

the State Exchequer in a big way and I would also like to ensure that whatever relief is given in the matter of excise duties or import duties, it will be passed on to the consumers. We are evolving a mechanism to see that this gap does not remain and the relief that is extended to this industry is made available to the poor consumers. So, this matter is also going to be decided upon as quickly as possible. We have already set up monitoring cells for implementation of the different items enumerated in the new Textile Policy and I have also had the opportunity of meeting the Labour leaders—Mr. Datta Samant is not here because he stands for something which perhaps, Prof. Madhu Dandavate, you don't welcome and certainly we also don't welcome that—to get their views on this. But I would not like to embarrass, particularly because he is not here, but I would like to tell the House that even Shri Datta Samant had no grievance against the textile policy.

PROF. MADHU DANDAVATE : It seems to be a mistaken identity ; he did speak and speak against the policy.

SHRI CHANDRASHEKHAR SINGH : You are also not a hundred per cent labour leader.

PROF. MADHU DANDAVATE : I am not a leader at all.

SHRI CHANDRASHEKHAR SINGH : They have to take a public posture sometimes...(Interruptions).

PROF. MADHU DANDAVATE : We can also say that probably the Minister does not genuinely believe in this policy, but for certain postures, he is putting forward this policy.

SHRI CHANDRASHEKHAR SINGH : You can, but it would hardly carry any conviction.

I would like to assure the House that the new textile policy has tried to take a balanced position to take care of the interest of each segment of the

textile industry and see that there is proper harmony and growth in the entire textile industry.

I would also like to assure the hon. Members that we do not stand on prestige on any point and if we find something going wrong at some point of time or the other, we shall certainly make amendments, make suitable changes in the interest of handloom weavers and workers particularly. We have certainly accepted this amount of flexibility in the new policy and we are sure that the new textile policy is going to usher in a new era in the entire textile economy...(Interruptions)\*\*

MR. DEPUTY-SPEAKER : I cannot allow anybody, otherwise we will go on discussing. Do not record. If there is any point, you can discuss personally with the Minister later.

PROF. MADHU DANDAVATE : Why has the expert committee report on textile been not placed on the Table of the House ? Is it marked secret ?

SHRI CHANDRASHEKHAR SINGH : It may be placed on the Table of the House at the appropriate time...(Interruptions)\*\*

MR. DEPUTY-SPEAKER : Do not record.

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17. 18 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, namely :

“That the Bill further to amend the Employment of Children Act, 1938, be taken into considerations’

Shri Somnath Rath was on his log.”  
He may please continue.

**SHRI SOMNATH RATH (Aska) :** Mr Deputy-Speaker, Sir, education, health and hygienic care programme, payment of regular and legitimate wages, fixing working hours, prevention of exploitation by middlemen and employers must be made effective. Laws must be enforced to protect children to improve their income and working conditions even in the unorganised sector in towns rural areas. A child is illiterate, inarticulate and easily intimidated and absolutely helpless and defence less; even he is not in touch with his parents. At the time of trouble, children have to be given special attention. They are not given minimum wages, and they are thrown out of employment at the will of the employers. The question of safety of children should be given high priority and it is a national issue. Steps should be taken to prevent accidents and stringent punishment should be given to owners of industries who violate safety regulations. Middlemen and contractors are creating havoc in all spheres of labour. All the labourers, those going out of the country, those working inside the country and even the child labourers are exploited by them. They are blood suckers and suitable action should be taken to eliminate them and the law should be suitably amended so that a minimum punishment of two years of rigorous imprisonment is imposed on such persons.

Sir, the manufacturers, the merchants and the exporters must be asked to issue work-cards to the persons employed by them, so that they can come under the purview of the Factories Act. In seems, in pursuance of the recommendations of the Gurupada Swamy Committee on Child Labour, all State Governments have been requested to set up State and district level advisory boards on child labour to meet with the problem. I want to know from the hon. Minister as to what has happened to the recommendation made to the Central Government. It should be activated.

Have the Governments taken any steps in this context? Specific guidelines should be sent by the Central Governments to the State Governments for appropriate action so as to put an end to the exploitation of the child labour. Welfare measures, training and other facilities should be introduced and strictly implemented to benefit children in employment. There should be a comprehensive law on child labour and I congratulate the hon. Minister of Labour because he is going to do it soon. The Four-State Labour Ministries Committee constituted to go into the question of prescribing uniform rules for entry into employment by children has submitted its report to the Government. Among other recommendations, the Committee has suggested a time-bound action plan which requires immediate action.

Sir, the problem of child labour cannot be solved unless stringent measures are taken and I share the feeling of the hon. Labour Minister when he says that it cannot be done only by legislation. There is a need to generate social awareness and for achieving this, a multi-dimensional approach to the problem is necessary. As such, active steps ought to be taken to create social awareness and voluntary organisations may be involved in implementing the same. The hon. Minister is to be congratulated because in the aims and objects it has been stated that this Bill has been brought in order to make punishment deterrent. We should fully support the measures that are provided in this Bill to make the punishment deterrent. We should also make imprisonment and fine mandatory, after conviction. The regular trial takes a very long time. So, there should be a summary trial for all these offences and necessary legislation may be made in this regard. Thank you.

[Translation]

\*SHRI P. SELVENDRAN (Periakulam): Hon. Mr. Deputy Speaker, Sir, on behalf of my party the All India Anna Dravida Munnetra

\*The speech was originally delivered in tamil.

Kazhagam, I wish to say a few words on the Employment of Children (Amendment) Bill, 1985 introduced yesterday by our hon. Minister of Labour.

Here I am reminded of what the famous Persian Poet, Khalil Gibran, had said about the children. "Your children are not your children; they do not come from you; they come through you; you give your love; do not impose your thoughts on them; they have come into this world with their own instincts." The author of Gitanjali, Rabindranath Tagore, spoke about the children as the morning of human race. The children are the foundation of future of India. They are the seeds of future Indian society. They are the seedlings. They are the young cuckoos craving to sing. They are the young deers yearning to jump. After 47 years this amendment has been brought to the parent Act passed in 1938. Since this amending Bill will result in some fringe benefits to the child labour I extend my support to this legislation. I support this Bill because you are keeping a flower where you should keep gold, because where you have to give in plenty with both hands you have at least given a pinch.

The phenomenon of child labour is not exclusive to India. According to several reports of International Labour organisation, child labour is prevalent in all South Asian nations. M.S. Gurupadaswamy Committee on Child Labour had given many valuable recommendations some years ago. It is a bitter truth to say that these recommendations have not yet been implemented. In this context, it will be no exaggeration to say that this Bill is not in any way an exemplary legislation. But, according to the maxim that "Something is better than nothing", I am constrained to lend my support to this Bill.

In 1929, the Whitley Commission had studied the problem of child labour and given a detailed report. It is really unfortunate that the situa-

tion prevalent in 1929 is still persisting even to day. In 1931 the Royal Commission on Labour had also given a report on child labour, which later became the basis for the Employment of Children Act, 1938.

This amending legislation does not delineate the amenities that are to be provided to child workers. I take this opportunity to demand that a comprehensive Bill for the welfare of child labour should be formulated by the Government. In our country 20 million child workers are there. You will witness child labour in the carpet industry in Uttar Pradesh. There are child workers in Match industry in Sivakasi and in Salt industry in Tuticorin of Tamil Nadu. The blossoming buds of humanity are getting withered in the scorching heat of Tea Estates of West Bengal. In diamond cutting industry and in Zari industry in Gujarat, the children are employed. The children who are to play with toys are turning round the beedi leaves in Orissa. Poverty is the breeding ground for child labour. The absence of equitable distribution of land is another cause for child labour. In India 50% of the people are below the poverty line. 19% of the family income comes from the wages of children. Since 1881 the law has been stipulating that child labour should be prohibited and particularly the children below the age of 15 years should not be exploited. The 1983-84 Annual Report of the Ministry of Labour has unequivocally accepted that child labour is an unavoidable factor of Indian life. Still this Bill is silent about providing basic amenities for child workers.

The Central Advisory Board on Child Labour under the chairmanship of the Minister of Labour is supposed to look after the interests of child workers. There is also a Child Labour Cell in the Labour Ministry. The Indian Institute of Rural Workers, the Institute of Psychological and Educational Research, the International Council of Social Welfare and the Madras Institute of Development

[Shri P. Selvendran]

Studies have all researched in the problem of child labour in our country. Recently, Mr. Asefea Bequele, the expert from I.L.O came to India and studied the issue of child labour and the schemes being implemented by the Government. He has suggested many worthwhile projects and I do not know when they will be implemented by the Government for the good of child labour.

On 30th July, 1985 in the Constitution Club here 10 child workers from Bangalore had staged a Drama highlighting their woes and how they are being exploited. The organisation called the Concern for Working of Children brought them to Delhi. This organisation has also prepared a draft Bill concerning the child labour, a copy of which has been submitted to Labour Ministry also. From what I came to know about this draft Bill, I am forced to say that this amending legislation is a half-baked legislative attempt. After scrutinising the draft Bill presented by this organisation, I want that the Labour Ministry should come forth with a comprehensive Bill.

I have already stated that poverty is the main cause of child labour in our country. With unassailable conviction that the children should not be crippled by this grinding poverty, our inimitable chief Minister, Buratchi Thalaivar Dr. M.G.R is implementing intensely and extensively the nutritious meals scheme for the benefit of children. The UNESCO and the UNICEF have acclaimed the success of this scheme. The former Secretary of Central Education Ministry has admitted that the drop-out in schools has declined on account of this scheme. The hon. Minister of Labour should ensure, with statutory backing, that the employers of child labour provide nutritious meals to the children working under them. Before I conclude, I would give the following suggestions for the valuable consideration of our Labour Minister.

1. The working hours of children should be statutorily prescribed.
2. The child worker works for 40 hours in a week, while the adult worker does exert himself for 54 hours. There is only a difference of 14 working hours. But unfortunately the wage of a child worker is not even 5% of the wage of the adult worker. It should be ensured through law that the child worker gets the stipulated minimum wages.
3. The employes should provide for education and technical training of child workers.
4. The Associations of child labour should be organised and they should be headed by prominent social workers.
5. There should be legal provision for the rest and recreation of child labour.
6. A comprehensive legislation should be introduced soon for the welfare of child labour.
7. The children should not be employed in hazardous jobs. They should be given dresses by the employers.
8. There should be risk insurance facility for the child workers.

I am sure that if these suggestions are implemented with verve and vigour these withering flowers will blossom again and spring will come into their dreary life. With these words I conclude my speech.

[English]

SHRIMATI PHULRENU GUHA (Contai) : Mr. Deputy Speaker, I stand to support the Employment of Children Amendment Bill most heartily. It is a welcome move. The Bill is already there. It is an amendment of the exist,

ing Act. This Bill provides more rigorous punishment. It is very good. Before I go into the details I shall be glad to know how many employers have been so far arrested or imprisoned or fined ?

The employers of children employ them not out of sympathy but they employ children for cheap labour. The employers can easily exploit children. I have visited a number of units where children are working. It is a horrible picture to see hundreds of children working for 10-12 hours. But I do not want to take the time of the House by giving pictures of the pitiable condition of these unfortunate children.

I am extremely sorry to say that this Bill is not a comprehensive Bill. Employers will be punished, very good, but what will happen to children ? These children come to work, not for nothing, but they do not have anything to eat at home, their parents are not able to support them. So, parents are forced to send their children to work. These parents love their children as you and I love our children. These parents are also eager to educate their children ; they want that after education, they should learn when they will be adult and they will look after themselves and also they will look after their parents. These parents have the same feeling as all of us have. But because of the economic reason, they are forced to send their children for work. Under these circumstances, if the Act provides only the punishment for employers but does not have any scheme for children, it will be very painful. I understand, the scheme for these children, it may not be possible to include in this, but I would have liked the scheme for these children to be formulated and brought before the House simultaneously. I mean both the Bills should have been placed before the House simultaneously. Unless some schemes are formulated, I visualise hungry children going about, mothers with tears because they are not able to feed children. The result will be the

whole family will gradually become malnourished.

17.39 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Not only that, some of the children are bound to be captured by the anti-social elements, because they have no food, they have no cloth, they have nothing at home. So, they will be lured by these anti-social elements. As you know, in the country there are anti-social elements, who always try to find out these children and use them for their anti-social activities.

We must be very careful. We should not leave these children in the hands of the anti-social elements. I emphasise that a scheme for these children should be brought up. Please, do not misunderstand me, but I would reiterate that I support the Bill most heartily but my request is that a scheme side by side with the Bill should be started for the benefit of these children. Until that is done, the children will suffer, the family will suffer, and it is our moral duty to provide education and arrangements should be made for the proper training of these children. Children are the national wealth of the country. We have to see that wealth is not wasted. With these words I support the Bill. I wanted to say some other things but they have been mentioned by the previous speakers. So, I am not repeating them.

SHRIMATI KISHORI SINHA (Vaishali) : Mr. Chairman, Sir, I welcome this Bill to amend the Employment of Children Act, 1938. It seeks to enhance the punishment to be meted out to a person convicted a second time for the offence of contravening the provisions of Section 3 of the Act. It was in the year 1938 that the Employment of Children Act was passed to regulate the employment of children in proper conditions and to prevent

[Shrimati Kishori Sinha]

their exploitation. It was in 1978 that the Act was amended specifically to prohibit employment of children in hazardous industries. But the employment of children in hazardous industries like match making and fire works continues. I am sorry to say that. It is still continuing. Their exploitation continues unabated in the country despite the recommendations of several committees and the ratification of the U.N. Convention about minimum age, etc. India tops the list of the countries in the Third World with the largest child labour population. In 1975 the National Institute of Public Cooperation and Child Development held a Seminar in which it was disclosed that the child labour population was 11 million in the country. Ever since, instead of decreasing, the number has gone up to 17.4 million as disclosed by the hon. Minister in the other House.

Child labour is a product of poverty and socio-economic conditions. All agencies including the United Nations are agreed that complete abolition of child labour is neither feasible nor desirable in the foreseeable future. Any attempt to do so will only compound the miseries of the people living below the poverty line as it is estimated that child labour contributes 23 per cent to the family income. But the Government can certainly take effective measures to ensure proper working conditions for the children and to prevent their exploitation.

The Sivakasi blast costing more than 30 lives as reported is a grim reminder that we have been unable to control and regulate the employment of children in hazardous industries. I would like to know in how many cases was prosecution launched resulting in conviction and sentence of such employers.

I would suggest that the Government should insist that all children so employed are given work cards where all details about them are entered including working hours,

It is a matter of grave anxiety and concern, if not of shame, that children in carpet industry at Mirzapur and around, work eight to nine hours a day.

According to Press reports on Sivakasi, even three-year old children are employed in the match factories there. What a pity it is ! It is really a matter of great anxiety and concern. Some of the children are kidnapped from Bihar and brought there after being paid a small amount to their illiterate parents. They work as bonded slaves. What action has been taken against this practice—I would like to know from the Government. It is good that the Government has come out with a Rs. 45 crore scheme to make a dent on the circumstances which force parents to send their children to work. The scheme is stated to provide gainful employment to parents so that they would have less compulsion to send their children to work.

I would submit that we should tackle the basic problem of poverty. Anti-poverty programmes should be implemented effectively with missionary zeal so as to raise the poor families above the poverty line.

Children education should not suffer. Therefore, I would suggest that there should be schools near the work places and the schooling hours should be so regulated that the working children attend schools in their off hours. Non-formal education facilities should also be expanded. If possible, mid-day meal scheme should be expanded and provision for clothing has to be made.

Above all, the inspecting and enforcing machinery should be strengthened to keep a periodic check on working conditions.

While I support the Bill I would request the Government to omit the proviso. I am opposed to any discretion being given to the court to award sentence which may be less than six months. I do not want any loophole to show clemency or leniency in the case

of second conviction in any circumstances.

I suggest that a comprehensive legislation should be brought. Gurupadswamy Committee has also recommended that there should be one single omnibus law. This legislation should cover minimum conditions like welfare activities at the expense of the employers. Provision should be made for schools which should also train them in local crafts and skills. The law should provide for working schedules with rest intervals and regular holidays.

Law should be made more deterrent and any violation of law should be severally penalised. I support the Bill as far as it goes but it does not go very far. However the Government should appoint a high level official designated as Protector-General of Children with authority to inspect areas where children are employed and submit an annual report to Parliament. We should aim at stopping child labour in a phased manner. This should be our aim, our goal.

With these words I conclude.

[Translation]

\*SHRI ANIL BASU (Arambagh) : Mr. Chairman, Sir, we are discussing the Employment of Children (Amendment) Bill, 1985. I am sorry to say that for the future of the working children that we have in this vast country of ours, the Government has a very indifferent attitude. The hon. Minister, Shri Anjiah has brought forth this amendment bill. But I want to ask him whether he is aware how deep and how extensive is the problem of the working children in India? According to an estimate of the planning commission made in 1983, the number of working children in India is, to the tune of 15 lakh and 70,000. They are in the age group of 6 to 14. One out of every 8 children in India in the age group of 6 to 14, is a working

child. This Bill amply proves how indifferent is the Government to the extensiveness and depth of this serious problem.

In 1938 when the British ruled in India, they enacted the Employment of Children Act according to decision of the I.L.O. convention. A long time elapsed after that and in 1978 you brought about some amendment to that Act, Today in 1985 a half-hearted approach to the problem of the working children by our Government has been made through this Bill. It is being said in this Bill that for those who will contravene the law, wherever there will be violation of the Employment of Children Act, and where there will be repeated violation the punishment has been made more stringent. Surprising is the attitude of the Government indeed. They think that they will solve the vast problem of the working children in India from 1938 to 1985 only by making some provisions for punishment more stringent. They have said in this House after the new Government came to power, the young Prime Minister said 'We shall march towards the 21st century. They said they will bring about modernisation, they said they will introduce electronics and computers. But side by side what is the real picture of India? It is that 55% of the people are living below the poverty line. Over 52% of the people are illiterate. Sir, I am a new member of this august House. When I go back from Delhi, I see at Kanpur, Mogal Sarai, Dhanbad and Howrah that the railway passengers are throwing away their paper containers after eating the food and the small children of my country after 38 years of independence are picking any left over food from them and eating it. A flock of crows are also pouncing on the same containers for collecting food and a group of small children of my country are also fighting with the crows for collecting the same food. This is the real picture of India. You want to march in the 21st

\* The speech was originally delivered in Bengali.

[Shri Anil Basu]

century, you want modernisation and computerisation but what you think about the future of the children of India whom you call the citizens of tomorrow, is quite apparent through this indifferent Bill. Our constitution also has some provisions for the protection of the children. In Clause 3 of Article 15 of the Constitution which deals with Fundamental Rights, powers have been given to the State to enact legislation for the protection of mothers and children. That legislation cannot be challenged. Apart from that in Article 45 and in Article 49 the Government have been empowered to take measures for the protection of the children. But what have you actually done? Today in 1985, India has a population of over 16 lakh child labour, which is the highest in Asia. What have you done for them? When this question will be raised before you by the India of tomorrow, you will have no answer to offer, I know that. But you will have to realise the depth of the problem. Mr. Chairman, Sir, you will be surprised to learn that no general law regulating child labour is to be found on the Indian Statute books. There is no general law! In a restricted manner something has been said about children employment in the Children Employment Bill. There are a dozen other Central Government Acts which contain some restrictions about the employment of children at various places. But if you go through these one dozen Acts you will find that the Government of India has not been able in the last 38 years to properly define the word 'child'. What is the definition of child? Whom do you define as child? It is not defined in the law although there are twelve acts framed by the Central Government. There are twelve pieces of legislation. Some say that one below 14 years should be called a 'child'. Some say he who is 12 years old is a 'child'. Some other says that one in the age group of 10 to 14 years should be called a 'child'. In this vast country carrying the largest

population of child labour in Asia, we could not find a firm definition of 'child' in 38 years. I am really sorry to say this. There is no general law to be found in the Indian Statute books. I will therefore request the hon. Minister Shri Anjaiah, that by bringing forth this type of legislation kindly do not insult our helpless and unfortunate children any more. Our children are half fed, they are starved they are compelled to work they do not go to work willingly or for fun. Just to provide their family with a morsel of food, the children have to go for working the bangla factories of Firozabad, they have to go to the woolen carpet factories in Kashmir, they have to go to various other places where by their labour these children manufacture various articles of craft, of art design in keeping with the culture and tradition of our country. But no proper measures has been taken to this day for the welfare of these child labour. It will be seen that in the field of agriculture, the number of child labour today is very large. They are not only child labour, they are in reality bonded labour. In the 'Mainstream' paper a survey report has been published about Andhra. There in it has been stated that in Andhra, the small child has to work at the hours of the Zamindar or Jotedar as a cattle grazing boy in exchange for a morsel of food. Not only in Andhra Sir, in U.P., in Bihar and in practically all the States the problems of child labour stares us in the face. I want to say with all the force in my command that you are saying you will take the country in the 21st century, but what are you going to do for the 16 lakh working children of our country? What will you do for the starving children, What will you do for those unfortunate children who have to work in the bangle factories of Firozabad in unbearable and in tense heat just for earning a few chips? You will not be able to say whether inspite of having twelve pieces of legislation, you have been able to punish or convict any violator. Therefore you will not be able to do anything just through legislation. If you are sincere and

really want to do anything for the benefit of the children, you frame a comprehensive Children Act. Not only that, you will have to say how much money you have allocated for the welfare of the children in the 7th Five Year Plan. You will have to say how you propose to solve the problem of these 16 lakh child labour. The policy you have adopted will only increase the number of unemployed in the country, it will only increase the poverty. You have not been able to complete the work of land reforms. In this situation, the number of child labour in the country will surely increase further. This Bill will fail to bring any succour or relief to the children. You have brought this Bill just for self-deception and wood-winking the people. We are not opposing this Bill. I and my party support this Bill whatever be its

worth. But I will urge upon you to kindly think reply about the frightening children's problem facing us. Kindly take some sincere steps. Do not deceive and cheat the children. These children of today will grow into the youth of tomorrow and those young children will never forgive you if you fail them.

[English]

MR. CHAIRMAN: The House stands adjourned to meet tomorrow at 11.00 A.M.

18-01 hrs.

*The Lok Sabha then adjourned till eleven of the clock on Friday August 9, 1985/Sravana 18, 1907 (Saka).*