
(2015) 05 PAT CK 0065

In the Patna High Court

Case No : Criminal Miscellaneous Petition No. 8655 of 2013

Zubair Alam

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 06-05-2015

Acts Referred:

Child Labour (Prohibition and Regulation) Act, 1986 — Section 14, 14(1), 3

Citation : (2015) 146 FLR 244

Hon'ble Judges : Dharnidhar Jha, J

Bench : Single Bench

Advocate : Mayanand Jha, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Dharnidhar Jha, J—The petition seeks the quashing of order of cognizance dated 27.7.2012 passed by the learned Chief Judicial Magistrate, Samastipur in G.O. Case No. 44 of 2012 by which he took cognizance of the offence under section 14(1) of the Child Labour (Prohibition and Regulation) Act, 1986 ("the Act" for short). It appears that an inspection of M/s. Golden Patna New Bakery belonging to Md. Zubair Alam the petitioner situated at Rajdhani Road, Tajpur within P.S. Tajpur, District Samastipur was held on the 4th of January, 2012 at 1 P.M. and two children, namely, Md. Raja, aged 10 years and Md. Shoaib, aged 11 years were found working there as employees. The Labour Enforcement Officer-cum-Inspector under the Act made report to the Labour Enforcement Officer, Tajpur and on that basis an official complaint was filed upon which the impugned order was passed.

2. Section 14 punishes the violation of any of the provisions of section 3 of the Act. Section 3 of the Act reads as under:

"3. Prohibition of employment of children in certain occupations and processes.-- No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes

set forth in Part B of the Schedule is carried on:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government."

3. Thus, if any child is employed or is permitted to work in any of the occupations either in Part A or Part B of the Schedules appended to the Act, it may amount to violation of the provision and thus, to the commission of an offence punishable under section 14 of the Act. I have perused the Schedules and I found that Part B of it at Item No. 60 contains "Food Processing" and a bakery definitely is a food processing unit or organization and as appears prima facie from prosecution report as also the statements of the two children appended with the prosecution report that they had been employed as employees in the above industry. Thus, I find that there is no need to interfere with the order passed by the learned Chief Judicial Magistrate, Samastipur dated 27.7.2012 in G.O. Case No. 44 of 2012. The petition is dismissed.

Order of stay granted earlier or passed earlier is hereby vacated.