

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.4/3/2023/SDR/Vol.X

Dated: 5<sup>th</sup> February, 2024

To,

1. The Chief Secretaries of all the States & Union Territories
2. The Chief Electoral Officers of all States & Union Territories
3. All Recognized National and State Political Parties.

**Subject: General Election and Bye election to Lok Sabha and State Legislative Assemblies – (i) Engagement of Child Labour and (ii) Engagement of Child in Election related activities-reg.**

**Reference: Election Commission's Instructions No. and date**

1. No.464/INST/2009/EPS dated 1<sup>st</sup> May, 2009,
2. No.464/INST/2013/EPS dated 2<sup>nd</sup> May, 2013,
3. No.464/INST/2013-EPS dated 6<sup>th</sup> November, 2013,
4. No.464/INST/2013-EPS dated 16<sup>th</sup> September, 2014 and
5. No. 464/INST/2017-EPS dated 1<sup>st</sup> May, 2017.

Madam/Sir,

I am directed to refer to the letters mentioned above on the subject cited and to say that Section 3(1) of the Child Labour (Prohibition and Regulation) Act, 1986 as amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016 provides that no child [defined u/s 2(ii)] shall be employed or permitted to work in any occupation or process. The said Section 3(1) is reproduced as under: -

*"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 enterprise" 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)."*

2. The Child Labour (Prohibition and Regulation) Act, 1986 also provides the provisions to regulate the conditions of work of children in certain other employment and penalties for violation of the law.
3. As regards involvement of minor children in election related activities, the Hon'ble Bombay High Court in its Order dated 4th August, 2014 in PIL No. 127 of 2012 (Chetan Ramlal Bhutada Vs. State of Maharashtra and others), stressed the need to ensure that political parties do not allow participation of minor children in any election related activities.
4. The Commission has always taken strong exception to use of children in any way in election related work and has issued instructions in this regard from time to time. The Election Commission of India had directed that no child should be involved in election process by political parties and election officials.
5. In supersession of all the existing instructions on the subject regarding Child Labour and keeping in view of the Child Labour (Prohibition and Regulation) Act, 1986 and the Child Labour (Prohibition and Regulation), Amendment Act, 2016, the Commission has decided to issue the following consolidated instructions for compliance of all electoral authorities and political parties/candidates in future.

**(a) For Election Machinery:**

(i) All Election Officials/machinery should refrain from involving child labour in any election related work/activities.

(ii) The District Election Officers/Returning Officers shall be personally responsible for any such violation of Acts/laws by election machinery and will face severe disciplinary action apart from facing the consequences of law, if any such instance comes to the notice of the Commission.

**(b) For Political Parties/Candidates and their agents/representatives etc:-**

(i) All the political parties/candidates should refrain from involving child labour in any election related work/activities and ensure that there is no violation of any provision of the Child Labour (Prohibition and Regulation) Act, 1986 as amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

(ii) Extant guidelines of the National Commissions for Protection of Child Right (NCPCR) shall be complied by all the political parties/candidates/election agents/polling/counting agents during the elections.

(iii) Political parties are directed not to use children in election campaign/rallies/ in any form whatsoever including distribution of posters/pamphlets or to participate in slogan shouting, campaign rallies, election meeting etc.

Note 1: However, mere presence of a child accompanied by his/her mother/father/guardian or a child in arms of his/her mother/father/guardian in proximity of a political leader and “who is not been involved in any activity relating to election campaigning by the political party”, will not be construed as violation of the above said guidelines.

Note 2: It is clarified to obviate any doubt that all political leaders/candidates should not use children for campaign/canvassing/rallies/yatras etc. in any manner, including holding a child in their arms, carrying a child in their vehicles or making child a part of election campaign/rallies etc. Further, use of child to create semblance of political campaign

either by spoken words/poem/songs, display of insignia of political party/candidate, exhibiting ideology of political party, promoting achievements of a political party or criticizing the opponent political parties/candidates shall not be resorted to.

6. The above may be brought to the notice of all concerned for strict compliance in letter and spirit.

Yours faithfully



(S. B. Joshi)

**Principal Secretary**