

The villagers have voluntarily donated land for the command area and yet there is no progress. Being a major irrigation project, it becomes the responsibility of the Central Government to complete the project without any further delay. Without the project the area cannot thrive. I would, therefore, urge upon the Hon'ble Irrigation Minister to have the pace of work accelerated and have the entire project completed within a fixed time-frame.

(ix) Need to take Permanent, Preventive Measures to Save North Bihar from the fury of Floods Every Year

DR. G. S. RAJHANS (Jhanjharpur) : Under Rule 377 I want to make a statement on the following matter of urgent public importance.

As the Chief Minister of Bihar has recently stated the recurring floods in North Bihar are primarily due to the fact that quite a few rivers originate in Nepal and there is no barrage or reservoir in that country to check the flow of water into North Bihar.

A few years ago, at the initiative of the Union Government, an expert Committee on flood protection was set up which had recommended that among other measures, it was necessary to set up reservoir projects on Kamla, Kankal, Kosi and Bagmati in Nepal. It would protect both Nepal and North Bihar from the furies of recurring floods.

Sometime back the executive director of the United Nations environment programme, had suggested afforestation in the Himalayan region of Nepal to check soil erosion and severity of floods both in Nepal and North Bihar.

The main tributaries of Ganga in Bihar are Sogra, Gandak, Burhi Gandak, Kosi, Bagmati and Mahananda. The Ganga is in the water drain in the State. Usually it remains in high spate in the monsoon and blocks the drainages of tributaries. Since 85 per cent of the catchment area of Ganga and its tributaries in North Bihar is outside the

States the flood control measures within the State cannot provide full protection to Bihar. For this the Union Government should take initiative so that there is inter-State regulation of rivers and an understanding is reached with Nepal to control these rivers at the point of their origin.

15.52 hrs.

EMPLOYMENT OF CHILDREN (AMENDMENT) BILL—CONTD.)

[English]

MR. CHAIRMAN : Now we take of item 10—further consideration of the Employment of Children (Amendment) Bill.

Shri Yogeshwar Prasad Yogesh to continue his speech.

[Translation]

SHRI YOGESHWAR PRASAD YOGESH (Ghatra) : Mr. Chairman, Sir, I had mentioned in my inconclusive speech on Employment of Children (Amendment) Bill, 1985 introduced by the hon. Labour Minister that reputed poets have written in praise of the Children. Longfellow has said :

[English]

"You are loving than all ballads"

[Translation]

TUM SAMAST KAVYON SE BHI
SUBHAG HO

Mr. Chairman, Sir, I would like to quote an instance regarding atrocities being perpetrated on such child labourers. In 1983 some child labourers were sent to Mirzapur from Palamau by the middle men. They were the artisan children, who possessed hereditary and traditional knowledge and were employed in the carpet making industries. The employers did not give them sufficient meals and they were forced to do the work. They were beaten up severely on committing some mistakes. They

[Shri Yogeshwar Prasad Yogesh]

were working as a bonded labour there. Government have done considerable work for the abolition of bonded labour system and a number of steps have been taken to rehabilitate them. But no mention has been made about child labourers while taking steps for bonded labourers. I want that a separate category should be formed for child labourers and separate arrangement should be made for their rehabilitation. Besides, I would like to say that mostly the bonded child workers are the children of bonded labourers and the scheme to rehabilitate them is proving to be impractical. The allocation of Rs. 4,000 made for them should be increased. By setting up industries in the nearby places, These bonded labours should be given employment there so that they may become conscious of their rights and fight for them. This category of workers, though illiterate, is the most vigilant.

Mr. Chairman, Sir, I would like to say one more thing through, you that Government should impose ban on the employment of these child labourers. I want that it should be totally banned because of the child labourer works then it will undermine the very purpose of the family planning or the family welfare. The poor people think that if they have more children then later on their children will help them in their income. You see that these children become bonded labourers in other form. Big landlords keep them as bondage by paying them Rs. 200 to Rs. 300 for grazing their cattle and in this way they work as bonded labourers.

One thing more I would like to mention. A committee for the welfare of child labour was constituted under the Chairmanship of Gurupadswami. That committee had recommended that all the departments of Government should understand their responsibility and try to monitor the welfare of those children who are employed. It had also recommended that the minimum wages should be increased. This should be done to supplement their income. I think the report of the committee is ridiculous because all know what difficulties are encountered in getting the normal wages even. They do not get the normal wages in full. For this they have

to struggle and on the other hand is it possible that their wages will be supplemented. When the landlords do not pay the labourers their statutory minimum wages, then how will they supplement the wages of their children. Disputes arises in paying the minimum wages to them and the landlords cleverly get them declared as naxalites and managed to get Police protection for themselves. When this is the condition in regard to the paying of minimum wages then the questions of supplementing the wages of child labourers does not arise.

I have a suggestion to make Ban should be imposed on the employment of children. Employment based schools institutions should be set up where the children might be given training and all the expenditure to be incurred on them should be borne by Government so that the children are not forced to work as bonded labourers or to do some other type of work due to poverty. If he works in that period then he should get some stipend so that his parents' income is supplemented.

Secondly, I would like to submit to the hon. Labour Minister, that as he has taken revolutionary and progressive steps in this direction, a meeting of trade union representatives and those working in the factories, should be called and they should be taken into confidence for keeping an eye on these factories where such children are working.

A survey should be carried out in the whole country to know in which industries child labourers are engaged and then effective steps should be taken to rehabilitate them so that we may be able to do away with this baneful practice.

With these words I express my thanks for giving me an opportunity to speak.

SHRIMATI PRABHAWATI GUPTA (Motihari): Mr Chairman, Sir, I rise to support the Bill which has been brought to amend the Employment of Children Act, 1938 and which is under consideration of the House. While supporting it, I would like to give some suggestions. Our labour Minister has done much work

in the trade union field. I was expecting that along with the provision of punishment, he would bring such a welfare scheme which may benefit the child labours in real sense. But on going through the whole Bill I was surprised that only provision of punishment has been increased in the Bill. The Three months period of imprisonment has been increased to two years and the fine has been increased to Rs. 2,000 from Rs. 500. But in my opinion, this will not solve the problem of child labour. I agree with Shri Yogeshwar Prasad Yogesh that the practice of child labour should be abolished in our country although I know that the child labour practice exist in big developed countries also. The United Nation Organisation has also said that prevention and abolition of child labour is neither practical nor possible. But this is desirable. I, therefore, suggest that a Comprehensive Bill may be brought in this respect.

16.00 hrs

[SHRI N. VENKATA RATNAM in the chair]

Mr Chairman, Sir it is true that still the child labourers are engaged in the hazardous jobs. The child labourers from Lohardig and Palamau of Bihar were engaged in the Carpet factories in Mirzapur. There they were kept as slaves. They were put to work like bonded labour. They were not supplied square meals. They were resented with great difficulty. The story of the Plight of the child labour is amending. They are not supplied square meals. They have no cloths. They remain naked and hungry. This is their present condition. I shall narrate their plight in a couplet :

*Abhilanson ki karwat phir sput vytha ka
Jagna*

*Sukh ka sapna ho Jana bhigi palkon ka
Jagna*

There is a great disparity in our country. On the one hand these exist five star-hotels. The children of big people sleep under velvet quilt. During summer they relax in air-conditioned rooms. They

have sufficient means of good education, sports etc. On the other hand there are children of the poor. There are child labourers in our country. In my opinion we shall have to eradicate poverty from the country for solving the problem of child labour. Our late Prime Minister Shrimati Indira Gandhi had given a call 'eradicate poverty and save the country' (*Garibi hatao aur desh bachao*) in 1971. After this, when she assumed power in 1980, she introduced 20-point programme in the country. We do hope that through this 20-point Economic Programme we shall be able to eradicate poverty from the country to a great extent.

But I would like to know from the hon. Labour Minister what measures are being taken to implement the provisions of the Employment of Children (Amendment) Bill and who will implement it? I find a number of lacunae in this Bill. In this Bill, it is not mentioned what type of rules will be framed under it and in what way punishment will be awarded to the defaulters. When the hon. Minister gives a reply to the question, he should also give figures to show the number of employers who were punished with imprisonment and of those who were punished with fine for employing children in hazardous jobs since the enactment of Employment of Children Act, in 1938.

Mr. Chairman, Sir, you might be knowing that a committee of Labour Ministers of four states was constituted. That committee had given some suggestions for solving the problems of child labours after going into it and conducting study in this regard. I would like to know what action has been taken by government on it and whether these suggestions have been implemented ?

Mr. Chairman, Sir, there is International Labour Organisation on the international level to solve the problems of labourers one of the experts of International Labour Organisation had visited India and studied the problems of child labour after touring different places. Then he submitted various Schemes and other suggestions I would like to know whether any action has been taken

[*Shrimati Prabhawati Gupta*]

or not on these suggestions and schemes for removing the sufferings of child labourers?

Mr. Chairman, Sir, the problem of child labour is linked with poverty. Although the problem cannot be eradicated but it can be solved to a great extent. Population is one of the biggest problems of our country. If the whole country adopts Family Planning then this problem can also be solved. When our Hon. Prime Minister, Shri Rajiv Gandhi visited United States and other countries, the correspondents asked him what was the biggest problem which India was facing. He replied that our biggest problem was of growing population.

Mr. Chairman, Sir, if we want to solve the problem of child labour, then the education of children in the age group of 6 to 14 years and 14 to 18 years should be nationalised. It will be in the interest of the country, as well as it will be a great welfare measure.

Mr. Chairman, Sir, I would like to congratulate the Central Government for formulating an attractive scheme of Rs. 45 crores for giving employment to the guardians of child labour. If the government implement it properly then it can provide jobs to a good number of guardians and in this way they can give education to their children.

Mr. Chairman, Sir, it is an irony of fate that the children of tender age supposed to pass this time in playing have to work in the hotels and graze goats and buffaloes. I would like to know what the hon. Labour Minister is going to do to solve these problems.

I have a suggestion that arrangement of proper and wholesome meal should be made at such places where child labourers also are engaged there working hours should be fixed. Taking works from the children for more than the fixed hours should be declared a heinous crime and provision of imprisonment upto 5 years should be made for it. It is also essential that there should be recreation spots for the children where they can enjoy themselves and also pursue their studies.

Mr. Chairman, Sir, there was a time where in vedic period the children of rich and poor used to pursue their studies together in Gurkul. The story of Krishna and Sudama is well known. But today there is a great disparity. Government have introduced 20-point programme to remove this disparity. This is a revolutionary step. Unless there is no change in our social set up and no social and economic revolution takes place, the sad plight of the child labourer will persist.

With these words, I support this amending Bill and hope that the hon. Minister will implement my suggestions for the people's welfare and for the benefit of child labourers.

*SHRI C. JANGA REDDY (Hanamkonda): Mr Chairman, Sir, though I welcome this Bill, I doubt whether it would really serve the interests of the children. There is a saying in Telugu which means that neither granny serves food nor allows the boy to beg. Sir, the Government propose to ban working children who are above 15 years during nights and boys below that age from working totally. This Bill provides for the punishment of those employers who employ the children below 15 years age. But how about those people who are in villages. We come across children who are below 15 years carry on every sort of work and helping their parents in their professions. What Government are going to do about them? There are certain industries like safety match industry, making of candle sticks, and beedi-industry which to a large extent are dependent on child labour. In these days when parents and their children have to work together for their survival, what is that the Government have done for their emancipation. What have the Government done so far for the children who work for their bread. On one hand the Government are taking away their right to work and on the other no effort is being made to impart education to them. What is the use of bringing out one legislation after another if they are not enforced properly.

*The speech was originally delivered in Telugu.

The Government could not conforce so far even a single Act successfully. For example, we had introduced compulsory primary education long ago. But did we implement it successfully? We have prohibited child marriages through legislation. Could we succeed in its implementation? So it is clear that all the legislations made in the past have failed miserably because of their non-enforcement. Now this Bill is also going to meet the same fate. Sir, when we travel in trains we see children coming and cleaning the compartment. After cleaning the compartment they beg for few paise. They carry on in this way feeding themselves with a paltry amount thrown at them by passengers. This is also a common sight at our Bus stands. After banning employment of children through this Bill, what do Government propose to do for these poor children? When this Bill is passed, no employer will come forward to employ children in his establishment because of the penal provisions. When these hapless children are thrown out of employment, they have no other method of earning money to feed themselves, except turning out to be a thieves. This Bill may prove to be counter productive for the large number of children who are engaged in beedi-industry, match industry etc. So, before the Government enforces this Act they should draw up a programme to take care of all such children. These children must be taken care of when they are thrown out of employment. The Government must also think about the conditions of the parents who depend on their children for their livelihood and do something to improve their conditions. Sir, this Bill deals with only working children. It does not cover those children who are helping their parents in their professions in our country side. I ask the Government as to how it is going to deal with this section of children. According to this Bill, any person who employs children, attracts the penal provisions of the Bills. But how about the persons who in a way employ their own children, so to say, to carry on their professions. Whom are the Government going to arrest? Whom the Government will punish? How the Government are going to deal with a cowherd or a shepherd who sends his child to graze the cow or sheep? The hon. Lady Mem-

ber from Bihar, who preceded me dealt at length about this aspect of the Bill. How do Government propose to deal with the parents in our country side who engage their children in their own occupations. Our agriculturists are very much dependent on their children. The moment they get up in the morning, these children have to do something or the other. One farmer may ask his child to take the cattle out for grazing, another may ask his child to run the motor to water his fields. Thus these children help their parents and are much useful to them. By passing this Bill, the Government can punish the employers who employ children below 15 years. The canvas is not wide enough to cover the parents seeking the help of their children to carry out their profession. They escape the net. What is the view of Government in this regard. What are they going to do in this regard? How are they going to deal with these parents. Unless socio-economic conditions prevailing in our village change, I think this Bill also is doomed to be a failure. So effort should be made to change the socio-economic conditions of our village folk. Emphasis should be on bringing about a change in the existing conditions. Till then no matter how many legislations you may enact, they are not going to solve the problem. Under the prevailing conditions, I am afraid, Sir, the legislation may prove too difficult to be enforced. Our villagers depend too much on their children. Take for instance how the parents depend on their children in making beedis. Children will assist in rolling the loaf or tying it or in any other manner. With the assistance of their children the parents can make more beedis and earn more. How far is it justified to impose ban on working of children in these days when every member has to contribute and supplement the income in order to survive? It is alright that your intention is good. But how far the Government can expect to enforce this legislation? I want the hon. Minister to answer this point in his reply. There are many more small scale industries like those which manufacture candle sticks, safety match etc. where a large number of children are employed. In fact the parents or the elders of the

[Shri C. Janga Reddy]

family take their children to their working places. Go to a workshop where cars are repaired. You will find the children working as cleaners. The Children join some profession in their early age, so that by the time they are 15, they can settle down in that profession and stand on their own legs. Now by banning the children from being employed the Government is only trying to prevent them from learning some trade. When they have no job to do, these children grow up only to become thieves in their later age. So this bill may eventually prove to be counter productive. Hence the Government must come out with a positive and productive programme to rescue the children who are now going to lose their jobs. Sir, many hon. Members belonging to the treasury benches were speaking eloquently about the 20-points programme. All these 20-point programmes and 5-point programmes or by whatever name you may call them, have not succeeded in changing the socio-economic conditions of our people. Unless these conditions change, the progress of the country is not possible. Legislations such as this, will remain only on paper. These Acts will prove to be too difficult to implement till then. We know too well how legislations banning child marriage and prohibition etc. have failed miserably in the past. The prohibition was introduced in Andhra only to be lifted later. Every one realises the difficulties of implementation after coming to power. Just now the Essential Services Bill has been introduced. Defending the introduction of the Bill, the hon. Home Minister has said even States like West Bengal, Karnataka and Andhra which are being ruled by opposition parties, are for the extension of the Act. The opposition parties had to stage a walkout in order to demonstrate their opposition to the Bill. The difficulty arises when the Act is implemented. What are the resources and the administrative machinery this Government has got for implementing this proposed Act. It is alright that the Government has prohibited employers from employing children below 15 years. But where should these children go? What about their future? Our railway platforms and Bus stations will be flooded with such children begging money. Or they will turn out to be pick pockets. This way Govern-

ment is only trying to encourage these unhealthy and deplorable trends. So I request the hon. Minister for Labour to keep this in view while enforcing this Act. The children who will be thrown out of employment should be properly taken care of by the Government.

Sir, the Government proposes to prohibit children who are in the age group of 15-17 years, working during nights. Children working in the night is not that much prevalent in northern States like U.P., M.P. but is very much prevalent in Southern States like Andhra. In places like Hyderabad one can see children employed in hotels, working till midnight carrying all sorts of jobs like cleaning, serving etc. So I want this Act to be applied to hotels as well. The merciless hoteliers who force the children to work till midnight must severely be dealt with.

Sir, success of this Act depends on various social factors. We must have enough schools to provide education to all the children. I plead for opening of more and more schools which can offer vocational training to the children. This helps children to stand on their own legs when they grow up. The intention of this Bill is good. But there are many hurdles in its implementation. The Government must gear up all its machinery for the purpose. What are the steps the Government proposes to take for the effective implementation of this Act? I want to know this well intended measure should prove to be a boon but not a bane for the millions of the unfortunate children in the country. It should not prove the saying in Telugu which means that neither grand mother gives food nor allows to beg, to be correct.

Sir, before I conclude, I thank you for giving this opportunity.

[English]

SHRIMATI JAYANTI PATNAIK (Cuttack) : Mr. Chairman, Sir, this Amendment brings some changes in the original Employment of Children Amendment Act 1938, Sir, this is to enhance the penalty,

so that it will have deterrent effect on employers who violate the provision of the Act. I support this Bill, as it is expected to go a long way in discouraging employers from violating the provisions of the Act. Sir, I know the Labour Minister is concerned in regard to this Bill, still I doubt whether any prosecution will be done by giving stringent punishments to those who are violating this Act, because the number of prosecution is less and even in those cases the Government inspectors state that they are reluctant to initiate any prosecution proceedings because it would result in child losing his job. We see that we have not yet reached the stage where we can ban such child labour. We are trying our best to achieve that objective.

According to the official statistics based on a sample survey in 1983, there were 17.36 million working children below the age of 15. But official statistics also state that 2/5th of the total Indian child population live in such condition where the question of survival comes. From this one can assure that the true reflection of the number of working children in India would be nearer to 100 millions. From this, it can be said that child labour remains widespread and very much disquieting in many parts of the country.

Sir, first of all, I want to say that there does not exist any overall statistical data analysing the occupational distribution of these children or systematic analysis of the actual conditions of their work. I would like to say that the Ministry must take up this action by setting up a separate cell with the cooperation of the Social Welfare Ministry and other concerned Ministry. Some research work have been done which indicate that the great majority of children are, found in agriculture or in small scale industries, in workshops, in quasi-family undertakings in urban areas. They work under such conditions which are detrimental to their health and welfare and they never go to the school, and they drop out. Some legislation often excludes some of the occupations also. So, we know that child labour is essentially a problem of development. For large families, child labour is an economic compulsion and at the same time the

employers find in children the economic advantage of a cheap, productive obedient and efficient labour force.

Sir, I would like to say that India was a founder member of the I.L.O. in 1919 and was a signatory to the first convention on the prohibition of child employment. Since then, it has enacted a large number of legislations, to ratify the I.L.O. conventions to prohibit the employment of children below 15 in different schools. All the legislations deal with specific sectors and not one of them is comprehensive in covering all occupations. Thus no general law regulating child labour is to be found in the Statute Book. So there should be a comprehensive law and I am glad to know from the Annual Report of Labour Ministry which says that as for the decision of the Labour Ministers' conference held in September, 1983, a group was set up to examine the raising of the minimum age of child for entry into employment and the needs for a comprehensive legislation in the employment of children.

I would like to know when the final recommendations—which are expected to come up shortly—will come. They should come up as early as possible. The existing laws relating to prohibition and regulation of employment of children should be consolidated into a single, comprehensive one.

We have to admit the reality. What should be the strategy? The strategy, of course, should first of all be to eliminate child labour. In order to eliminate child labour, there should be an attack against poverty and under-development of families. For this, we have got the 20-point programme, the rural development programme and other employment programmes also. But still, we have to look to the needs of the children when they are in employment.

For designing programmes, working children could be classified into (a) children in wage-earning employment; (b) children bonded with artisans; (c) children living and working as unpaid family workers, and (d) children working and

[Shrimati Jayanti Patnaik]

schooling.

When we speak about children in wage-earning employment, hazardous occupations should be identified. The employer should be urged to ensure adequate conditions of work for the children, by enforcement of legislation, and administrative advice. Here, we see that children are so employed i.e. in small scale sector, petty commerce and domestic service, where labour laws do not apply. Sometimes, labour administration has limited influence; and so, here the cooperation of other administrations relating to social services is imperative, in fact-finding, publicity work as well as relief work.

There should be some standards laid down. If the child is employed, it should have some training. This standard should also be laid down. Each specific category which I have mentioned here, has its own peculiar problems, which need to be attended comprehensively.

The Gurupadaswamy Committee had made various suggestions, and some of our hon. Members have also suggested certain things, I would also like Government to bring out specific data. The Gurupadaswamy Committee had also suggested this.

About Advisory Boards also, some hon. Members have spoken. But in the advisory boards, more female members should be taken in.

About strengthening the machinery of enforcement also, Members have spoken. This machinery also should be strengthened.

Some institutional framework should be evolved for ensuring collective bargaining in respect of the needs of children. For this, Government should initiate a dialogue with the trade unions. Besides all this, an effective enforcement of the Apprentice Act, and the setting up of separate vocational clinics and employment bureau for children will also be required.

Besides this, a housing scheme is very necessary for children. Where a large

number of children work, they should be provided housing, and this need should be looked into.

I have spoken that children are exposed to serious hazards, and that identification of such jobs is also necessary. But no effort has so far been made to regulate their employment. This should also be taken into consideration.

Lastly, I want to say that the media has a role to play. We know that sufficient funds are required for providing all these things; but the community also has got role to play. They should be made conscious of it. The publicity media has a meaningful role in bringing about a greater social consciousness on this evil of child labour. Though sporadic efforts are being made, there is no conscious planning in this regard.

We have the match industry where children are employed. Hazardous employment has already been spoken about by some of the hon. Members. Even in the carpet industry of U.P. where Rs. 54 crores have already been given, the child benefits only by getting Rs. 1-25 for food, and the rest of the amount goes to the *babus* or other higher officials. All the needs of children should be looked into. This is a great problem. I must emphasize on tackling this serious problem. Ours is a welfare State and we must think of a time-bound programme where a target should be fixed. That is, at least some percentage of such children within a particular time should overcome the problem, and to this extent, it should be limited. But within this period, we should try to our tail the problem to some extent, some percentage of the problem should be dealt with, and this should be taken into account. I hope the Minister must look into it. With these words, I support this Bill.

[Translation]

SHRI RAM BHAGAT PASWAN (Rosera) : Mr. Chairman, Sir, I rise to support the Employment of Children (Amendment) Bill introduced by the hon. Labour Minister. It would have

been better if child labour liberation Bill would be presented instead of Employment of Children (Amendment) Bill as it would help ensuring welfare of children specially. After going through this Bill, it is being felt that it is not going to help in the welfare of children.

The hon. Minister has been a labour leader himself. He has great sympathy with the poor and children. We hope that he will bring a Bill to confer freedom on the bonded children.

Today we see that some parents spend Rs 1000 per month on their child whereas some others being very poor mortgage their children to make both ends meet. Their children fall victim to hazardous and difficult jobs and they do not have money for their coffin and burial. Such type of disparity exists in the country.

Just now hon. Member Smt. Prabhavati Gupta has said that it is all due to poverty. You should remove these causes due to which children are subjected to hazardous jobs. You should find ways and means to release the children from slavery.

The present amendment is not going to help much. Those poor people, who do not have money to enter into litigation and who do not have bread to eat, will not get any benefit thereby. It seems to be a very ridiculous thing. I hope that you want freedom for the bonded children. All the children call Nehruji as 'Chachaji'. Mahatma Gandhi has said they are gardens of the nation. Our country's future depends on children. Today not lakhs but crores of children are half naked and some starved. They do not get square meals despite hard work.

We see that children within the age group of 12 to 15 years pull cycle rickshaw. In Calcutta a 15 year old child pulls the cart as if he were a horse. In this way the Children are working in place of animals. You should pay attention towards this,

We feel that you have love for Children. There are many Acts for bringing about socio economic parity, but they have not proved effective. You have enacted Widow Marriage Act, Land Ceiling Act, etc. Similarly, you are going to make an amendment in the Act under discussion also. If a legislation is enacted but not implemented, the very purpose of its enactment is defeated. Similarly, if the amendment made by you is not given a practical shape, it will have no use.

You should bring a Liberation Bill for poor children. Some useful steps should be taken to bring the people above the poverty line. You should impart compulsory education to those children within the age group of 5 years and 15 years or even 25 years whose parents are living below the poverty line. After education you should give guarantee for their employment and residential accommodation so that your Children may not be able to indulge in inhuman acts in future.

Today in hotels and farms, children put in work equal to that put in by adults from morning till evening. You should try to prevent this thing. Sir, a mother's heart is very big—

*"Dev pat ki bhookh jhan hai, vahan hriday
ki bhookh na dena,*

*Jnane ko jo bant Chakori, Usko Chandra
Vimukh na dena,*

*Beta beta hai bhi ma se chhin jata hai
Do paise ke liye Videsh mein ma ka din
gin gin jata hai"*

But when a mother has to face extreme poverty, she subjects her children to slavery. Our Hon. Minister is a great humanist. Our hon. Prime Minister has also initiated steps under the 20 point programme to lift the poor above the poverty line. So, you should prepare a scheme for those poor Children at an early date. You have formulated very big schemes. But who has been benefited by these big schemes? The ospita-

[Shri Ram Bhagat Paswan]

lists have taken benefit of it. The poor did not get any benefit. I, therefore, would like to urge the hon. Minister to take effective steps in this direction immediately so that all the children in the country get equal Treatment and these nation builders may look ahead for bright future.

With these words, Sir, I conclude and thank you for allowing me to speak.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura) : Mr. Chairman, Sir, all my hon'ble colleagues have referred to the plight of children employed in our country. It is a matter of shame that we have earned the dubious distinction of being mentioned in the I.L.O. Report that in India children employed in the match factories and private mines of Meghalaya are among those working in "most inhuman conditions in the world". We have also earned the dubious distinction of being included in the same report, that nearly 76.5 million children were working "in inhuman conditions".

Sir, the problem is well-known. But then, the seriousness of it or the pathos of it are always to be remembered.

Recently the question of the carpet weavers has been referred to very much. The Supreme Court appointed a committee in 1984. They prepared a report of that area. They found that these children were made to lie down on the rooftops without any cover both in summer and in winter ; they were given only one piece of *chapati* and some watery dal ; that also was deducted from their wages and they were made to work as bonded labourers from the time of their ancestors, not even fathers or grandfathers, for Rs. 800 or so taken some 15 years ago or so. That is how these children are working. That was all seen by this committee.

In the capital itself, a report of the Institute of Social Undertakings says that about three lakh children are working in the capital for 12 to 14 hours a day with only Rs. 2 as wages. In my part of the

State also we often see that in hotels, restaurants, plantations the situation is quite serious. All over India among plantation labour it has been seen that among children wages vary from 99 paise to Rs. 3.50 per day. There is neither time nor any necessity to dilate on the conditions at length. But it is good to the nation that sometimes at least we remember in this august House in what great plight our children are.

A point has been made by many of my friends that a comprehensive labour law about children be brought. I support that. My contention is that a comprehensive labour law is necessary but probably very much more necessary is the implementation machinery. Who is implementing the laws that are existing ? I do not see any implementing machinery for that. Who are the employees who go to register that there is child labour and who go to catch them ? Nothing ever happens. Therefore, the most important aspect of the thing is to strengthen the implementing machinery. Instead of strengthening the laws, really a machinery *de novo* will have to be set up with regard to child labour, because the Labour Directorates which are there in the States, they often remain busy with the organised labour. Unless a special machinery all along the line is built up which will exclusively go into the question of child labour laws which are there and which will come in future for the benefit of the child labour, nothing will happen. If this implementation machinery is not thoroughly overhauled and new thing is brought with plenty of women workers thrown in to make it effective, I am sure that really no serious turn can be brought about in the situation. Therefore, I would like to know from the Minister his idea about the implementation machinery. What is he going to propose and how soon ? By what time this comprehensive labour law on children is being contemplated and by what time it will be brought before the House.

I would have been happy had I been able to say that let us ban the child labour. Unfortunately, in the socio-economic condition in which we are in, we are really not in a position to ban

the child labour as such because that will be a big blow on the poorest of the poor families. This is the paradox of the situation. That being the situation it is really imperative on the part of Parliament, Government and the entire nation that serious attention is paid to improve the really most inhuman conditions of our child labour. I would like to know from the Minister as to what his proposals are in regard to that.

[Translation]

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh): Mr. Chairman, Sir, I welcome the Employment of Children (Amendment) Bill. In the constitution also there is a provision for ban on child labour. In 1958, similar law had been enacted. But even today there is no dearth of child labour in the country. According to a survey there are two crore child labourers in the country even today and according to present pace their number will further increase in coming years. It is also true that child labour problem exists not only in this country but also in many other countries. I.L.O. has also said that children less than 15 years of age should not be employed on such jobs. In our country child labour problem is very grave. It is a blot on humanity. I would like to say a few things in connection with the amending Bill.

First, the hon. Minister has made a mention about the hazardous job but no clear definition has been made in this respect. Can we not term those jobs as hazardous which the children do in villages? Today, you will witness child labourers in every corner of the country. For example, small children work in match-stick industry in Tamil Nadu. Will it not be termed as hazardous job? Similarly, children are working in carpet industry in Uttar Pradesh and Kashmir. They work for 12 to 13 hours daily there and they are compelled to work even if they feel sleepy. Can we not term it as hazardous job? Similarly, children are engaged in slate manufactures work in Madhya Pradesh. Besides, child labour is

engaged in all the hotels being run in the country to clean utensils. You can see children cleaning utensils in hotels. Can this job be not termed as hazardous? Similarly, children are exploited in agricultural work in every village and they are paid very less wages say Re 1 or Rs 2 only. In this way they are exploited and their condition worsens. Their physical and mental growth is not possible because they start working in a very young age and in this way they cannot become successful citizens of the country. They contract diseases in their childhood itself. A 20-years old person is in the prime of his youth but they look old when they attain this age. Death rate is also increasing among them due to their exploitation.

There are certain other jobs like begging in which they are engaged. They are forced to resort to begging and they are made crippled. A law should be enacted to prevent all these things.

Enactment of law will not serve any purpose unless you have got special machinery to implement it. I feel that you have got no special machinery to detect such cases. The greatest question before us today is as to why children undertake such work. Their parents think that income of the child is an addition in family's income. I would like to give a suggestion to the hon. Minister and through you I would like to request the hon. Education Minister that 'Earn and learn' factor should be included in the proposed new education policy. Such experiments have been made in many states where children learn while doing petty jobs and they are given vocational training. In this way they earn a little to meet their expenditure on books and other articles. It is essential that in our educational policy besides giving vocational training, 'earn and learn' factor should also be included.

I also suggest that there should be Labour Advisory Boards in the Centre as well as in States. It should be the duty of the District Labour Officer to visit different places and if he finds that Child labour has been engaged somewhere, he should take action in the matter. No attention is paid towards child labour. De-

[Prof. Nirmala Kumari Shaktawat]

terrent punishment should be given particularly to a person who forces the children to resort to begging. The period of proposed imprisonment is very less. It should be increased at last to 5 years. Unless you do this, you will not be able to reduce the number of such persons. One thing more. The Central and the State Governments will also have to make arrangements for the rehabilitation of children, who will be dislodged from their respective jobs. They should be kept in hostels where they can get occupational training. Training Centres should be set up for them.

Mr. Chairman, since you have rung the bell, I shall be brief. Merely enactment of law will not serve the purpose. No social evil can be removed with the help of a law. Child Labour problem is a social problem. We are required to change our approach. Unless we do so, this problem will continue to remain. Hence, social awareness is necessary.

While concluding, I would like to say that children are precious assets of the country. It is the bounden duty of a welfare state to protect this asset. This law is not adequate in this direction. So, it needs to be amended. With these words I conclude.

SHRI HARISH RAWAT (Almora):
Mr. Chairman, Sir, Child labour problem is the biggest problem before our country and it is linked with poverty. Prior to me, many hon. Members have spoken on this problem. I would also like to reiterate their feelings.

There are many laws but the main point is how effectively they are implemented and to what extent the enforcement machinery is committed. Parliament enacts laws. But due to lack of Coordination between the centre and the States, which are supposed to implement, these laws continue to remain on paper. Factories Acts are not implemented properly. Innocent Child labour is subjected to exploitation there to the maximum extent. They are not able to even express their sufferings whereas laws are there to protect them. How can they raise their voice?

Their condition is very pitiable. You should pay attention toward this and take action to implement it with the help of the States.

I am not against any law. I would like to say what Prof. Nirmala Kumari Shaktawat has said prior to me that unless social awareness is created, too much cannot be expected in this field.

I.L.O. and W.S.O have very seriously drawn our attention towards this problem. We should always keep this in mind that this problem in our country is linked with the problem of poverty and unless the problem of poverty in our country is not solved, this problem could also not be solved. We should, therefore, always keep this in our mind and I think, the hon. Minister might be aware of the shortcomings in the implementation of law throughout the country as he is the Chairman of the Central Advisory Board and he has many sources for gathering the information. He can have better knowledge about it, because he has done a lot of work in this field and he has many achievements to his credit. I would like to submit to him that the provision of punishment in the current law is so mild that it needs to be made more comprehensive. As many other Members have also said earlier, a comprehensive Bill should be brought before the Parliament and various aspects of child labour should be included in this law and these should be got implemented.

I would like to submit one more point that there are certain people in organised sector, who work as touts between the employer and the child labour. By hook or by Crook they persuade the parents and send their children to the employers and they pocket a major portion of their wages. It has to be considered as to how their problem could be solved and how could they be released from the clutches of the touts.

In addition, I would also like to submit that working hours for ordinary workers are less, but working hours for child labour are very much. The employers indulge in arbitrary manner and the

children are not able to protest in a proper manner. They are also not organised. I would, therefore, urge the hon. Labour Minister that a machinery at regional level should be set up which could fix working hours and their wages and might also look into other matters.

I would also like to add that arrangement should also be made for providing education and training to the working children and statutorily this responsibility should be fixed on the employers. If such a law is not enacted, then I think, no employer would come forward and say that he would make arrangements for the education of the child labour working under him.

I would also like to say one more thing that in 1978, a law was passed in this regard and a ban was imposed on the employment of child labour in any hazardous industry, but still they are being employed in the hazardous industries. There is always risk to them and they might suffer any loss and this may jeopardise their entire carrier. I would request the hon. Minister that a social security scheme should be formulated for the child labour engaged in hazardous industry and where they might suffer any loss of life and limb. Under such a scheme arrangement should be made for their maintenance throughout life. You should work in this direction.

With these words, I conclude my speech.

***SHRI GOPALA KRISHNA THOTA** (Kakinada) : Mr. Chairman, Sir, I welcome this Bill. At a tender age when they are supposed to go to school and learn, many children in the country go to their working places to earn their livelihood. Employment at such a tender age destroys all their mental faculties. These children who work in the industries which are hazardous to health are doing so at the risk of their life. But they are compelled to work, for, they have to earn loaf or bread for their survival. These children who enter the four walls of work-

ing place are permanently deprived of the opportunity to acquire any kind of knowledge. So, Sir, I welcome this measure which is for the benefit of those unfortunate children. By preventing them from working in industries which are hazardous to health these innocent children can now be protected from the diseases. Communicable diseases spread mainly through the children. So, in a way this Bill helps in preventing diseases from spreading among the children. Sir, there are certain drawbacks in this Bill. In the present socio-economic conditions prevailing in the country, the Government have the responsibility to take certain steps for the welfare of the children. It is sad to note that this Government instead of taking positive measures to help the society to grow, is working in the opposite direction. To take away fundamental rights one by one, envisaged in the Constitution is an example to prove it. Sir, more than half of the population are living below the poverty line. Whatever the head of the family earns, is hardly sufficient enough to feed the entire family. Thus the children are forced to take up employment. There are certain industries like safety match industry which employ mainly the children. If the children are prohibited from employment, then there are certain responsibilities on the shoulders of the Government. The Government must provide stipend to the children during the course of their education. This step will create a good impression in the minds of parents and they will encourage their children to pursue education. To control population is also the responsibility of the Government. And this is impossible as long as the parents continue to be under the impression that by producing 4 children or more they will get more income. So, by taking steps such as introducing stipend to all the school going children, the Government can bring a change in the attitude and thinking of the poor parents. It will contribute in controlling the population by creating a favourable attitude among the poor in the country.

Sir, there are millions of orphans in the country today. It is the responsibility of the Government to take care of them.

*Speech was originally delivered in Telugu.

[Shri Gopala Krishna Thota]

orphans. There is no provision whatsoever in this Bill for their maintenance when these orphans are driven out of their employment, they will resort to stealing. Finally they will turn out to be hard core criminals. Because of the provisions of the Bill which invite punishment, no employer will come forward to provide employment to the children. No opportunity will be available to children except stealing to earn their bread.

Sir, we need schools, buildings teachers etc. to provide education to all the children. These facilities now available in this regard are very poor. Hence the Government should come forward in a big way to provide education to all children in the country. For that the Government should establish schools in every village in the country. All the school going children should have to be provided with food and cloth. There should be many more orphanages in the country, so that every orphan can be taken care of properly. They can thus be good citizens of this great nation.

Sir, I conclude my speech thanking you for giving me this opportunity.

[English]

SHRI N. DENNIS (Nagercoil) : Sir, while supporting this Amending Bill, I wish to offer a few points.

Employing child labour is one of the unpleasant practices that are followed in our country. The magnitude of the problem could be seen by the fact that one-third of the world child labour is in India. Of the estimated 52 million child labour of the world, 17 million are in India. No State in India is free from this trouble and no sector is free from the employment of child labour. The primary reason is extreme poverty of the unfortunate children and the secondary reason is profit motive of the exploiting classes. Nearly half of the people of our country live below the poverty line. The socio-economic compulsions resulting from acute poverty forced the parents to put their children to work to supplement the family income. Parents prefer them to work in

factories rather than to send them to schools:

Employers in various trades and industries prefer children to adult workers, the reasons being that they are cheap compared to adult workers and they won't create labour problems. In certain trades like carpet making they are preferred as better workers. Children have the aptitude to learn the jobs. For the works which do not involve any skill or arduous manual labour, employers engage child labour. Heinous forms of exploitation are perpetrated by the employers. The health of the working child is severely affected. In match factories children are taken from neighbouring villages in lorries and vans, and they are forced to work in unhygienic conditions and they are to handle dangerous explosives. Hard labour and malnutrition affect them with incurable disease. They are sent out of job when they are found unsuitable and sick because they are temporary workers. Similarly, in cashew factories their hands are affected and skins disfigured. They are not giving them gloves for protection and powder to prevent the skin being affected. Children are put to work for long hours from sunrise to sunset, for 12 to 14 hours. They are not making available free and compulsory education as parents prefer to send them to work instead of sending them to schools.

In respect of accidents, children are not compensated even while an accident occurs during employment or when they are on duty. There is no opportunity for them to become skilled labourers.

This amendment has limited scope. It deals only with the quantum of punishment. Comparatively stringent punishment is given. Violation of the Act could be stopped if only the penalties are made stringent. In this Amendment, though for the first offence a minimum period of three months of imprisonment is made compulsory, for a subsequent offence a period of six months of imprisonment is left to the discretion of the court for the reasons to be recorded. But there is no provision if the offence is committed again and again.

This is an amendment to the Employment of children Act of 1938, which was adopted before the commencement of the Constitution. Articles 34 and 39 of the Constitution prohibit employment of children below 15 in hazardous occupations and employment. So the employment of Children Act of 1938 has become infructuous. So, what is required is a detailed study of Articles 24, 39 and 23 of the Constitution on this aspect to deal with all sectors of child labour for the enactment of a comprehensive law on child labour. Apart from the above referred constitutional prohibition, there are several other Acts dealing with different aspects of labour. For want of time I am not mentioning the details of these Acts here. These legislations have become unrealistic and ineffective and have become paper legislations. They are flagrantly flouted. Unless the poverty stricken condition is changed, children would continue to be victims of poverty and exploitation.

17.00 hrs.

Similarly the ban on child labour would remain only on paper unless the socio economic conditions are changed:

Parents cannot protect their children because they are not financially equipped to maintain their children. It is too big a job for the Government to eliminate child labour altogether at a stretch immediately. So, the practical aspect has to be looked into. That is, either the ban has to be implemented effectively by providing economic substitution to the parents or a more realistic practical approach has to be resorted by providing them some sort of legal protection or recognition so that their interests are safeguarded and protected legally as that of other adult workers. Some sort of statutory protection has to be given to them. Now, they are not recognised as part of the work force. So, a comprehensive legislation protecting the children and bringing in welfare measures, has to be brought forward. But at the same time time-bound programme has to be evolved for gradual elimination of child labour. For the enactment of the comprehensive

legislation covering different aspects of child labour, collection of data is necessary regarding the number of children employed in different fields. For this purpose, a commission has to be appointed in this country to go into the aspects of child labour in detailed. The purpose of such legislation should be security of job, reduction of the duration of working hours, reasonable remuneration, compensation when they met with accidents and also other welfare measures like education, medical facilities and nutritious food.

For the implementation of this programme, a national child welfare benevolent fund should be constituted. There should be contribution from employers, State Governments and the Central Government. That fund should be utilised for their safeguard, protection and future employment.

A scheme also has to be evolved accepting the period of child labour as apprentice labour. That would make the employers to choose these trained labourers, apart from other benefits that the children may get.

[Translation]

SHRI RAMESHWER NEEKHRA (Hoshangabad): Mr. Chairman, Sir, I rise to support the Employment of children (Amendment) Bill. I would like to congratulate and express my thanks to the hon. Labour Minister that he felt the necessity of bringing forward with a Bill and he brought forward amendments in the Bill.

As many hon. Members have said in the floor of this House that the child labour is the product of poverty and only because of poverty people send their children for working as child labour. Bidi is manufactured in our State of Madhya Pradesh and I have seen that when Bidi Act was passed, the owners of Bidi factories stalled the bidi manufacturing work done through the contractors to circumvent the law. When Bidis were manufactured in the factories the labourer used to work in the factory Premises,

[Shri Rameshwer Neekhra]

but when bidi manufacturing work was stopped in the factories and this work was handed over to the contractors labourers and minor children were engaged for the bidi manufacturing work and this attempt were made to foil that Act. When work is done in this manner, I fail to understand as to how any Act could be implemented by Government?

Until we inculcate the human feelings in the society and we create mass awakening through media and until we ask the people to take the note of the fact that if we employ any child, we are destroying his future, we would not be able to implement the Act fully.

It is a problem since time immemorial and it has been provided in Articles 24 and 39 of the constitution that children below 14 years of age would not be employed, but despite passing of so many Acts, this problem is going on increasing. Recently a survey was made by Government and 1,75,00,000 children were found working. You cannot go everywhere to stop them from working. This shows that your Labour Inspectors are not discharging their duty properly. Those people in the villages are harassed, they do not understand the law and no action is taken against the factory-owners. When the matter is taken to the Court, a decision is taken about the age. Doctor is already in league with the factory owner. He certifies that the age of the child is above 15 years. For whom do you want to implement the Act which you have brought forward here. Act would be passed by the House, but it has to be implemented by the State Governments. After the enactment of the law, State Governments do not frame the rules. When rules are not framed, how could the Act be implemented. Our hon. Labour Minister is a great Labour leader and he is aware of all the ins and outs. He knows that mill-owner or factory owner always tries to circumvent the law. I would request the hon. Minister that a powerful machinery should be provided under the Act, which may award most stringent punishment expeditiously against these factory own-

ers who employ children. I am grateful to the hon. Minister that he has made a provision of punishment in the Act. I would also like to submit that there would be better implementation of the Act if non-cognisable offence is made cognisable. With these words, I support this Bill.

SHRI GIRDHARI LAL VYAS (Bhilwara): Mr. Chairman, Sir I rise to welcome Employment of children (Amendment) Bill, 1985. I would like to draw the attention of the hon. Labour Minister towards one point. Through punishment has been increased through this Bill, yet a mistake has also been made. You might have gone through the proviso of this Bill. This proviso has made the entire law meaningless. You have said in the proviso to the Bill:

[English]

"provided the court, for any adequate and special reasons to be recorded in the judgement, impose a sentence of imprisonment for a term of less than six months."

[Translation]

When you have included such a proviso with this Bill, then any increase in the punishment has been rendered meaningless. This proviso has been added by your officers. Your officers are in league with the capitalists, that is why this proviso has been added to the Bill so that any influential person could go scot free with the help of the Magistrate. Your officers add which a proviso to raise the social status. What is your Labour Department doing these days. What are its activities? What is the number of those people against whom action has been taken? Your law in this regard is already in existence. It has been provided in the earlier law that if any person violates sections 3-B, 3-D or 3-E, he shall be punishable with a fine of Rs. 500. I would like to know how many persons have been punished by your officers? When not even a single person has been punished under the proviso of earlier law, in which there is already a provision of six months' imprisonment or a fine of Rs. 500 then there is no meaning of increase.

ing the amount of fine to Rs. 2000 with which a proviso has also been added. Consequently nobody would get the punishment. Every body would go scot free. This proviso empowers the Magistrate to discharge any person without any punishment. He may take a lenient view and award the punishment till the rising of the court. What is the need of walking such a provision in the Bill? You have said that you have thought forward stringent measures, but the form of the Bill which you have introduced has rendered it meaningless. I would, therefore, like to draw your attention towards it and you should be wary of such officers. Labour Department has been fowmed for the welfare of the workers and the poor and our Government want that action should be taken in the interest of workers and the poor, action in not being taken in the interest of the workers. You may visit any place, whether it is District Headquarters or State Headquarters, you will find that officers are in league with big capitalists. Till now officers have not taken any action against these capitalists. Even to-day I had asked a question as to how much amount of Provident Fund E.S.I. or Compulsory Deposit has been misappropriated by these capitalists and what action has been taken against them. No action has so far been taken against them, no capitalist has been punished, nobody has been challaned so far and no capitalist has been put behind the bars. Your Labour Department does not take any action against them. Rs. 100 crores of Provident Fund which should have been deposited with the Government has been misappropriated by big capitalists. A huge amount due for payment to the workers has been misappropriated or pocketed by them. These people deduct the money from the wages of the workers, but do not deposit it with Government and your Department remains a mute spectator and does not take any action against them. When this is the situation, you may pass a plethora of Bills, but, the problem is not going to be solved. I know it fully well that you have very old links with the Labour Department and you have sympathy in your heart and mind with the course of the workers, but your Department is very inactive and does not take any action against the capitalists.

Till such a situation persists, there can not be any welfare of the workers.

I would, therefore, like to point out to Government that the law made by you would not yield results unless the implementation machinery enforces it properly. No action has been taken against those who violated laws. So, I doubt whether there will be proper implementation of this law in future also because your implementation machinery is such. You have, therefore, to think of streamlining this machinery.

You said that you want to abolish child labour, but it is not going to end because the conditions in our country are such, because we are a poor country and unless we succeed in removing poverty through the 20-point programme, we shall not be able to solve child labour problem although our Hon. Prime Minister and our Government are determined to eradicate poverty. As long as we remain poor, this problem will remain and no amount of laws will help. You have to see and you have to evolve a system to fix minimum working hours for child labourers. We find that in hotels and other places 14 to 15 hours a-day work is taken from the children in the 5 to 7 years age group. They do not have time to sleep. They are put to different kinds of tortures they face various difficulties. So, you at least fix minimum working hours for child labour so that the employers do not exploit them, so that they are not faced with any sort of accident.

You have also to fix minimum wage for them. What happens today is that they are paid the minimum wage for the maximum work. As several hon. Members have said here, you should fix Rs 7 as the minimum wage for a child labourer against Rs 11 fixed for adult so that he is not paid less than this fixed amount in any case. People prefer to employ children because they take more work from them as compared to adult labourers to pay them very less. People know very well that children do much more work than adults. The employers take mental work from them. Hence the need for fixation of minimum wage. And also there

[Shri Girdhari Lal Vyas]

is desperate need of making some legal provisions for their welfare security, maintenance, job-security and provision for payment of compensation in the event of any accident. You will not be able to prevent child labour, any amount of legislations you may enact, but if they get the above facilities, their standard of living will improve; they would be able to forge ahead and they will get opportunity to make progress.

Arrangement should also be made for them to be able to study during off-duty hours and pass examinations to better their career. This arrangement is imperative. I would urge the hon. Minister to bring forward some legislation in this regard. Enhancing of penalty and punishment would not help as many hon. Members have said. You bring a comprehensive Bill which should incorporate provisions for security and amenities and all that and strengthen your implementation machinery to achieve the official goal of welfare of all. You also pull your department to ensure proper implementations of the law. Only your department is in a position to ensure its implementation. This law has been made for the good of the poor, but your department has failed to enforce it properly and in turn it is benefiting the capitalists. So I would submit that you also streamline the working of your department.

With these words, I support the Bill.

[English]

SHRI KADAMBUR JANARTHANAN (Tirunelveli): Mr. Chairman, Sir, Though I have to support this Bill, we have to accept that the child labour cannot be totally eradicated from our country. Almost all the Hon'ble Members accept that our country is a poor country and that chronic poverty is the cause of the child labour. With this it is impossible for us to eradicate child labour from our country.

But, we have to regulate the child labour. And that is possible. In Cottage Industry and Small Scale Industry, while labour will have to be regulated through Laws and Legislations. In the organised sector child labour should

be abolished. I say this because even in the Committee Report, it is said that only in the rural area the child labour is more than in the town area. But the exploitation of the child labour, whether done in the towns or rural areas, should be dealt with firmly.

I have to tell the Hon'able Minister at this stage that this Bill, whether it is going to help the children or not, will certainly help the officers concerned; either to harass the employers or to get tips from the employers. Therefore, the net result out of this Bill is nil. Thank God, at least in the child labour there is no trade union.

We are talking of child labour. When we are riding on the roads, whether it is national highway roads or rural highway roads, we are seeing children employed there in the hot sun. How many of our politicians or how many Ministers have asked the concerned engineers or officers as to why these children have been engaged in carrying tar in the hot sun. We are talking here, but according to our conscience we cannot say that we have done something for the children.

To face the 21st century, we have to face only two General Elections more. So, free and compulsory education from the age of four to ten is a must. When we lay this foundation now only, we can bring this Bill boldly. We should give free food to these children at least in the noon. I am not boasting my State of Tamil Nadu. Poverty will go out only if we give some food to the stomach. Therefore, free noon meal should be given to the children of the age of four to ten while they are studying. Free and compulsory education is the remedy for the future India, for the children to be free and for us to face the new 21st century.

I would again say that education should be made compulsory at least in the four major cities of India i.e., Bombay, Madras, New Delhi and Calcutta. At least here the child labour should be abolished completely. In these four cities, we have seen in the Report that even under the impact of the newly generated forces, there was an

unbroken system of rural poor migrating to the urban centre in search of livelihood. We should come forward to form a new Bombay, Madras, New Delhi and Calcutta. These four important cities should be first controlled. The child labour should be abolished both in the organised and in the unorganised sectors. Only then we can boast that new Prime Minister, the dynamic Prime Minister has done something for our children. With these, I conclude my speech.

[Translation]

DR. PRABHAT KUMAR MISHRA (Janjgir): Mr. Chairman, Sir, I support the Child Employment of Children (Amendment) Bill. As several hon. Members have said, it is the most essential legislation, and while going into it two things come to my mind.

Today we find that the child labour force comes from rural areas and works in cities. This shows that these are the children whose parents live below poverty line and are unable to earn their living out of their own work. They send their children through workers or otherwise to work in cities.

The second factor is our education policy. Poor also want to send their wards to schools but their resources do not allow them to bear the burden of education expenses beyond 2nd or 4th standard and, therefore, they send them to cities. It is an irony that the children who are the future citizens of the country are going from pillar to post in search of subsistence and nobody cares for their health and education. It is a very heavy obligation on humanity today.

We cannot solve all problems by making legislations. Laws were there. But as the hon. Members have already stressed, we should educate the people enjoin upon social organisation to propagate eradication of this evil, and we should also adopt strict postures. Only then shall we be able to accomplish this task.

This is an admitted fact, as the hon.

Members have said, we cannot stop child labour, but we can take measures for their welfare. In this connection, I shall put forth some suggestions. Some minimum working hours should be fixed for child labour. We should conduct a survey in this regard. They should be examined medically every month because these children grow as weak citizens due to malnutrition and become a burden on the nation. After having the survey conducted, some Government controlled hostels should be built and the financial burden should pass on to those who employ such child labour. Their medical examination and schooling should be the concern of the State.

No doubt, our task under the 20 point programme is of lifting the poor above poverty line, but it does not envisage any special programme for child welfare. I shall urge the Labour Minister: to add one more point for the welfare of children particularly those coming from rural areas who are living below poverty line. There should be positive arrangements for their education and they should get time for time for studies and the burden of education should not fall on parents. We can overcome this problem to a great extent with this legislation along with education and cooperation of social organisations.

I am thankful to you for giving me an opportunity to speak. With these words I conclude.

DR. G.S. RAJHANS (Shanjhapur): Mr. Chairman, Sir, I shall raise two or three points in this connection as I have very little time at my disposal.

While introducing the Bill, the hon. Minister said—

[English]

“It has been observed that under the present Act in cases 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 Em-

[Dr. G. S. Rajhans]

ployment of Children Act to enhance the penalty so that it has a deterrent effect on employees who violate the provisions of the Act. We believe that this will go a long way in discouraging the employers from violating the provisions of the Act."

[Translation]

I shall be practical. Bihar was under President Rule. Bribery was rampant there prior to President rule. Following the President Rule, the bribe seekers said, "We shall now be caught, we shall now be sent to jail for longer period, so please enhance the rate of bribery." You have brought this legislation. The employer hitherto used to give Re 2 to the worker. He will now pay Rs 1. They will say, 'we shall be caught, we shall be sentenced for such period, so please bear this burden also.' Hon Minister, Sir, I am categorical and practical. This Act will prove harmful instead of advantageous.

I was pained at what my friend from West Bengal said the other day. A congressman could never utter such things. He asked Mr. Scindia to remove Bihare's because they had made the encroachments. Where do you want them to go? Settle them in Bengal or elsewhere. No reference of Bengal or Bihar has been made from the Congress side. Our friend Mamta Banerjee is called the Royal Bengal Tigress. She does not discriminate between States.

The hon. Minister had promised in June last the introduction of a comprehensive Bill. Please bring or comprehensive Bill. A reference has been made to the report of Gurupad Swamy Report. Government should incorporate the main points made in its recommendations. Child labour is not a new problem. This is a very old universal problem. Child labour was employed in textile mills in England when the industrial revolution took place. It is from there that this movement started; the trade union movement was born there. Then the need of a socially acceptable solutions to this problem was felt. Enactment of legislation is not a solution of this problem; may it be a carpet industry of Kashi or a matches industry of Shivakashi. I recollect

an incident. A riot took place in an European country. The king asked the Minister what the people wanted. The minister replied that they wanted bread. The King said "Tell the people, if bread is not available, they should have cake". The stand of hon Minister that Government enacts laws which provide square meals to the children is not proper. This stand will not benefit anybody.

Sir, I shall now narrate the conditions prevailing in North Bihar where man is facing starvation. Some middleman from Delhi, Bombay or Calcutta goes there and promises jobs to the people there. The people leaves for that place and become bonded labour later on. Sir, it is not a problem of child labour. It is a problem of bonded labour. The starved man does not care for any law. Enactment of laws will not solve the problem. There should be some alternative like vocational training.

I would like to tell the hon. labour Minister that there are a number of child labourers doing various jobs for the last 20 to 25 years? Why to look for the problem of child labour elsewhere. The whole constructions industry in Delhi engages child labour.

Provision of enhanced punishment will not solve the problem of child labour. some economic alternative must be found out and the it should be such as is acceptable to all and it should benefit these people in real sense.

17.25 hrs.

HALF-AN-HOUR-DISCUSSION

[English]

Increase in Sick Industrial Units

MR. CHAIRMAN : Now, the House will take up Half-An-Hour Discussion. Shri Priya Ranjan Das Munsi to speak.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Mr. Chairman, Sir, I am