

(b) Does not arise.

**Implementation of Gurupadaswamy
Committee Report on Child Labour**

216. SHRI MADHAVRAO SCINDIA:
Will the Minister of LABOUR AND WEL-
FARE be pleased to state:

(a) whether the 'Centre of Concern for
Child Labour' submitted a memorandum on
the occasion of the International Human
Rights Day demanding speedy implementa-
tion of the report of " the Gurupadaswamy
Committee on Child Labour";

(b) if so, what are the main recommen-
dation of the Committee; and

(c) the Government's reaction thereto?

THE MINISTER OF LABOUR AND
WELFARE (SHRI RAM VILAS PASWAN):

(a) A memorandum to this effect is reported
to have been submitted.

(b) and (c). A statement indicating the
recommendations and the Government's
reaction thereto is given below.

STATEMENT*Gurupadaswamy Committee on Child Labour**Summary of the Recommendations and Government's Reaction thereto*

<i>Recommendation of the Committee on Child Labour</i>	<i>Decision of the Government</i>
1	2
<p>5.1 The Committee would wish to underline that all future action in respect of child labour would depend very much on how intensively occupations in which children are employed are studied and remedial action determined thereafter. Accordingly, it recommends more studies to be sponsored in this regard to gather information and data about working children and their working conditions. This task should be spearheaded by the Ministry of Labour which should have an appropriate Cell to sponsor such studies in consultation with the Department of Social Welfare, and other concerned Ministries and to coordinate further action (paras 1.21 1.22 & 2.7)</p>	Accepted
<p>5.2 The Committee recognises that a multiple policy approach is necessary in dealing with the problems of working children. They have to be seen distinctly in the categories of wage earning employment; as paid family workers; as apprentices. A specific category has its own peculiar problems which need to be attended comprehensively (para 2.16).</p>	Accepted
<p>5.3 The Committee recommends constitution of Advisory Boards both at the Central and at State levels to keep a constant surveillance on the problems of working children. These Boards should have representatives of Government as well as those voluntary organisations and trade unions. The Boards should have the powers and resources to undertake investigative studies and surveys to locate the specific areas where regulation of child labour is called for. It should</p>	Accepted with the modifications that the Advisory Boards should only function in an advisory capacity and the executive responsibility for implementing the recommendations of the Boards would rest with the Government concerned.

*Recommendation of the Committee on Child Labour**Decision of the Government*

1

2

also review periodically the results of the implementation of the existing legislation and a report on the working of the Advisory Boards should be placed on the Table of House for Parliament or Assembly, as the case may be (para 3.163).

5.4 The Committee is of the view that the minimum age should be prescribed for the children for entering any employment. It accordingly recommends that minimum age for entry into any employment should be 15 years and that the existing laws which prescribe an age lower than this should be suitably amended. Correspondingly, the age for adolescent should be specified as between 15 and 18 years (paras 3.156 and 3.157).

The Government was of the opinion that the time was not ripe for accepting this the recommendation.

5.5 The Committee is strongly of the view that there is a paramount need for an urgent action on the part of the Government to bring into a proper focus the laws relating to employment of children. To avoid any ambiguity in respect of the basic objectives, the Committee recommends that the existing laws relating to prohibition and regulation of employment of children should be consolidated into a single comprehensive one. The new legislation should adopt uniform definitions of the expressions of 'Child' and 'Adolescent' and prescribe the 'hours of work', conditions of work', etc. The new law should also have flexibility of extending gradually the provisions contained therein to other occupations, such as machanised agriculture, horticulture, forestry, fisheries etc., (para 4.149).

Accepted, subject to the remarks against para 5.4.

5.6 The Committee recommends that concerted steps be taken within five years to achieve the objective of providing minimum educational qualification, say eighth standard or equivalent for entry into any regulated employment (paras 3.154 and 4)

The Government felt that although the objectives of providing education for all the children was desirable; it might not be practicable to achieve this objective within

<i>Recommendation of the Committee on Child Labour</i>	<i>Decision of the Government</i>
1	2
<p>5.7 The Committee strongly urges that serious attention be given towards strengthening the existing machinery for enforcement of legislation relating to employment of children and that due recognition should also be given in this regard to the role of voluntary agencies and trade unions (para 3.159).</p>	<p>five years and that it might not also be desirable to prescribe such qualifications for all employments. The Govt. therefore, decided to accept the recommendations with modifications. The modified recommendation as accepted by the Government reads as follows: "Steps be taken to achieve the objective of providing minimum educational qualification say eighth standard or equivalent."</p> <p>Accepted</p>
<p>5.8 The Committee recommends to the Government to initiate dialogue with the trade unions at an early date so that some institutional framework could be evolved for ensuring collective bargaining in respect of the needs of working children (para 3.160).</p>	<p>Accepted</p>
<p>5.9 The Committee recommends that the penalty provided in the existing laws for violation of provisions relating to child labour should be made more deterrent. The punishment for the first offence should be imprisonment which may extend to one year or fine extending to Rs. 2,000/- or both. In the case of second continuing offence, the penalty should be only imprisonment and that, too, upto two years (para 3.161).</p>	<p>Accepted</p>

*Recommendation of the Committee on Child Labour**Decision of the Government*

1

2

- 5.10 The Committee recommends to the Planning Commission to work out the feasibility of taking away all children below the age of 15 years from the labour market in order to find employment for the unemployed able bodied persons, between the age group of 15 and 59 in the country, and to work out a cost benefit analysis of this proposition (para 4.1). Accepted
- 5.11 While accelerated efforts are necessary in national planning to improve the earnings of adult workers, the Committee feels that stricter enforcement of the Minimum Wages Act needs to be ensured. In this regard greater participation should be sought of the entire administrative machinery (para 4.4). Accepted
- 5.12 The Committee feels that a more meaningful and effective educational policy is called for to take into account the following:- Accepted
- (a) change of curriculum and integration of educational requirements with local crafts;
 - (b) greater involvement of voluntary agencies; and
 - (c) changes and adjustments in the schedule of vacations and holidays to coincide with environmental requirements (paras 4.5 and 4.6).
- 5.13 The Committee would also underline more comprehensive statutory provisions for providing educational facilities for child workers and to include education as part of labour welfare measures to be adopted by employers. It recommends arrangements for non-formal education in areas where there is concentration of working children (paras 4.8 and 4.9) The Government felt that it is not feasible to make any statutory provisions in labour providing educational facilities for child workers, but that the employers should be otherwise encouraged to include education to such works as a part of labour welfare measure.

Recommendation of the Committee on Child Labour

1

Decision of the Government

2

5.14 The Committee recommends that in rural areas, creches, child-care centres should be established at the school premises, or at the community centres, so as to encourage girls who have to take care of young siblings in the family to attend schools. This arrangement would also be of great help to working parents (para 4.7)

The Government accepted the recommendation for suitable arrangements being made for non-formal education in areas where there is concentration of working children.

The Government agreed with the general spirit behind this recommendation. It however, felt that the actual modalities for developing such facilities should be considered in greater detail by the Ministry of Social Welfare in consultation with all other Ministries and agencies.

5.15 The Committee underlines the need for periodical medical check-ups to be linked with national health schemes in respect of child workers (para 4.10).

The representative of Ministry of Health inform that there was no nation health scheme as such but medical facilities were provided to the citizens as per the programme decided by the Central and State Governments. The Government felt that the recommendations underlined as area of neglect and that it was necessary to undertake implementation of specific health schemes both preventive and curative particularly in areas in which there is large concentration of child workers.

<i>Recommendation of the Committee on Child Labour</i>	<i>Decision of the Government</i>
1	2
<p>5.16 The Committee feels that constant attention needs to be paid to keep the working environment hygienically free especially in places where children are employed (para 4.11)</p>	Accepted
<p>5.17 Supplementary nutrition is to be provided to working children by the employers who could be given suitable subsidy for this programme. The possibility of imposing a cess or alternatively, to allow concessions in taxes, etc. to employers who undertake to implement the schemes as envisaged above, and other welfare schemes needs to be considered seriously (paras 4.12 and 4.9).</p>	<p>The Government underlined that suitable encouragement should be given to employers to implement such programmes.</p>
<p>5.18 Greater emphasis is needed on housing schemes and provisions of basic amenities in areas in which large number of children are working (para 4.13)</p>	<p>The recommendation was accepted and the clarification that the housing schemes would be for parents particularly in areas where there were large number of child workers so that the parents should have a healthy environment for their living.</p>
<p>5.19 More library and reading facilities linked with special teaching classes for working children need to be established in selective areas (para 4.14)</p>	Accepted
<p>5.20 Arrangements for recreational and cultural activities should be provided in areas in which there are large number of working children (para 4.15)</p>	Accepted
<p>5.21 The Committee recommends effective enforcement of the Apprentices Act and the setting up of separate vocational guidance clinics and employment bureaus for children (para 4.17)</p>	<p>The Government did not support the idea of separate employment exchanges for children. It however accepted that the enforcement of the Apprentices Act should be</p>

<i>Recommendation of the Committee on-Child Labour</i>	<i>Decision of the Government</i>
1	2
<p>5.22 The Committee also underlines the need for a more systematic effort for identification of hazardous occupations and for detecting occupational diseases and their treatment. There are several areas both in the organised sector and unorganised sectors where children are exposed to serious hazardous, but no efforts have so far been made to regulate their employment (paras 3.162 and 4.20)</p>	<p>made more effective and vocational guidance facilities should be made available for children of the age of 14 and above.</p> <p>The Government accepted the recommendation in principle.</p>
<p>5.23 The Committee recommends a more purposeful effort on the part of the media to create greater social consciousness in respect of evils of child labour (para 4 21)</p>	<p>The recommendation was accepted in principle.</p>