

## **Child Labour (Prohibition and Regulation) Sikkim Rules, 1994.**

### **1. Short title and commencement.-**

- (1) These rules may be called the Child Labour (Prohibition and Regulation) Sikkim Rules, 1994.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.-**

In these rules unless the context otherwise required,

- (a) "Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986);
- (b) "casual" means a child worker whose employment is of casual nature;
- (c) "employer" means the employer as defined in section 2 of the Sikkim Shops & Commercial Establishments Act, 1983;
- (d) "establishment" means an establishment as defined in clause (iv) of section 2 of the Act;
- (e) "Form" means a form appended to these rules;
- (f) "Inspector" means an Inspector appointed under section 17 of the Act;
- (g) "Local authority" means the Urban Development and Housing Department in urban areas and the Zilla Panchayat or the Gram Panchayat in rural areas, and includes any other body which the State Government may, by notification, declare to be the authority for the purposes of this Act;
- (h) "occupier" means occupier as defined in clause (vi) of section 2 of the Act;
- (i) "permanent" means a child worker who has been engaged on a permanent basis and includes any child worker who has satisfactorily completed a probationary period of three months in the same or another occupation in the establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment;
- (j) "Register" means the Register required to be maintained under Section 11 of the Act;
- (k) "Section" means a section of the Act;
- (l) "State Government" means Government of Sikkim;
- (m) "temporary" means a child worker who has been engaged in any work which is of an essentially temporary nature likely to be completed within a limited period;

### **3. Cleanliness in the place of work and its freedom from nuisance:-**

- (1) The work site or place where child Labour is engaged for work shall be swept, washed and dried at least once a day to keep them adequately clean and free from slippery agents or substances giving offensive smell.
- (2) Where the floor of worksite is liable to become wet in the course of any process, effective means of drainage shall be provided maintained.
- (3) No rubbish, filth or the debris shall be allowed to accumulate or remain on or near a site in such position that effluent can arise therefrom.

### **4. Disposal of waste and effluents: -**

- (1) In case of work-site where the child is engaged, the drainage system proposed to be connected to the public sewerage system, prior approval of the arrangement made shall be obtained from the local authority.
- (2) In the case of a worksite situated in a place where no public sewerage system exist, prior approval of the arrangement made for the disposal of waste effluents shall be obtained from the public Health authorities or such authority as the State Government may appoint or this behalf.

### **5. Ventilation and temperate:-**

Effective and suitable provision shall be made in every work premises for securing and maintaining in every workroom, adequate ventilation by the circulation of fresh air and such a

temperature as will secure to child labour engaged therein reasonable conditions of comfort and prevent injury to health.

**6. Lighting:-**

- (1) The place of every worksite shall be provided and maintained with sufficient and suitable lighting, natural or artificial or both.
- (2) An efficient portable electric battery or torch with an efficiently protected bulb shall be available in a suitable place for emergency lighting.

**7. Drinking Water:-**

- (1) The drinking water provided for drinking at the worksite shall be supplied
  - (i) from the taps connected with public water supply system ; or
  - (ii) from any other source approved in writing by the Health Officer.
- (2) If drinking water is not supplied by the sources mentioned in sub-rule (1), it shall be kept in suitable vessels and renewed at least daily. All practicable steps shall be taken to preserve the water and vessels free from contamination and to keep the vessels scrupulously clean.

**8. Latrine and Urinals:-**

- (1) Latrine and Urinals shall be provided separately for males and females and shall be situated so as to be conveniently accessible in every work site in sufficient number for the use of child at all times. The walls, ceiling and partitions of every latrine and urinals shall be made of glazed tiles as far as practicable and whenever they are not made of glazed tiles, they shall be whitewashed or colour-washed once in every month.
- (2) All latrine and urinals provided shall be adequately lighted, ventilated and at all times maintained in clean and sanitary condition.
- (3) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

**9. Spittoons:-**

- (1) The spittoons shall be either of the following types, namely:-
  - (i) a galvanized iron container with a conical funnel-shaped cover, a layer of suitable disinfectant liquid shall always be maintained in the container: or
  - (ii) a container filled with dry cleaned sand and covered with layer of bleaching powder.
- (2) The spittoons mentioned under sub-rule (1) shall be emptied, cleaned and disinfected at least once in every day.

**10. Excessive weight:-**

No child shall be permitted to lift, carry or move by hand or head any weight exceeding the maximum limit of ten kilogram.

**11. Protection of eyes:-**

Effective screens or suitable goggles shall be provided for the protection of children in any work site where they are employed in or in the vicinity of processes which involve risk of injury to the eyes from particles or fragments thrown off during the process or which involve risk of injury to the eyes by reason of exposure to excessive light.

**12. Explosive or inflammable dust, gas etc:-**

Every worksite where child workers are employed, shall be free from any inflammable substance or explosive gas or dust.

**13. Precautions in case of fire:-**

- (1) Every worksite shall be provided with adequate means of escape in case of fire for the children employed therein and these means of escapes are so positioned that each child will have reasonable fair and unobstructed passage from his work site to those exists.

- (2) No exit intended to be used in case of fire shall be less than two and half feet in width nor less than five feet six inches in height.
- (3) Every work site shall be provided and maintained with all possible fire extinguishing' appliances at all times.

**14. Safety of building and machinery:-**

Adequate measures shall be provided for proper safety of building and machineries where child is engaged.

**15. Hours and period of work:-**

- (1) No child shall be permitted to work in any establishment or class of establishment more than two and half hours before he has had an interval for rest for at least or and half hours.
- (2) No child shall be permitted to work more than six hours including the interval for rest or any day.

**16. Weekly holidays:-**

Every child labour shall be entitled to one day in the week as a holiday' and for that holiday, the child labour shall be paid wages at a rate equal to the daily average of his wages for the days on which he has worked during the week immediately preceding the holiday.

**17. Evidence as to age of a child labour:-**

- (1) In respect of a child in an establishment, the Inspector of the /within/area whose jurisdiction the establishments situated may, at any time, in writing require the employer or occupier to produce at his own cost, within such time, not being less than ten days from the date of requisition, one of the following documents showing the age of such child employed, viz. a certified copy of an extract front—
  - (i) the records of any school;
  - (ii) the Birth Register of Local Authority;
  - (iii) certificate granted by any Government Medical and Health Officer.
- (2) In the case of employer's failure to produce either of the document required under sub-rule (1), the Inspector shall, at the cost of the employer, arrange to determine the age of the child labour employed through medical examination by the Chief Medical or Health Officer of the area or by any other competent medical officer not below the rank of Medical or Health Officer or by the certifying surgeon appointed as such under section 7 of the Plantation Labour Act, 1951 or under section 10 of Factories Act, 1948. The Medical Authority shall issue his certificate in Form I.

**18. Registers:-**

Every Employer or occupier shall be required to maintain in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing the particulars in Form II.

**19. Return:-**

- (1) Every employer or occupier shall furnish to the Inspector on or before the 15<sup>th</sup>. January of every following year, the annual return ending 31<sup>st</sup>. December of the preceding year in Form III in duplicate who will submit the same to the Labour Commissioner on or before 31<sup>st</sup>. January.
- (2) The Labour Commissioner shall he required to submit the said annual return to the State Government within 15<sup>th</sup>. February of the year after compilation.

**20. Interpretation:-**

If any difficulty arises so to interpretation of these rules the decision of the State Government thereon shall be final.

**FORM I**  
**CERTIFICATE OF AGE**  
(See rule 17 (2) )

Certificate No .....

I hereby certify that I have personally examined (Name).....

son/daughter of .....

residing at... ..and that he/she has completed his/her fourteenth year

and his/her age is nearly as can be ascertained from my examination, is..... years

(completed). His/her description marks are ..... Thumb impression/Signature of Child

.....

Medical Authority  
Designation

PLACE .....

DATE .....

**FORM II**  
**( See Rule )**

Year \_\_\_\_\_

Name and address of employer \_\_\_\_\_

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
1	2	3	4	5	6

Nature of work on which employed	Daily hours of work	Intervals of rest	Wages period	Remark
7	8	9	10	11

