

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1932**

**The Children Pledging of
Labour Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1932.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Partnership Bill.	26.1.32.	
2.	The Wire and Wire Nail Industry (Protection) Bill.	15.2.32.	
3.	The Bamboo Paper Industry (Protection) Bill.	16.2.32.	
4.	The Bengal Criminal Law Amendment (Supplementary) Bill.	22.2.32.	
5.	The Sugar Industry (Protection) Bill.	23.2.32.	
6.	The Foreign Relations Bill.	29.2.32.	
7.	The Indian Air Force Bill.	10.3.32.	
8.	The Ancient Monuments Presentation (Amendment) Bill.	5.4.32.	
9.	The Port Haj Committees Bill.	5.9.32.	
10.	The Tea Districts Emigrant Labour Bill.	5.9.32.	
11.	The Code of Criminal Procedure (Amendment) Bill.	12.9.32.	
12.	The Children Pledging of Labour Bill.	19.9.32.	
13.	The Criminal Law Amendment Bill.	7.11.32.	
14.	The Indian Merchant Shipping (Amendment) Bill.	14.11.32.	
15.	The Indian Tariff (Ottawa Trade Agreement) Amendment Bill.	12.12.32.	

We, the undersigned Members of the Select Committee, to which the Bill to prohibit the pledging of the labour of children was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We are agreed on certain general principles with regard to the proposed legislation, namely, that a parent or guardian ought not to have liberty to hypothecate the labour of his child and that to this general rule there should be no specific exceptions in favour either of agricultural employment or domestic employment. We also consider that the interests of a child should be the paramount consideration when examining the effect of the provisions of the Bill. We are also agreed that the Bill should declare agreements prohibited therein to be void, as well as providing that the making of such agreements should be an offence. These general conclusions explain to some extent the changes that we have introduced in the Bill.

3. In clause 1 we have extended the Bill to the Sonthal Parganas to which we consider it should extend. We have accordingly re-drafted sub-clause (2) in the usual form of an extent clause extending the Bill to the whole of British India.

Clause 2.—We have introduced a proviso to the definition of "an agreement to pledge the labour of a child" removing from the scope of

that definition agreements of a type which we think it essential to safeguard against the disabilities imposed by the Bill. We have also amended the definition of "guardian", considering the words which we have removed to be unnecessary.

New clause 2A has been introduced in pursuance of the conclusions stated at the beginning of this Report.

Clause 4.—We consider that a penalty of two hundred rupees is sufficient.

Clause 5.—We have amended this clause in order to make it clear that it is only an employer who acts in furtherance of a prohibited agreement in employing a child whose labour has been pledged that is intended to be penalised under the clause. We have also reduced the penalty to the same extent as the penalty provided in clause 4.

4. The question was raised whether the provisions of the Act could operate retrospectively. We do not desire them to do so, and we recognise that no alteration or addition in the Bill is necessary to prevent them doing so.

5. The Bill was published in the Gazette of India, dated the 10th September, 1932.

6. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

H. S. GOUR.

F. NOYCE.

*LALCHAND NAVALRAI.

M. MUZZAM.

†S. G. JOG.

B. L. RASTOGI.

L. GRAHAM.

MOHD. AZHAR ALI.

*M. MASWOOD.

N. M. JOSHI.

†B. R. PURI.

A. G. CLOW.

ABDUL MATIN CHAUDHURY.

S. C. MITRA.

K. P. THAMPAN.

GAYA PRASAD SINGH.

SIMLA,

The 17th September, 1932.

* Subject to a Note.

† Subject to a Minute of Dissent.

NOTES.

The burden of proof must be on the Prosecution.

LALCHAND NAVALRAL.

Burden to prove innocence should not be on the accused, rather the burden to prove him guilty should be on the complainant.

M. MASWOOD.

 MINUTE OF DISSENT.

The object of the Bill I understand to be to prevent parents or guardians from pledging the services of their children where the service involves some hardship or cruelty to children and secures a monetary gain to the parent, etc., regardless of the child's interest.

If that be so, why should cases which are not open to such objection be brought within the ambit of the Bill.

The Bill as worded would start with an initial presumption that all agreements involving the labour of children shall be deemed to be within the mischief of the Bill unless an exception is made out. It follows that irrespective of the merits of a particular case, the law would regard

it penal if no attempt is made to establish an exception. This, Sir, is placing the burden of proof on the accused to prove his innocence. In this connection it should not be forgotten that the act *per se* (like any well-known penal act, e.g., murder, etc.) is not necessarily ethically wrong.

I would therefore maintain that the scope of the Bill should be restricted and the Bill made applicable only to cases which essentially come within its principle as I understand that principle to be. It would consequently be for the Prosecution to make out that the case is within the mischief of the Bill and not for the accused to prove his innocence by showing that the case is outside such mischief.

B. R. PURI.

S. G. JOG.

I further add that in no case the parent or guardian or the employer should be treated as an offender and the act should not be treated as an offence.

S. G. JOG.

[As amended by the Select Committee.]

(The words printed in italics indicate the amendments suggested by the Committee.)

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BILL

TO

Prohibit the pledging of the labour of children.

WHEREAS it is expedient to prohibit the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged ; It is hereby enacted as follows :—

1. (1) This Act may be called the Children
Short title and extent. (Pledging of Labour)
Act, 1932.

(2) It extends to the whole of British India, including *British Baluchistan and the Sonthal Parganas.*

2. In this Act, unless there is anything repugnant in the subject or context, —
Definitions.

“ an agreement to pledge the labour of a child ” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment :

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition ;

“ child ” means a person who is under the age of fifteen years ; and

“ guardian ” includes any person having legal custody of or control over * * * a child.

2A. *An agreement to pledge the labour of a child Agreements contrary to shall be void. the Act to be void.*

3. Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.
Penalty for parent or guardian making agreement to pledge the labour of a child.

4. Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.
Penalty for making with a parent or guardian an agreement to pledge the labour of a child.

5. Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.
Penalty for employing a child whose labour has been pledged.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

X

Report of the Select Committee on the
Bill to prohibit the pledging of the
labour of children, with the Bill, as
amended.
