

**MR. DEPUTY-SPEAKER :** I am not allowing you. Please sit down.

*(Interruptions)*

**MR. DEPUTY-SPEAKER :** I find that Mr. Janga Reddy is not present in the House. I shall now put his resolution to the vote of the House.

The question is :

"This House disapproves of the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985 (Ordinance No. 4 of 1985) promulgated by the President on the 5th June, 1985."

*The motion was negatived.*

**MR. DEPUTY-SPEAKER :** The question is :

"That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985, be taken into consideration."

*The motion was adopted.*

**Clauses**

**MR. DEPUTY-SPEAKER :** We will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 and 3 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill; Clause 1, Enacting Formula and the Title were added to the Bill.*

**THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) :** I beg to move :

"That the Bill be passed".

**MR. DEPUTY-SPEAKER :** The question is :

"That the Bill be passed."

*The motion was adopted.*

17.42 hrs.

# **EMPLOYMENT OF CHILDREN (AMENDMENT) BILL**

*[English]*

**MR. DEPUTY-SPEAKER :** Now, we will take up the next item of the List of *Business of the House*. **Shri T. Anjiah**, the Minister of State of the Ministry of Labour, may please move his Bill.

**THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJIAH) :** Sir I beg to move :

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

Sir, the employment of Children Act, 1938, prohibits children from being engaged in certain specified occupations considered hazardous. However, it has been observed that in case where prosecutions have been launched and convictions obtained, the punishment has been usually very light.

We have, therefore, considered it necessary to amend Section 4 of the Employment of Children Act to enhance the penalty so that it has a deterrent effect on employers who violate the provisions of the Act.

The existing penalty provides for simple imprisonment which may extend upto one month or with fine which may extend up to five hundred rupees, or with both. This is proposed to be enhanced for the first offence to simple imprisonment which shall not be less than three months and may extend upto one year or with fine which shall not be less than five hundred rupees but may extend so two thousand rupees or with both. A minimum penalty has been provided to that inordinately light sentences are not given. It is proposed to have a stiffer penalty for second and subsequent offences. The imprisonment shall be for a term not less than six months and may extend to two years. The court can, however, for special and adequate reasons, to be recorded in writing, impose a prison sentence of less

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than six months. We believe that this will go a long way in discouraging employers from violating the provisions of the Act.

I move :

"That the Bill further to amend the Employment of Children Act, 1983, be taken into consideration."

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Employment of Children Act, 1983, be taken into consideration."

DR. VENKATESH (Kolar) : Mr. Deputy-Speaker, Sir, according to a recent United Nations report on Child Welfare, out of 52 million child labourers in the age group 5 and 14 in the world, 17 million were in India alone, that is, one-third of the child labour population in the world.

No State in India is free from this evil. One of the worst offended States in this regard is perhaps Tamil Nadu where children are forced to work in unhygienic conditions in match factories. Out of 10 million employees of match factories in Ramanathapuram in Tamil Nadu, 45000 are children. Lorries and buses bring the children from villages upto 30 kms away. These unfortunate children have to leave their homes between 3 a.m. and 5 a.m. and return any time between 6 p.m. and 9 p.m. These children in match factories run the risk of long term health hazards. They are compelled to handle harmful chemicals such as phosphorous, zinc oxide etc. These children work on a piecemeal basis which fetch them not more than 200 rupees per month. It is reportedly prevalent throughout from Cape Kanyakumari to Kashmir in private mines, Diamond polishing industries in Gujarat and Maharashtra, State industries in Madhya Pradesh and Andhra Pradesh hosiery industries in Tamil Nadu, silk and jerry industry in Uttar Pradesh, Bangi industry in Ferozabad and Bidi industry in Madhya Pradesh and West Bengal.

A large part of the child labourers are engaged in the tens of thousands of villages in our country. There is no definite figures

of children engaged in farm lands, tending cattle and tea and coffee plantations.

In all of the key metropolitan cities including Delhi and numerous town children are engaged in tea shops, hotels, motor repair shops and peddling. About 20,000 children are engaged in boot polishing, milk distribution and newspaper vending in Delhi alone.

Similarly in Calcutta, about 40,000 children slog for long hours to earn a meagre living. They work as rag-pickers, domestic servants, automobile repair and tea shop boys. The picture is not different in Bombay, Madras and Bangalore. Depriving basic needs of life employee's parents send a child to work and some time sell the child too. It would not be possible to eliminate child labour, given the present conditions and the present social structure.

In spite of persistent reminders to the effect that child brain grows upto the age of 10, lungs upto the age of 14 and muscles and bones upto the age of 18, the child labour comes in the way of normal growth of child causing mental and physical maldevelopment contributing for abnormal societies.

A child can be protected either by the parents or the State. Even so, the right of the child to childhood itself cannot be summarily dismissed. He in us form of exploitation like child prostitution, beggary, hard labour and child bonded labour and employment of very young children just cannot be tolerated.

The child is not knowing whether he is a bonded labourer, a migrant slave or a local resident worker. He is absolutely helpless, defenceless, and voiceless since he is illiterate, inarticulate and easily intimidated.

The studies also show that a majority of child labourers belonged to economically backward classes particularly scheduled castes and scheduled tribes. According to World Bank estimate, children in India account for 23 per cent of total family income. Thus, the child must give up his or her study and start doing the manual work from sun rise to sun set to help

family service. A large percentage of children drop from the schools though primary education has been made free and compulsory all over the world.

Employers in various trades and industries prefer children to adult workers primarily because they are cheap. Apart from the fact that child labour is cheap, bringing more profit to the employers, they are ignorant of rights and privileges and they are not allowed to have trade union. If a child comes to a union asking for more wages, it can do nothing for him. If he has been injured in industrial accident and wants compensation, no one can help him. For the moment if any one of the above complaint is brought to the notice of the Labour Commissioner, the child will lose his job. A multi-dimensional approach has not been aimed to tackle the problems on a long term basis. This Bill on Child Labour should entitle employment, regulation, education, training and development. Apart from providing free books and free meals at schools, the Government must provide enough incentives to the parents to keep their children in schools. Wherever the literacy rate is higher, there is a corresponding fall in the number of child labour. This Bill should seek to prohibit employment of children below 15 years on all hazardous occupations as stipulated by Article 24 of the Constitution. This Bill should also regulate the employment and the working conditions of the child workers in non-hazardous occupations and employments and provide for education, vocational training, career development and healthy career and welfare.

This Bill should recognise the child as a worker and confer on him the right to unionism to improve his conditions of work and living. At the same time, it should build a number of disincentives for the employers of the child workers. It is hoped that this, in the long run, would make child labour less attractive and reduce its incidence. The Bill should restrict working hours of children to 30 per week and 6 per day. It should prescribe no over time work, and instead, it should provide holidays and 2 weekly half days as well as the benefit of annual leave with wages. This Bill should provide for child labour development schemes under which suitable arrangements for formal and non-formal

education, vocational training and career development of children are made.

To formulate these activities, Child Labour Boards are required. To finance these activities, it calls for the creation of a Child Labour Development Fund by the Central Government by laying an employment cess on all workers.

SHRI SOMNATH RATH (Aska):  
Sir, I rise to support the Amendment brought by the Labour Ministry. According to the official statistics, 17.36 million children, below the age of 15 years are working in the country and there may be more also. These child labour are not the Members of any union and they are being exploited, their miseries are not represented and they suffer very much. Employment of children below the age of 15 years in health hazard occupations, of course is prohibited, by law. The Acts are not wanting. What is wanting is its implementation. So, steps should be taken to regulate the employment and working conditions of the child workers in hazardous occupations, such as Match Factory, Handloom, Carpet etc. It is seen that the child labour is given only some food and has not been paid anything for his labour. The District Magistrates in some States could find these children are confined in the houses of the employers and they are not allowed to go outside and they are worse than bonded labourers. This must be looked into. There are many industrial accidents and it is rising steadily. The employers are polluting the environment and the workers and people living close to their factories are suffering very much and the factory itself has become a health hazard.

The children remaining in the factory itself or nearby are subject to these health hazardous conditions. In the Fibre industry and other industries children are working in such a condition that they are suffering from many diseases including T.B. Even in some factories, running on Government participation found on visit by some social organisations that the training is being given to the children below 15 years. In the name of training, the child labour is being exploited and he is not allowed to go to his home and he is not being given any remuneration or any salary or wages for

[Shri Sormath Rath]

the work he is doing. Of course it is there in the acts that the Employment of Children in Hazardous Works and Exploitation are prohibited, the child below 14 years under the Employment of Children not 1938 is also prohibited.

Then the Children (Pledging of Labour) Act 1940 prohibits the pledging of a child labour by anyone who is legally the guardian or the custodian of the child. The Apprentices Act 1961 prohibits giving of vocational training to children below 14 years. The Factory Act prohibits the employment of children under 14 years. It seems even the Handloom and Handicrafts Export Corporation, which is here in Delhi observing the provisions of these Acts more by breach than by honouring them.

18.00 hrs.

These are the conditions which are seized by the workers' organizations. They have gone to the factories, and have seen for themselves the pitiable conditions of the child labour there.

It seems that even at the age of seven, children are being employed, on the plea that they are given training. While the child is given training, he is practically not given any wages—for the training and even not proper food.

The International Labour Organization has framed a number of international conventions, and made recommendations, saying that child labour should receive education, that care should be taken of his health, and that the working hours should be fixed. Regular Wages to be given to him are also suggested. So, keeping in view those recommendations and suggestions, I suggest that the Ministry of Labour should bring in a comprehensive Bill to see that child labour is protected.

Besides the above, we can have a

National Child Labour Advisory Board, and also similar boards in the States, so that these boards will inspect places where children work, and also suggest how best the present Act can be implemented after the present amendment is adopted, and also indicate how best the interests of child labour can be protected.

It is not unusual. Everyone has seen how a child is being treated in the canteens, hotels and everywhere. The Child Labour should be provided with regular meals.

SHRI MOOL CHAND DAGA (Pali)  
*rose*

MR. DEPUTY SPEAKER : Mr. Daga, why are you intervening? When you speak, you do not allow others to intervene. Mr. Rath, do you want to continue?

SHRI SOMNATH RATH : Yes, Sir.

MR. DEPUTY SPEAKER : Then you can continue tomorrow. Now Shri Ghulam Nabi Azad—Report of Business Advisory Committee.

## BUSINESS ADVISORY COMMITTEE

[English]

### Tenth Report

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : I beg to present Tenth Report of the Business Advisory Committee.

MR. DEPUTY SPEAKER : The House now stands adjourned.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 8, 1985/Sravana 17, 1907 (Saka).*