act, in section 14D, in sub-section (1), for the words “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or, as the case may be, the Regional Commissioner of Municipalities” shall be substituted.
- Amendment of section 17A of 61 of 1986.**      **4.**      In the principal Act, in section 17A, -
- (i) for the words “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or, as the case may be, the Regional Commissioner of Municipalities” shall be substituted;
- (ii) in the marginal note, for the word “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or Regional Commissioner of Municipalities” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 provides for prohibition of the engagement of children in certain employments and for regulating the conditions of work of children in certain other employments.

Existing section 3 of the said Central Act was amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016 (35 of 2016) with a view to prohibiting employment of children in all occupations and processes to facilitate their enrolment in schools in view of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 as also section 3A was inserted vide the said Central Amending Act of 2016 to provide for prohibition of employment of adolescents (persons who have completed fourteenth year of age but have not completed eighteenth year) in hazardous occupations and processes and to regulate the conditions of service of adolescents. Sub-section (1) and (1A) of existing section 14 respectively provides for the penalty for contravention of the provisions of said sections 3 and 3A. It is considered necessary to enhance the amount of fine from fifty thousand rupees to one lakh rupees. *Clause 2* of the Bill provides for the same.

Existing section 14D empowers the District Magistrate to compound the offences committed for the first time, under sub-section (3) of section 14 of the said Central Act. Now, it is considered necessary also to empower the Municipal Commissioner or Director of Labour or Regional Commissioner of Municipalities for the said purpose. *Clause 3* of the Bill provides for the same.

Existing section 17A empowers the State Government to confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the said central Act are properly carried out and to empower the District Magistrate to 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 in accordance with the rules made by the State Government. The State Government considers it necessary also to empower the Municipal Commissioner or Director of Labour or Regional Commissioner of Municipalities for the purposes as mentioned in the said section 17A. *Clause 4* of the Bill provides for the same.

This Bill seeks to amend the said Central Act to achieve the aforesaid objects.

**DILIPKUMAR THAKOR ,**

**MEMORENDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative power in the following respect:-

**Clause 1.-** Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the Act shall come into force.

The delegation of power as aforesaid is necessary and is in normal character.

Dated the 18<sup>th</sup> September, 2020.

**DILIPKUMAR THAKOR.**

*ANNEXURE***EXTRACT FROM THE CHILD AND ADOLESCENT LABOUR  
(PROHIBITION AND REGULATION) ACT, 1986.****( 61 of 1986)**

**Prohibition  
of  
employment  
of children in  
any  
occupation  
and process.**

**3.** (1) No child shall be employed or permitted to work in any occupation or process.

(2) Nothing in sub-section (1) shall apply where the child, — (a) 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; (b) 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 effect the school education of the child.

Explanation.—For the purposes of this section, the expression,

(a) “family” in relation to a child, means his mother, father, brother, sister and father’s sister and brother and mother’s sister and brother; (b) “family enterprises” means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons; (c) “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).

**Prohibition  
of  
employment  
of  
adolescents  
in certain  
hazardous  
occupations  
and  
processes.**

**3A.** 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.

**Penalties.**

**14.** (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) to (3)      XXX                                      XXX                                      XXX

**Compounding  
of offences.**

**14D.** (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) to (4)      XXX                                      XXX                                      XXX

**District  
Magistrate  
to  
implement  
the  
provisions.**

**17A.** 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.

**GUJARAT LEGISLATURE SECRETARIAT**

**GUJARAT BILL NO. 25 OF 2020.**

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**[ SHRI DILIPKUMAR THAKOR,  
MINISTER FOR LABOUR AND  
EMPLOYMENT ]**

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Gazette of 19<sup>th</sup> September, 2020)**

**D.M.PATEL,**  
Secretary,  
Gujarat Legislative Assembly.