

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

**LOK SABHA
UNSTARRED QUESTION NO. 2484
TO BE ANSWERED ON 14.12.2015**

REVISION OF HAZARDOUS OCCUPATIONS

**2484. SHRI DHARAM VIRA:
SHRI TAMRADHWAJ SAHU:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the names and details of the occupations banned under the labour law with a view to prohibiting employment of child labour along with the details of various provisions for penalising the employer of children under the Child Labour (Prohibition and Regulation) Act, 1986;**
- (b) whether the Government proposes to revise the list of hazardous occupations which currently excludes hazardous occupations like handloom, powerloom, fire cracker workshop, rag picking etc.**
- (c) if so, the details thereof and if not, the reasons therefor; and**
- (d) the measures being taken by the Government to ban and all such hazardous occupations including the various steps taken to ensure the complete eradication of child labour in the country?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI BANDARU DATTATREYA)**

(a): Child Labour (Prohibition & Regulation) Act, 1986 prohibits the employment of children below 14 years of age in certain occupations and processes given in Annexure-I. The provisions for Penalties under the Act are at Annexure-II.

(b) & (c): The Child Labour (Prohibition and Regulation) Act, 1986 provides a list of occupations and processes in the Schedule, where employment of children is prohibited. The Schedule already includes the 'Handloom and powerloom industry', 'Manufacture of matches, explosives and fire-works' and 'Rag picking' as prohibited occupations/processes.

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(d): Considering the nature of the problem of child labour, Government is following a multi-pronged strategy. It comprises of statutory and legislative measures, rehabilitation of children withdrawn from work through specific scheme and universal elementary education along with convergence with other schemes for socio-economic development.

A Bill to amend the Child Labour (Prohibition & Regulation) Act, 1986 has been introduced in Rajya Sabha in 2012. The Government has decided to move Official Amendments to the Amendment Bill. The Official Amendments along with the Amendment Bill, inter-alia, covers complete prohibition on employment of children below 14 years, linking the age of prohibition with the age under Right of Children to Free and Compulsory Education Act, 2009 and making the punishment for employer for contravention of the provisions of the Act more stringent.

Government is implementing the National Child Labour Project (NCLP) Scheme under which children rescued/ withdrawn from work in the age group of 9-14 years are enrolled in the NCLP Special Training Centres, where they are provided with bridge education, vocational training, mid day meal, stipend, health care etc. before mainstreaming into formal education system. Children in the age group of 5-8 years are directly linked to the formal education system through a close coordination with the Sarva Shiksha Abhiyaan (SSA).

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF LOK SABHA UNSTARRED QUESTION NO. 2484 FOR ANSWER ON 14.12.2015 BY SHRI DHARAM VIRA AND SHRI TAMRADHWAJ SAHU REGARDING REVISION OF HAZARDOUS OCCUPATIONS.

List of Occupations & Processes prohibited under the Child Labour (Prohibition & Regulation) Act, 1986:

**Part A:
Occupations**

Any occupation connected with -

- (1) Transport of passengers, goods or mails by railway;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- (6) Work relating to selling of crackers and fireworks in shops with temporary licenses;
- (7) Abattoirs/Slaughter Houses;
- (8) Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and powerloom industry;
- (12) Mines (underground and under water) and collieries;
- (13) Plastic units and fibreglass workshops;
- (14) Employment of children as domestic workers or servants;
- (15) Employment of Children in dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres;
- (16) Diving;
- (17) Circus;
- (18) Caring of Elephants;

Part B

Processes

1. Bidi-making;
2. Carpet-weaving including preparatory and incidental process thereof;
3. Cement manufacture, including bagging of cement;
4. Cloth printing, dyeing and weaving including processes preparatory and incidental thereto;
5. Manufacture of matches, explosives and fire-works;
6. Mica-cutting and splitting;
7. Shellac manufacture;
8. Soap manufacture;
9. Tanning;
10. Wool-cleaning;
11. Building and construction industry including processing and polishing of granite stones;
12. Manufacture of slate pencils (including packing);
13. Manufacture of products from agate;
14. Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos;
15. "Hazardous processes" as defined in Sec. 2 (cb) and 'dangerous operation' as notified in rules made under section 87 of the Factories Act, 1948 (63 of 1948)
16. Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)
17. Cashew and cashewnut descaling and processing;
18. Soldering processes in electronic industries;
19. 'Aggarbatti' manufacturing.
20. Automobile repairs and maintenance including processes incidental thereto, namely, welding, lathe work, dent beating and painting;
21. Brick kilns and roof tiles units;
22. Cotton ginning and processing and production of hosiery goods;
23. Detergent manufacturing;
24. Fabrication workshops (ferrous and non ferrous);
25. Gem cutting and polishing;
26. Handling of chromite and manganese ores;
27. Jute textile manufacture and coir making;
28. Lime Kilns and Manufacture of Lime;
29. Lock Making;
30. Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing;
31. Manufacture of cement pipes, cement products and other related work;
32. Manufacture of glass, glassware including bangles, fluorescent tubes, bulbs and other similar glass products;
33. Manufacture of dyes and dye stuff;
34. Manufacturing or handling of pesticides and insecticides;
35. Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry;
36. Manufacturing of burning coal and coal briquettes;

37. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;
38. Moulding and processing of fiberglass and plastic;
39. Oil expelling and refinery;
40. Paper making;
41. Potteries and ceramic industry;
42. Polishing, moulding, cutting, welding and manufacture of brass goods in all forms;
43. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
44. Saw mill – all processes;
45. Sericulture processing;
46. Skinning, dyeing and processes for manufacturing of leather and leather products;
47. Stone breaking and stone crushing;
48. Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form;
49. Tyre making, repairing, re-treading and graphite beneficiation;
50. Utensils making, polishing and metal buffing;
51. 'Zari' making (all processes)';
52. Electroplating;
53. Graphite powdering and incidental processing;
54. Grinding or glazing of metals;
55. Diamond cutting and polishing;
56. Extraction of slate from mines;
57. Rag picking and scavenging;
58. Processes involving exposure to excessive heat (e.g. working near furnace) and cold;
59. Mechanised fishing;
60. Food Processing;
61. Beverage Industry;
62. Timber handling and loading;
63. Mechanical Lumbering;
64. Warehousing;
65. Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries, and agate industry.

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Penalties prescribed under Child Labour (Prohibition and Regulation) Act, 1986

(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 three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever-

(a) fails to give notice as required by section 9; or

(b) fails to maintain a register as required by section 11 or makes any false entry in any such register; or

(c) fails to display a notice containing an abstract of section 3 and this section as required by section 12; or

(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.
