

breeding as usual, but they are not safe there as the Government of Rajasthan have not provided wire-fencing around the breeding area. Nor has the Government provided guard to protect the bird from the intruding animals and humanbeings in spite of the fact that the Wild Life Department has declared 'Sursan' as a bustard sanctuary. The Government of India should direct the Government of Rajasthan to take steps early for the protection of breeding places of the Great Indian Bustard and specially the Sursan breeding area of District Kota in Rajasthan.

—

**EMPLOYMENT OF CHILDREN  
(AMENDMENT) BILL-Contd.**

[English]

**MR. DEPUTY SPEAKER :** The House will now take up further consideration of the following motion moved by Shri T. Anjiah on the 7th August, 1985, namely :—

“That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration.”

Mr. Mool Chand Daga, please be brief.

**SHRI MOOL CHAND DAGA (Pali) :**  
“Buds That Never Bloom”.

[Translation]

If the buds are destroyed how will the flowers bloom. In spite of the Directive Principles laid down in Article 39 of the Constitution, a good number of children are still employed in the country. This impedes their development.

[English]

“Despite constitutional provisions and several legislations banning child labour, 17 million children in this country are still forced to work because of persisting socio-economic conditions. The fact that they work illegally, says the author, a trade unionist, opens them to severe exploitation. In an accompanying piece, the author points out the lacunae in the laws that relate to children and the fact that the complete abolition of child labour would throw open 17 million jobs for the adult unemployed...”

[Translation]

This article was published in February, 1985, in the Indian Express. Are so many children still employed in the country? If the children are subjected to hard work, their development will be hampered. The hon. Minister's intentions may be good but how many persons have been awarded punishment under section 4 of the Act till today.

[English]

“Whoever employs any child or permits any child to work in contravention of the provisions of section 3.”

[Translation]

Will the hon. Minister be pleased to state how many people have been punished under section-4A and under section-4C? If these figures are not supplied, it would be difficult to know whether this Bill has been brought forward for enhancing the punishment or for other purpose. According to this Bill, if a worker is exploited he cannot go to the court direct for seeking justice. Only a Labour Inspector can go to the court. If a child worker is being exploited and he is not getting his due, he too cannot go to the court, without he prior permission of the Labour Inspector. This law should also have been amended.

[English]

“No prosecution under this Act shall be instituted except by or with the previous sanction of an Inspector appointed under section 6.”

[Translation]

The worker will have to go to the Inspector. A reference has been made about the certificate. Who are the prescribed Doctors? Whosoever has a certificate of age issued by the doctor will be treated above 14 years. These days the Inspectors obtain fake certificates from the doctors by offering allurements. It is not possible to give a genuine certificate of age. Even after an X-Ray, the age of the boy cannot be determined. You must have seen the provision in the Act of 1938. If you wanted to amend this provision, you should have amended the whole Act. You said that the offenders would be punished, but because

of the proviso, he too will escape punishment. The question is that children who are the wealth of our country and who are like buds blooming in a garden, will be ruined. Thus the development of the country will suffer a great deal. Therefore, a comprehensive Bill should be brought forward with a view to abolishing child labour. Wrong doers should be awarded stringent punishment so that the children may develop properly. It is our duty to bring up the poor children properly and make them good citizens, as also to ensure a better future for them. This is the responsibility of the Government, because ours is a welfare state. You are in a position to see to their interests. Therefore, I hope that you would soon bring forward a comprehensive legislation so as to ensure a bright future for our children.

[English]

SHRI V.S. KRISHNA IYER (Bangalore South) : Sir, I would like to make only one or two suggestions. First of all I would like to emphasise that child labour should be abolished once for all. In this country it is impossible to stop exploitation of children through legislation. Even in your State. Mr. Deputy Speaker, the situation is horrifying. The children are being exploited. Only this morning we read in the newspapers that the Prime Minister was horrified to find thousands of children being in jails. It is inhuman. So, I would suggest legislation should be brought forward very soon so that there should be no child labour. Under the Directive Principles of the Constitution we are bound to see that children between the age of 5 to 14 are compulsorily educated. It is the responsibility of the State to provide education. We have that responsibility on the one hand under the Constitution and on the other hand we are legislating for child labour. I urge that child labour should be abolished.

Secondly, whenever a criminal offence is established against a child, the child should not be sent to jail. At present they are being sent to jail in many States. In Karnataka we are not sending the children to jail. We have certified schools for children. My view is that many of the children, excepting a few, get reformed and become good citizens after they

are trained in certified schools. Through legislation we will not be able to control the child exploitation. It is alright in the organised sector but in the un-organised sector like farms we find that the parents send their children to the farms due to economic reasons the moment they attain the age of five or six. Therefore, the drop-outs in the schools in the rural area is 70 to 80 per cent. It is a social problem and I am very happy that this august House has devoted so much time on this subject. The future of the country depends on how we bring up our children. It is the responsibility of the society to see that the children are properly looked after, educated and provided nutritious food. Even after 38 years of our attaining Independence we find there is mal-nutrition among children and many children die at an early age. So, I once again appeal to the Government to bring forward a comprehensive legislation to see that the child labour is abolished.

[Translation]

SHRI P. NAMGYAL (Ladakh) : Mr. Chairman Sir, many hon. Members have expressed their views for and against the Employment of Children (Amendment) Bill, 1985. You must be aware that Kashmir carpet is next to that of Iran in quality, beauty and colour combination. You must also be aware as to who weave them. These carpets are woven by small children who are engaged in this industry in thousands in the Kashmir valley. They are employed in this industry. It has been stated in the Bill that a child under the age of 14 years cannot be employed at all but you must have seen their plight there. I believe that many of the hon. Members visit Kashmir quite frequently and if per chance you care to visit a factory unnoticed, you will find children in the age group of 7 to 8 years or 14 to 15 years only are employed there. As a result, these children are not able to get education and secondly their physical structure gets deformed—they become hunch-backed, because it is a cumbersome job and they have to stoop very low while doing work. The result is that when they become hunch-backed and attain the age of 17 or 18 years, the employers do not employ them any further.

The reason is that when he is grown

up, he demands more wages. They get small children on less wages and when they are grown up, their services are terminated. There is a master who gives them instructions. The children work and manufacture carpets under a special code and a special language.

I would like to bring one thing to your notice. In 1974-75 when the late Sheikh Saheb came to power in Jammu and Kashmir, hon. Members had raised a demand for banning the employment of children in factories. In the beginning, Sheikh Saheb agreed to it but later on it was heard that some people had advised him that if he wanted to have a control or grip on Kashmir politics, then child labour be allowed in this industry so that they might remain illiterate. It is not known whether he had done this deliberately or not.

At present all the anti-India elements in Kashmir are mostly illiterate. The literate persons or intellectuals understand wherein lies their welfare. You will not find such elements amongst them. Very few elements might be there. It is also said that there is a political conspiracy to keep people illiterate.

Many suggestions are made here. An hon. Member has suggested that Child Labour Act should be scrapped. If this is done, the employers will have a free hand. If the child labour is totally banned, it will be a welcome step. If it is not possible then some way should be found out to ensure that their education is not affected. They may not be put on work for more than one or two hours so that they may be able to continue their studies. In this way, they will be able to supplement their family's income to some extent. They get wages on the basis of square inch in the Kashmir carpet industry and they can earn this much by doing two hours' work also.

I, therefore, support this Bill. But some way has to be found out by which such children are not deprived of their education.

In Delhi also, there are many scooter and cycle workshops functioning on roadsides. A 'Dada' type person is there in such a workshop and small children work in it. How will you control this? In factories, the requirement under rule made under

section 3(b) and 3(d) of this Bill has to be met. This Rule is required to be displayed in the premises of the factory. These rules are not enforced in the roadside workshops. Their working hours have not been specified. Nobody is having these rules implemented in such workshops. The inspectors are in league with the employers. Whether it is a factory or a cinema or wine business, the Factory Inspectors and Excise Inspectors are always hand in glove with the employers. Strict instructions should be given to these inspectors and some higher officer should also be deputed from time to time to oversee the work of these inspectors so that the wrong-doers could be checked.

With these words, I support the Bill which may meet the present requirements but in the long run the position has to be reviewed.

SHRI KALI PRASAD PANDEY (Gopalganj) : Mr. Deputy Speaker, Sir, I rise to express my views on the Employment of Children (Amendment) Bill. I am grateful to you for allowing me to speak.

Prior to this Bill, many other Bills had also been introduced and passed in this House. But the laws enacted here are not implemented properly by the officers concerned.

In India, the problem of child labour is very acute and their condition is very pitiable. It is a well-known fact that most of the mothers have to go without food in this country. The only reason for this is poverty. Consequent upon the increase in population, the number of child labour will go on increasing. The wages paid to a child labourer anywhere are not sufficient for him to make his both ends meet. Today the condition is that if you throw the leftovers from your dining table on road, a dog will come from one direction and a child labourer from the other to eat them. The condition of the child labourer is worse than the dogs.

At one time it was said that children were the future hope of the country. Today these children are starving and they are wandering here and there in search of employment. When they fail to find jobs, they commit big crimes and are put behind the bars. The innocent children set out from

their homes in search of jobs but instead of finding any job they land themselves in jails. There is nobody to take care of them. Inhuman behaviour is meted out to them in jails also.

One of the causes of the child labour problem is poverty. The second reason is that industrialists and factory owners employ children with a view to earning more profit as they are available at less wages. Due to poverty, people send their children to work. Unless we create human feelings and popular awakening in the society through mass media and realise from the core of our heart that by forcing a child to work, we put his entire future in jeopardy, this Act cannot be implemented effectively. In the organised sectors, the practice of employing child labour can be dispensed with. To ensure that children are not employed, it is essential to provide them compulsory free education.

Sir, you might have read in the headlines about Bihar State where heads of some innocent children were chopped off and sent to foreign countries. Export of human skulls is an unprecedented happening in Bihar and it is the talk of the day. These children used to wander from one place to another in search of some jobs so as to be able to make their both ends meet. Some agents took them away by luring them with the offer of jobs. This is the condition of the children in India. Nehruji was fond of rose and children. This is the condition of the children in his country. Children Day is observed in our country and children programmes are broadcast on the Radio and televised on the T.V. These children are being victimised by some goondas and loafers. They cut arms, etc. of these children and then force them to begging.

I would like to know the number of persons arrested and punished so far under this law. I would request the hon. Minister to state specifically in his reply whether he proposes to invoke to the provisions of National Security Act, or Goonda Act, to punish persons, who commit petty crimes and create disorder?

The children, who were considered the future hope of India by great leaders like Nehruji, Lohiaji and Gandhiji are being subjected to great torture. Their future is

being marred. Can you not invoke Goonda Act and MISA against them? If some law is there it becomes our duty to implement it.

With these words, I thank you for the opportunity that you gave me to speak on this Bill.

**SHRI RAMASHRAY PRASAD SINGH** (Jahanabad): Mr. Deputy Speaker, Sir, I will take very little time while speaking on this measure. The proposal for enhancing the punishment through the Employment of Children (Amendment) Bill and other amendments proposed therein are nothing but an attempt to throw dust in our eyes. You have to see how this law is to be implemented. Five or six years old children are earning for their parents in India by doing work like cleaning utensils in hotels, etc. The parents are living on the earnings of their children. In such a situation it has to be ensured that these children also get enough to fill their belly.

Yesterday an hon. Member, Shrimati Nirmala had said that it was a global phenomenon. I do not subscribe to her views. In socialist countries no such problem is there. You have provided that no child below 16 years of age will be forced to work. If somebody employs a child below 16 years of age he will be awarded punishment. You would have to see what the children below 16 years of age would do if they do not work. You should give them constitutional rights and make proper arrangements for their education. Arrangements should be made to provide them compulsory and free education as well as food. If such arrangements are made, employment of children will automatically come to an end. If you want to deceive children, you can say that a law has been enacted providing for 6 months imprisonment and fine, etc.

An hon. Member has rightly said that a child who used to get Rs. 5 per day previously, will now be paid Rs. 4 only, Re. 1 would be deducted on the plea that they would use this amount for defending themselves, they were involved in some case. This law should be enacted keeping in view the wishes and aspirations of the people. Many good laws have been enacted but their proper implementation should also be



ensured. What is the condition of children today? You say that children of today hold the reins of the country tomorrow but how will they be able to do that when today their condition is that they vie with the dogs in snatching the leftovers thrown on the road. Only those children, who study in Mussoorie or in big schools will become leaders. If you had said that you would make arrangements for providing education to children upto 16 years of age and no guardian will be able to force a child to work till the latter attains the age of 16 years, as is done in socialist countries, then it would have been the right thing. In villages, 5 years old children are seen grazing cattle for which they get two to four maunds of foodgrains with which they and their families make both ends meet. If you want to put an end to it, you should make some arrangements for their livelihood and impart education to the children upto 16 years of age. After that they are free to do any work. As time is short, I conclude my speech.

**THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJIAH):** Mr. Deputy Speaker, Sir, I am grateful to the hon. Members who have participated in this discussion and given several good suggestions and worthy proposals. In the discussion on this Bill, hon. Members have given vent to their feelings on child labour and the condition of the children in the country. You know, this is not a comprehensive Bill and seeks to amend a portion of the Act. In deference to the wishes of the House, we propose to bring forward a comprehensive bill.

In this connection we have received Gurupad Swamy's report and the report of Shri Sanad Mehta and we are examining the recommendations made therein. Nandana Reddy drafted a Bill and even brought some children from Karnataka to show how they are treated. I thank him for drafting such a Bill and putting it before us. I propose to bring before the house a comprehensive Bill based on the recommendations contained in the reports of Gurupad Swamy and Sanad Mehta and the suggestions included in this draft Bill. I know there will be some practical difficulties in bringing such a Bill because if we adopt firm postures by imposing a ban on the employment of

children of 14-15 years age and do not make alternative arrangements, what will be the future of these children? This is a big problem before us. We provide funds to public services organisations and we have been giving them Rs. 9 lakhs. This year we propose to provide Rs. 15 lakhs. These organisations have some training facilities and many children are availing them. We have arranged some facilities in Sivakashi and in carpet industry, but that is not going to help much. The Planning Commission has earmarked a sum of Rs. 5 crores for these children. Financial provision has also been made for educational training and recreational training and some schemes are under consideration in this regard. These will need an outlay of Rs. 45 crores and we are considering as to how to mobilise this amount. We are contemplating whether any cess on management is possible to mobilise funds for improving the lot of child labour, to create a children welfare fund and if so, how much can we collect? We are examining this proposition. We have crores of workers working in factories and hundreds of crores of rupees can be collected if the management is prepared to give us one rupee per worker. With this fund we can arrange for their training, we can provide them social security and also give them some allowance. We are examining all these aspects. But, as you know, this is not so simple a proposition and finances are not in our hands.

Now, some hon. Members have asked what action has so far been taken. Action can be taken by State Governments. Union Government detected 1300 cases but there is no information about the action taken by the respective State Governments. We shall, of course, have some powers for taking action after the enactment of this Bill. The States will be given all the necessary powers. We have Inquiry Board at the Centre. Such Boards are to be set up in the States also.

Then we have the problem of bonded labour among children. We have to go into the details of all these things to see as to what can be done about them. At present, we are thinking to take action about the health hazards, such as in match industry and in carpet industry. We want to take some immediate action in this direction and for this purpose enactment of this Bill is necessary. We have not put any restrictions so

far as domestic servants and the boys who take cattle for grazing are concerned. We have not yet thought about them. Then it is for their parents to take or not to take work from them. We shall examine whether it would be proper to put restrictions in this regard.

Several hon. Members have pleaded for introduction of a comprehensive Bill incorporating provisions for hospitals, dispensaries, education, training, recreational facilities, etc. You will recollect that during emergency lakhs of workers were absorbed in various industries under the apprenticeship scheme, although States are showing some slackness in this respect now and that scheme is not working well. Can such an apprenticeship scheme be made applicable for the children upto the age of 15 years in the shops and establishments? Under such a scheme, some training will be imparted to these children and they will also get some allowance. We shall examine whether some reservation can be made for these children under this scheme. In this way, we can consider imparting training to the children in this age group, who are unemployed and their number is several lakhs.

We shall try to bring forward a Bill including therein as many suggestions of the hon. Members as possible. In this amending Bill big changes have not been proposed. We have to take stock of several aspects for making amendments. We have discussed this problem in this House and you know the working children generally have two or three problems. The 1971 census showed that out of 23 crore children, 1.75 crore are employed. These are the figures we have. You know what we can do for them. Other children are studying and staying in their homes. We have no obligation towards them. We have the obligation towards the working children. Their conditions are not good. We shall have to think about them and shall have to enlighten their parents about the conditions in which their children are working. You say a working child earns Rs. 7 or Rs. 8. This means that 1.75 crore working children are paid Rs. 4000 crores at the rate of Rs. 8/- per child. Wherefrom can we mobilise this sum? It is really difficult to say. But we would have to evolve some system. We shall have

to bring some proposals in this regard and examine their legal implications. We shall have to see how much Centre Government can contribute, how much State Governments can contribute, how much managements can contribute. Its mode of implementation will have to be ensured right from the Gram Panchayat level. Some apprehensions were rightly expressed that employers will pay less following enactment of this legislation. I also had this in my mind. But I shall award the most stringent punishment to the management after personally examining any such case. Exploiters are many. The minimum sentence of three months or a fine of Rs 500/- or both have been laid down. If the offence is repeated the imprisonment can extend to six months. This will be for the judge to decide. But there is no question of compulsory imprisonment. The court can award one day confinement. We consulted the legal department in this regard. They say that in penal code the extent of sentences in murder, rape and dowry cases has been provided. But we have added a proviso to this legislation. In the next Bill, we shall discuss here and see that sentences could be awarded despite this proviso.

The object of this Bill is to enlighten people about what Government of India propose to do in this respect so that some strong action could be taken in the matter. At present I do not want to say anything which may create problems. Poverty is aggravating this problem and I want to examine all the aspects before doing anything in this matter.

It is not possible to withdraw this Bill as some hon. Members have demanded. All of your suggestions will be taken into consideration while drafting a comprehensive Bill. I have noted all the suggestions and points made by hon. Members. I shall try to bring forward a comprehensive Bill after examining the proposals made here. Therefore, I would request the hon. Members not to press their amendments at this moment and withdraw them and give us a chance to bring before this House a comprehensive Bill. We should get time to consider the suggestions made here.

With these words, I would urge the House to pass this Bill.

[English]

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration.”

*The Motion was adopted.*

Clause 2

SHRI SHANTARAM NAIK : I beg to move :

Page 1, lines 14 to 16,—

Omit “or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both.” (1)

Page 2,—

Omit lines 5 to 7. (2)

If the debate in the House is to be taken strictly and seriously, then this amendment is a must. If you would like to see that millions of children of our country are not exploited, then we have to see that compulsory imprisonment is provided for. In the case of first offence you have said that the offender shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both.

In the case of first offence nobody is going to impose imprisonment on the offender. Now, for instance, if an employer employs 500 children and derives lakhs of rupees of profit, then in a court of law he can go free by paying a fine of a few hundred rupees.

Let us take the second offence. You are saying that for second offence there is a compulsory imprisonment for six months. Although there is a provision for six months imprisonment, the proviso says :

“Provided that the court may, for any adequate and special reasons to be

recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.”

This means that an offender in the case of second offence can be imposed a sentence till the rising of the court. This is the consequence of the Bill. Therefore, I would like to suggest with all earnestness that this be taken into consideration.

[Translation]

SHRI T. ANJIAH : What the hon. Member has said is correct because I have also felt it to be so. We have discussed it with the legal department during the last two days, but the problem is that of paucity of time. For all the matters, we have to go to the Cabinet. Therefore, we shall try to incorporate all the points that have been put forth here in the next Bill and there is no need to move amendments now. I shall request the hon. Member to withdraw his amendments.

[English]

SHRI SHANTARAM NAIK : As the hon. Minister has given a word in this House that a comprehensive Bill will be brought before the House soon, I seek leave of the House to withdraw my amendments.

MR. DEPUTY-SPEAKER : Has the hon. Member leave of the House to withdraw his Amendments Nos. 1 and 2 ?

SOME HON. MEMBERS : Yes.

*Amendments Nos. 1 and 2 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clause 2 stand part of the Bill.”

*The motion was adopted*

Clause 2 was added to the Bill

MR. DEPUTY SPEAKER : The question is

“That Clause 1 Enacting Formula and Title stand part of the Bill”

*The motion was adopted.*

Clause 1, the Enacting Formula and the Title were added to the Bill.

MR. DEPUTY SPEAKER : The Minister may now move that the Bill be passed.

SHRI T. ANJIAH : Sir, I beg to move :  
“That the Bill be passed”

MR. DEPUTY SPEAKER : The question is :

“That the Bill be passed.

*The motion was adopted*

MR. DEPUTY SPEAKER : The House now stands adjourned for lunch to reassemble at 02.05 p.m

13.06 hrs.

*The Lok Sabha then adjourned for lunch till five minutes past Fourteen of the Clock.*

The Lok Sabha reassembled after Lunch at seven minutes past Fourteen of the Clock

[Mr. Deputy Speaker *in the chair*]

## INDIAN RAILWAYS (AMENDMENT) BILL

[*English*]

MR. DEPUTY SPEAKER : We take up item No. 6. Hon. Minister Shri Bansi Lal.

THE MINISTER OF RAILWAYS (SHRI BANSI LAL) : Sir, I beg to move :

“That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.”

Sir, as you know the smooth and punctual running of the trains is a must, but recently a trend has been noted that too much of hose-pipe disconnection and alarm chain pulling have started in disturbing the punctuality and smooth running of the trains. Therefore, in this Amendment Bill we have made a provision by which those persons who interfere in the smooth running of the trains by disconnecting hose-pipe will be punished with a minimum punishment of imprisonment of six months and Rs. 500 as fine.

In other sections where earlier the total fine was Rs. 500/- we are making a provision to raise it to Rs. 2,000/-. Hence this amendment. (ends)

MR. DEPUTY SPEAKER : Motion moved :

“That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.”

SHRI D.N. REDDY (Cuddapah) : Mr. Deputy Speaker, Sir, the Indian Railway is the main artery of transport in the country. With an investment of about Rs. 7500 crores it is Asia's largest and the world's second largest railway system under a single management. The economy of the country, agricultural and industrial, is closely connected with the Railways; it depends upon the functioning of the Railways. If the Railways fail, then, everything fails. If the railways succeed, the economy of the country would certainly be safeguarded. The Railway system functions both as commercial and as a public utility service. Sufficient funds should be provided so as to enable the railways to serve the public better, more as public utility service than as commercial service. Our party has been consistently suggesting that there need not be a separate Railway Budget for the Railways. We have stressed that the Planning Commission should provide sufficient funds so as to enlarge the railway system. I now feel that sufficient funds should be provided to the Railways so that there can be a gradual expansion. There need not be a sudden but a gradual expansion of the Railways in order to make it serve the public better.

Sir, before coming here, I was just going through the proceedings of Railway Consultative Committee of both the South Zone as well as the Parliamentary Committee. I was surprised that for every suggestion that the Members put forth, the answers of the Railway Minister were the same. He said about paucity of funds; and shortage of locomotives. I thought that he gave the answer only to me; but to every suggestion put forth by the Members the same answer was given. I don't blame the Railway Minister. I again plead that sufficient funds should be provided and Railways should expand in a gradual and comprehensive way and in a methodical way to improve the economy of the country.

We find that three principles are widely proclaimed in every large station. That