

NOTIFICATION

In exercise of the power conferred by section 18, read with section 13, of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 18 of the said Act, the following rules :—

THE WEST BENGAL CHILD LABOUR (PROHIBITION AND REGULATION) RULES, 1995.

1. **Short title, extent and commencement.** — (1) These rules may be called the West Bengal Child Labour (Prohibition and Regulation) Rules, 1995.
 - (2) They extend to the whole of West Bengal.
 - (3) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**—In these rules, unless there is anything repugnant in subject or context,—
 - (a) "the Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) ;
 - (b) "Form" means a Form appended to these rules ;
 - (c) "machinery" includes prime movers, transmission machinery and all other appliances whereby power is generated, transferred, transmitted or applied ;
 - (d) "prime mover" means any engine, motor or other appliance which generally or otherwise provides power ;
 - (e) "transmission machinery" means any shaft, wheel, drum, pulley, system of pulleys, coupling clutch, driving belt of other appliance or device by which the motion of a prime mover is transmitted to, or received by, any machinery or appliance ;
 - (f) "register" means the register required to be maintained under these rules ;
 - (g) "section" means a section of the act ;
 - (h) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.
3. **Working hours.** — (1) Save as otherwise expressly provided in the Act, no child shall be required or permitted to work in an establishment for more than 5 hours in a day and 30 hours in a week, but nothing in this rule shall be in derogation of the provisions of the Factories Act, 1948 (63 of 1948) or the Plantations Labour Act, 1951 (69 of 1951) or the rules made thereunder.
 - (2) Notwithstanding anything in sub-rule (1), the working hours shall be so fixed as to provide the child labour with a reasonable opportunity to take formal or informal education.
4. **Health and sanitation.** — In every establishment where a child labour is employed,—
 - (a) the premises shall be kept clean, well ventilated and well illuminated ;
 - (b) the premises shall be kept in normal hygienic condition and the occupier of the premises shall maintain good sanitation ;
 - (c) there shall be an arrangement for half-yearly health check-up of every child labour by a qualified medical practitioner at the cost of the occupier ; and
 - (d) the report of such medical check-up shall be properly maintained.
5. **Drinking water.** — In every establishment where a child labour is employed, proper arrangement shall be made to provide sufficient supply of wholesome drinking water at all times.
6. **Fencing of machinery.** — In every establishment where a child labour is employed and where machinery is at work, every part of an electric generator, motor or rotary convertor, every part of

transmission machinery and every dangerous part of any other machinery shall be securely fenced by safeguards of substantial construction and shall be constantly maintained and kept in position while the parts of the machineries they are fencing, are in motion or in use.

7. **Work on or near machinery in motion.**—No child labour shall be allowed to clean, lubricate or adjust any part of a prime mover or of any machinery while it is in motion.

8. **Employment of children on dangerous machines.**—No child labour shall work at any of the following machines :—

- (a) power presses other than hydraulic presses ;
- (b) milling machines used in the metal trades ;
- (c) guillotine machines ;
- (d) circular saws ;
- (e) platen printing machines.

9. **Health and safety.** — All matters relating to health and safety referred to in sub-section (2) of section 13, for which no provision has been specifically provided in these rules, shall be governed by the provisions of Chapters III and IV of the Factories act, 1948 (63 of 1948).

10. **Maintenance of register.**—(1) Every occupier of an establishment shall maintain a register in respect of children, employed or permitted to work in such establishment, in Form A.

(2) The register shall be maintained on a yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

11. **Age certificate.**—(1) The certificate as to the age of any child, referred to in section 10, shall be in form B.

(2) The fee/charge, if any, payable to the medical authority shall be borne by the occupier of the establishment.

(3) The medical authority shall be a registered medical practitioner.

FORM A
[See rule 10(1)]

Year

Name and address of the occupier Place of work

Nature of work being done by the establishment

Sl No.	Name of child	Father's name	Date of birth	Permanent address	Date of joining the establishment	Nature of work on which employed	Daily hours of work	Interval or rest	Wages paid	Remarks
1	2	3	4	5	6	7	8	9	10	11

.....
Signature/Thumb impression of the child with date

.....
Signature of the occupier with date

FORM B
[See rule 11(1)]
Certificate of age

Certificate No.

I hereby certify that I have personally examined (Name)
son/daughter of residing at
and that he/she has completed his/her year and his/her age, as nearly as can be
ascertained from my examination, is years (completed).

His/Her descriptive marks are

Thumb impression/Signature of the examinee

Signature of Medical Authority

Full name of Medical Authority

Designation

Seal,

By order of the Governor,

P. CHAUDHURI,
*Principal Secy. to the Govt. of West Bengal
and secy., Labour department.*

GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT
LW BRANCH
2, BRABOURNE ROAD, 7TH FLOOR, CALCUTTA - 700 001

No. 124-LW/1A-1/95

Date : 07.02.97

NOTIFICATION

In supersession of this Department Notification No. 898-LW/1A-1/95 dt. 31.10.95 read with Corrigendum No. 1200-LW/1A-1/95 and in exercise of the power conferred by Section 17 of the Child Labour (Prohibition & Regulation) Act, 1986 (hereinafter referred to as the said Act) the Governor is pleased hereby to appoint officers mentioned in Column (1) of the Schedule (hereinafter referred to as the said Schedule) below, to be the Inspectors for the purpose of securing compliance with the provisions of the Act for the local limits mentioned in the corresponding entry in Column (2) of the said Schedule in respect of the "Establishments" and "Workshops" as defined in Section 2 of the said Act and specified in the corresponding entry in Column (3) of the said Schedule.

SCHEDULE

Designation of the inspectors	Local Limits	Establishments and Process
Column 1	Column 2	Column 3
1. Chief Inspector of Factories, Govt. of West Bengal	Whole of West Bengal	All factories ^{registered} <u>requistered</u> under the Factories Act, 1948
2. All Joint Chief Inspectors of Factories, Government of West Bengal	Within their respective jurisdiction	- do -
3. All Deputy Chief Inspectors of Factories, Government of West Bengal	- do -	- do -
4. All Inspectors of Factories, Government of West Bengal	- do -	- do -
5. All Junior Inspectors of Factories, Government of West Bengal	- do -	- do -
6. Labour Commissioner & Chief Inspector, Shpos & Ests., Government of West Bengal	Whole of West Bengal	All other Shops, Establishments, Occupations and Processes not specified under Column (3) against serial No. 1 to 5 above

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|---|--------------------------------------|--------|
| 7. Additional Chief Inspector, Shops & Establishments, Government of West Bengal. | - do - | - do - |
| 8. Deputy Chief Inspector, Shops & Establishments, Govt. of West Bengal | - do - | - do - |
| 9. All Supervising Inspectors, Shops & Establishments, Government of West Bengal | Within their respective jurisdiction | - do - |
| 10. All Inspectors, Shops & Establishments Govt. of West Bengal | - do - | - do - |
| 11. All Addl. Labour Commissioners, Government of West Bengal | Whole of West Bengal | - do - |
| 12. All Joint Labour Commissioners, Government of West Bengal. | Within their respective jurisdiction | - do - |
| 13. All Deputy Labour Commissioners, Government of West Bengal | - do - | - do - |
| 14. All Assistant Labour Commissioners, Government of West Bengal | - do - | - do - |
| 15. All Inspectors, Minimum Wages, Government of West Bengal | - do - | - do - |
| 16. All Agricultural Minimum Wages Inspectors, Government of West Bengal | - do - | - do - |
| 17. All Labour Inspectors, Govt. of West Bengal. | - do - | - do - |

By Order of the Governor
Sd/-

D.K. DATTA

Deputy Secretary to the Government
of West Bengal