

Capital, Bhubaneswar, has been linked with Delhi by an Indian Airlines direct flight since 1980 only, and that too not every day. The flight was hitherto going five days in a week; instead of making it operate daily, its operation has now all of a sudden been reduce to four days since 23rd July last. Besides, its timings have been changed. The flight which was earlier leaving Delhi for Bhubaneswar via Banaras at 7.05 A.M. is now going at 12.30 P.M. on completion of its morning service only. Delay in its return to Delhi naturally delays the subsequent Bhubaneswar flight, and from part experience it is seen that such delay becomes somewhat a regular phenomonon. Therefore, the change in its timings is causing a lot of inconvenience to the passengers of Orissa for whom this is the only flight available to come to the Capital City of the country.

Further, the Vayudoot Service which is presently connecting only Rourkela with Bhubaneswar can easily touch Jharsuguda, the gateway to western Orissa, for the convenience of the people of a larger area.

It is, therefore, necessary that the Delhi-Bhubaneswar direct flight be made a daiy one with suitable timings and Jharsuguda be placed on the air map by extending the Vayudoot Service to that place.

15.00 hrs.

SHRI NARAYAN CHOUBEY (Midnapore) : Sir, Please include the following item in the Agenda of Business of Lok Sabha for the next week :

(i) Reported extention of the life of ESMA after expiry of its life. The left hand democratic forces had always opposed this legislation which has been misused to break strikes and other working class struggles. Since Punjab and Assam problems are nearing solutions, a sense of relies if dawning in the democratic people. The extension of ESMA at this juncture will harm the cause of democratic process in the country. Rather ESMA should be scrapped and the country should never think of such laws of ESMA, NASA etc.

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRI GHULAM NABI AZAD):

Sir, the points mentioned by the Members would be put before the Business Advisory Committee.

15.02 hrs.

TOBACCO BOARD (AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF COMMERCE (SHRI P. A.
SANGMA) : Sir, on behalf of Shri
Vishwanath Pratap Singh I beg to move for
leave to introduce a Bill further to amend
the Tobacco Board Act, 1975.

MR. DEPUTY SPEAKER : The question
is :

“That leave be granted to introduce
a Bill further to amend the Tobacco
Board Act, 1975.”

The Motion was adopted.

SHRI P. A. SANGMA : Sir, I introduce
the Bill.

15.03 hrs.

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”.

Shri A. Charles.

SHRI A. CHARLES (Trivandrum) : Sir,
I support the amendment to the Employment
of Children Act, 1938 now before the
House. Sir, it serves only a limited purpose
of enhancing the punishment laid down
in the Act for the persons who
violate the provisions of Section 3. The

[Shri A. Charles]

Act as it now stands given provision for a punishment of one month or with. The proposed amendment envisages a slight enhancement in the punishment. Especially for the second offence there is a compulsory provision for conviction, that is, imprisonment for a term which shall not be less than six months, but which may extend upto two years. To that extent the amendment is welcome and I support the amendment.

But what is the real problem now before us? Sir, Article 24 of the Constitution of India states that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Sir, there are also a number of major legislation laying down penal provisions for any violation of the restriction imposed for engaging children in any hazardous employment. In spite of the legislations and enactments, what is the real picture? There is an alarming increase among the number of children engaged such employments in gross violation of all restrictions and rules in the matter. In 1977 the number of children employed in the different categories of work is estimated to be to the tune of 10 million. The present estimates put the number at 17 million. It is a matter of very great concern that among the children employed in the hazardous work in the whole world, one-third is accounted for by India. As matters stand, by the end of the century, the figure may certainly cross the 45 million mark. Any civilised country will have view it with serious concern.

Sir, it is neither the lack of legislation nor information regarding the number of children employed or the places or industries where these children are engaged, that stands in the way of taking stringent action against those who commit this very heinous crime of engaging children below the age of 14. I may say that it is only lack of political will or it is the lack of rules to enforce these penal clauses that stands in the way of bringing down this crime.

The details collected show that about a lakh of children are employed in the carpet industries of Kashmir. The Banaras silk industry engages about 50,000 children. Several thousands of children are engaged in the local mines of Meghalaya and in the

match industry is Sivakasi in Tamil Nadu. Then several thousands of children are engaged in the tea and coffee plantations of Kerala and certain other places. Just think of the children who have crossed the age of 5, the little, innocent ones which need all the care and affection and support of the family, are sent to work in very unhygienic circumstances, not knowing what life they have before them. It is painful to note that the report says that within 2 or 3 or 4 years they contract very serious diseases and their whole life ends in 20 years. This is a very shocking thing in a developing country like ours.

Where are the laws? Where are the legislations? Where is the constitutional protection given to the children of this country? I want to know. Has any serious effort ever been made by anybody to know whether any of the enactments on the subject have ever been enforced? In 1979 the Government appointed a committee under the chairmanship of Shri M. S. Gurupadaswamy to go into the subject. It is really interesting to know that in answer to a question—question No. 1393 answered in this House on 12th March, it was said that all the recommendations of the committee except the one relating to the admission of minimum age for entry into employment of children have been accepted by the Government and sent to the State Governments and Central Ministries for implementation. In subsequent questions of the same year—it is very, very fantastic to note—the same answer with the same sentences, without a change even in the punctuation, has been given. One of them is question No. 6253. So this is a stereotyped way of answering and I am sorry to say that when the Government of India makes a rule and when a question is answered here and a high-power committee is appointed and their recommendations are sent to the States and the Ministries and the whole responsibility of the Government of India ends there? What is going to happen to these children? What is going to happen to those recommendations? Nobody is bothered. I wonder when such a legislation is passed whether there will be a machinery to see that this enhanced penalty is imposed. There is an attempt made by the Government of India to engage voluntary agencies. I do not think that it will also serve any purpose. I suggest that definite rules should be framed and

responsible bodies such as Panchayats or Municipalities or Corporations be authorised to verify the industry within their respective jurisdiction and see whether any industry is engaging children below the age of 14. They can also get the statement from these industries at least once in three months. If any violation of these rules come to their notice they should be authorised to file petitions in the court. They should be given the responsibility to see that the provisions of the rule are enforced.

In answer to Question No. 138 answered in January I am sorry to find that the answer given is against the very Constitutional provisions. In that answer the Minister says :

“While it is not possible to eliminate child labour completely in the context of the socio-economic conditions prevailing in the country, it has been Government’s endeavour to ensure that children compelled to work by circumstances should not be exploited and should be able to work in better conditions of health and hygiene.”

Sir, this answer is counter to Article of the Constitution where it is specifically laid down that no child below the age of 14 can be employed in hazardous occupation. Here there is a statement that it is not possible to completely ban employment of children below the age of 14. I request that such statements should not be allowed to be placed before this august body.

Lastly, Sir, children who are at present working in these hazardous occupations should be rehabilitated so that they can really form the wealth of India and make this country prosper.

[Translation]

SHRIMATI KRISHNA SAHI (Begusarai) : Mr. Deputy Speaker, Sir, I support the Employment of Children (Amendment) Bill introduced by the hon. Minister but this is not a comprehensive legislation because this covers only those children who come in the category of labour. What is your proposal about those unfortunate children who are forced to take to begging and are subjected to inhuman treatment; their limbs are chopped off and

are rendered blind so that they may evoke pity and continue to get alms. The people who good these children to take to begging make it a source of income. Similarly, the children of Child House, whether run by the Government or the voluntary organisations, are not treated well. We still have children in large numbers who are born on footpaths, grow on footpaths and die on footpaths. They spend their whole life on footpaths. They are deprived of their natural joy of childhood, We cannot give them their childhood back Children are the wealth of the nation. They are the future of the nation.

I support this Bill. However, I would request the hon. Minister to bring a legislation providing for child development. This is a social and economic problem. Laws are made. They should be made because man has to be disciplined. But if law could solve the social problems, then there would have been no dowry problem, no child marriage problem, no discrimination between man and woman. The other aspect is of its implementation. So, the need is of creating a sense of awareness among the masses.

The hon. Minister provides financial assistance to institutions only. Ours is a welfare state. I do not oppose the grant given by the Ministry for research projects, for action-oriented projects. You provided funds to the tune of Rs. 70,000 in 1981-82 and Rs. 3,48,938 in 1984-85 and have made a total provision of Rs. 5 crores in the Seventh Plan. But my submission is that instead of giving financial assistance, you should adopt some of the organisations engaged in such work. Some organisations are presently being run by women, but not in an effective manner. You should appoint an advisory committee which should study the working of these organisations and conduct a survey to find out the number of children living on footpaths, of those used for carrying out illegal jobs, in human deeds, smuggling activities etc. You should have their statistics with you.

As you know, in 1959 the child problem had become a world-wide problem and the charter of the United Nations made a mention of the fundamental rights of the children. Then, in 1975, a very big international conference was held in our country

[[Shrimati Krishna Sahi]

in which labour and child problems were discussed and the eminent experts opined that it should be included in the Plan and a national policy be laid down and it should be deliberated at the planning level.

A survey of the International Labour Organisation put the number of child labour at 4.30 crores in 1978, of which 90 per cent were reported to be in the developing countries. What I mean to say is that the number of children falling in this particular category in a country like ours is increasing. In 1979 this number had crossed the mark of 5.20 crores.

1979 was celebrated as the Year of the Child throughout the world. But the child labour problem remained as ever rather it has aggravated with the passage of time. It is assuming the dimension of a world-wide phenomenon. We have this problem in our country. This is all right. But the number of child labour and similar children is on the increase in western countries. Italy, France and Germany are faced with this problem. But there the children work voluntarily to earn their pocket money. They work in homes during their vacations to earn pocket money to enjoy excursions and see feature films. Here, in our country, this is not voluntary. Here, the children are forced to take to work due to economic constraints and compulsions.

You know when a female child is born here, she is considered to be a burden, but if a male baby is born, he is considered an asset; he is considered to be a helping hand, a supporter of the parents in their old age. This child is made to earn a living. This problem has become a practice, a practice which is a course in our society. It is a course for us. We shall have to stop this practice. Government as well as the people's representatives will have to implement it jointly. Besides, you should impose restriction on the employment of children. However, we shall have to see what type of facility we can provide to the children who are already in employment because it is resulting in their mental depravity and we are not able to give them protection.

According to the survey conducted in 1985, there are 2 crore child workers in the country who are in the age group of 5 to 14 years. In 1976, their number was about one

crore and 10 lakhs which has increased to 2 crores today. In this way, their number is increasing. As such, shall have to look into its basic cause. Merely by imposing restriction, we cannot solve the problem.

Ours is a welfare state. There is a provision of education in it. We shall have to make it more effective. The poor parents cannot shoulder the burden of their children's education. Therefore, besides meals, clothes should also be provided to the children in the schools so that they may get clothes and meals and thus pursue their education without any hindrance. If such an arrangement is not made then the children will not be able to go to the schools because they become burden on their parents. There is a provision in the Constitution that there will be no exploitation of the children. The people should be informed about this. Therefore, my suggestion is that for social justice, free legal aid camps should be set up so that the people in the villages are given necessary information. The students engaged in legal practice should take lawyers there because there the officials and the people's representatives will be present and the matter will be settled there and then.

There are a number of laws which are in existence since the British rule. We shall have to bring changes in them. But if the attitudes are not changed then those laws will serve no purpose. The law must benefit the rural people, and their children who are forced to do illegal errands or take to begging. Taking into consideration all these things, you will have to enact a comprehensive law so that there is around development of the child.

[English]

DR. T. KALPANA DEVI (Warangal) : While I welcome this Employment of Children (Amendment) Bill, I feel that unless the provisions in the various Acts passed by the Parliament are strictly enforced, it would be of no use.

In addition to these laws, more importance should be given to generating social awareness and multi-dimensional approach to the problem. This is because despite enacting so many laws by the Government for fixing age of the children to enter into any trade like the Factories Act, 1948, Mines

Act, 1952, Plantation Labour Act, 1951 and various State Acts and shops and Establishment Acts, children still continue to be employed not only by the various establishments like hotels etc., but also in hazardous jobs. Even so many children have been employed as bonded labour. I am surprised to see the reply given to an Unstarred Question No. 5687 in the Lok Sabha on 5th April, 1985 wherein it was stated that Government had no information about the number of child bonded labour. It will be appreciated that bonded labour is the worst sufferers because there is no age limit, no fixed working hours and no facilities for the workers.

Although this Act specifically lays down that children below 15 years should not be employed and bans the employment of children during night time in hazardous occupations, yet I find that the age factor of the children is very cunningly by passed by the employers. In fact, I am astonished that even the Government had admitted in a reply to a starred question No. 215 in Rajya Sabha on 14-3-85 that age of about 4000 children employed in match factories and fireworks factories are not available with the Government. This is a very sad state of affairs that although we are enacting so many legislations for fixing the age limits, we are employing the children without verifying their age.

We must also enforce these laws by enlisting the help of various social organisations because as I have stated earlier, merely passing laws is not the remedy, unless we are also able to create a social awareness among the employers and other people about the evils of employing children below the age limits specified by the various laws.

The Action Plan should be comprehensive, covering legislation, welfare arrangements including education and economic development. Even the Central Advisory Committee had recommended that the legislation should cover non-formal education for the working child, compulsory medical check-ups and health care. Skill development, training and arrangements for transport of working children should also be covered.

Why are parents sending their children to work? Down-trodden, weaker sections and socially and economically backward people are not in a position to feed and educate

their children and so they are compelled to send their children to work. Government are not allowing the children to work but at the same time they are not providing any alternative arrangements for food, clothing and shelter. That is why, I request that the Government should find some alternative arrangements for these children. Then only we can enforce our laws effectively and then only we can achieve success. I think that the Government should be able to implement the Act with the cooperation of Health, Education and other Social Welfare Ministries, and then only we can implement this Labour Act successfully. Thank you very much.

[*Translation*]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Deputy Speaker, Sir, I welcome the Employment of Children (Amendment) Bill introduced by the hon. Minister. The hon. Labour Minister has taken commendable steps in respect of the working hours of the labourers and about the child labour in India.

He has created congenial atmosphere for the labourers during his short-term. It is a praise worthy step that he wants to effect amendment in respect of the child labour and lay down terms for wages. When we see children working in the hotels, sweatmeat shops or in other shops or see them working in the fields or see them grazing cows, buffaloes, goats of other people, we really feel pained.

In big industries, the employment of children is banned by law but they work in small scale and cottage industries and there they have to undergo great sufferings. The children working there are beaten up, abused and their confidence is shattered. In this way their future becomes bleak. Wordsworth had said about these children :

[*English*]

"Child is the Father of Man."

[*Translation*]

Long fellow had said :

[*English*]

"You are better than all the ballads
That ever were sung or said
For Ye are living poems."

[Shri Yogeshwar Prasad Yogesh]

[*Translation*]

The plight of the child labour also attracted the attention of Dr. Mahadevi Verma, who has said :

*Shahi Shan bhikarin ki hai,
manokamna matwali.*

She is our great leader and a poetess. She also noticed their pitiable condition.

[*English*]

MR. DEPUTY SPEAKER : Please continue on Monday.

Now, we shall take up, the Private Members' Business.

15.31 hrs.

COMMITTEE ON PRIVATE
MEMBERS' BILLS AND RESOLUTIONS

Third Report

[*English*]

SHRI AJOY BISWAS (Tripura West) : I beg to move :

"That this House do agree with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th August, 1985."

MR. DEPUTY SPEAKER : The question is :

"That this House to agree with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th August, 1985."

The Motion was adopted.

15.32 hrs.

CONSTITUTION (AMENDMENT)
BILL

Amendment of Articles 94 and 179

[*English*]

PROF. NARAIN CHAND PARASHAR (Hamirpur) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

PROF. NARAIN CHAND PARASHAR : Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL

(Insertion of new article 48B, etc.)

[*English*]

SHRI K. RAMAMURTHY (Krishnagiri) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave to granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

SHRI K. RAMAMURTHY : Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL
(Amendment of article 324, etc.)

[*English*]

SHRI K. RAMAMURTHY (Krishnagiri) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

SHRI K. RAMAMURTHY : Sir, I introduce the Bill.