

मैंने स्वयं भी कई बार सम्बद्ध मंत्री को लिखा है। इस सदन और सम्बद्ध मंत्री से मेरी प्रार्थना है कि इन हालात को सुधारने के लिए सरकार तुरन्त उममिल को चालू करे जिससे वहाँ के लोगों को राजगार उपलब्ध हो सके।

14.30 hrs.

EMPLOYMENT OF CHILDREN
(AMENDMENT) BILL—*contd.*

MR. DEPUTY-SPEAKER: Now we take up further consideration of the Employment of Children (Amendment) Bill. Prof. Mavalankar, you were already on your feet and you had already taken five minutes.

PROF. P. G. MAVALANKAR (Gandhinagar): While I was on my legs on Wednesday towards the later part of the day, I was telling the House and the Minister that there was no need to send this Bill to the Select Committee. I would have certainly like it to go to the Select Committee if it were a larger comprehensive Bill with a number of provisions. But since it is a very minor Bill it need not go to the Select Committee. I want him to take this opportunity on the eve of the start next year of the International Children Year to do something more concrete and massive, in terms of catering to the needs of the children who in millions are not only exploited but harassed not only in India but in many parts of the world. I was also saying that the problem is aggravated by the fact that many of these children are, as it were, self-employed because they work in their own families, in their own farms. Even the children of landless labourers have also to work along with their parents. The problem is further aggravated by the unfortunate fact that in our country poverty necessitates the family elders to draft into work the younger ones not only below 15, but even of lesser age than ten, seven or eight. That is the difficulty. The whole pro-

blem is, therefore, both open and hidden, both on the surface and in the underground, and the difficulty is that many countries and Governments are not giving proper and adequate information to the I.L.O. and other bodies because they are sensitive to the problem. They do not want to reveal to the outside world what is happening in terms of the unfortunate state of affairs in their respective countries. Therefore, the data is also not dependable or reliable. But I hope Government will take concrete steps to ensure that the available data becomes more reliable and dependable. Only on that basis then Government can go ahead in terms of necessary legislation.

The question of a number of illegally employed underage children is really perplexing because that total is enormous. It is much more than 52 million children who are under 15 still employed as per the I.L.O. survey. I.L.O. talks about 52 million, but if you take the children who are illegally employed and are underage, the number goes up much more. Even here, right in Delhi, under our own nose, and in other larger cities like Bombay and Ahmedabad, we have a situation where children below fifteen or even below ten are employed in hotels, restaurants and in all sorts of shop establishments. Not only that, they have to work for ten, twelve, thirteen, fourteen hours a day, but they have no rest, no holiday. It is all very horrible. Therefore, I would like him to look to all these aspects also when the question of consideration of child legislation takes place.

In the remaining few minutes, I want to speak about two or three points in a broad way. Legislation on children, particularly on removing the exploitation of children and seeing to it that the children are not employed until they are fifteen years of age—such a kind of legislation is always very difficult to implement. Even if you have made a legislation, what is important is that you go on constantly educating public opinion

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and go on constantly regulating the situation in a general way. I hope that you will do that in India also.

I want to invite the attention of the hon. Minister to the fact that in our country poor people are compelled to put their children in their own units. As I have already told you, if this is not done they will be put to further difficulty. There will not be any body to support them.

Here, in this connection, I want to invite the attention of the Minister, probably he knows, to an institution called the National Institute of Public Cooperation and Child Development. It had undertaken a survey in Bombay. A Committee of experts under their Institute made a survey. They came to a very interesting conclusion. They said that total abolition of child labour would simply aggravate the misery of the poor, and according to the study, what therefore, seems feasible and desirable is the amelioration of adverse and unhealthy conditions attendant on child labour. The first thing is to get rid of the difficulties. Heavy labour must stop. Children should not be compelled to work at night. Hours of work should be limited. There should be provision for holidays. Adequate education must be guaranteed. If these are done, legislation in terms of prevention, legislation in terms of regulation, and legislation in terms of giving a direction to the country in general will be possible.

The International Labour Organisation—ILO—had gone into this question at great length. I am happy to say that one of our Indian experts, Mrs. Krishna Surendra Ahuja Patel, has done good work on this. I had the pleasure of meeting her and her economist husband, Mr. Surendra Patel, in Geneva earlier this year. She and other experts went into this question of child labour and some of the conclusions which they had arrived at are very damaging. The ILO

report says that child labour problem is colossal. 52 million children throughout the world, most of them in Southern Asia and Africa and other under-developed countries are still working, although they should not be working. The conditions of their working are absolutely horrible and the money that they get is not more than a pittance. 42 million children work for no payment in family enterprises, mostly farming to which I have already referred.

Now I would like to ask why the Government of India have not so far taken any steps to ratify the ILO convention of 1976 known as the Minimum Age (Industry) Convention. I find that as many as 13 countries—Cuba, Libya, Romania, Finland, Zambia, West Germany, Costa Rica, Netherlands, Luxembourg, Spain, Uruguay, Poland and Ireland—all of them small countries barring West Germany, Poland and Netherlands—have ratified this convention. I would like to know why the Government of India have not ratified it.

I hope when the Minister replies, all these points that I have raised will be dealt with.

SHRI VINODBHAI B. SHETH (Jamnagar): Sir, this problem of child labour is very serious because—out of the 52 million children which Prof. Mavalankar referred to, 12 million are in this country. In 1912 the Federal Children's Bureau was established to ascertain an expression of nation's sense of justice to children, to women, to the backward people and minorities. In this country where there is so much unemployment, we have to employ even children on the farms, fields and factories. About 87 per cent of them are working in rural areas. The children are working in plantations, agriculture, match factories, bangle-making, carpet-making, bidi-making, handlooms and even power looms. This problem of child labour is neglected in this country. We have got under-fed

children with malnutrition. Dr. Mrs. Lim visited India recently and according to a report published in the *Times of India* dated 18th August, she said:

"There is a glow of happiness in the eyes of the children of Asia and Africa though their clothes may be tattered, their stomachs bulging and their arms and legs thin and spindly."

"..But there are ever so many 'poor rich children' who have no grandparents to tell them stories and no aunts and uncles to fuss over them and extend affection."

I should congratulate the Government of India for earmarking \$ 100,000 for setting up a secretariat to programme the work for the year. We are celebrating Children's Year. I should congratulate the Minister for bringing forward this Bill in this particular year. There is no organisation for the child labour and we would be glad to see that the children are not exploited.

The child is just one link in the chain of development. Nutrition, medical aid, employment opportunities, pure drinking water as well as air to breathe have to be provided simultaneously. The children of this country look forward, particularly the Members of Parliament for the amelioration of their miseries. If you visit the hotels and the restaurants at the railway stations at 3.30 in the night when the train is reaching, you will find that the child is kicked up and is asked to move on to the platform. There is no soft hand moving over his head for awakening. But for the child of an aristocratic family everything is ready. Milk is ready, car is ready, public school is ready, teachers are ready and all the luxuries of life are enjoyed by the children of an aristocratic family. He is awakened by the soft hand of the mother or ayah. But these facilities are denied to the children of a poor family.

Out of 52 million children in the world, a good part of them—12 million—are in India. Most of them are denied the primary facilities of life. We have to discuss the problem of infant mortality, birth rate, orphanages, juvenile courts, desertions; dangerous employment, accidents, diseases, etc. Now, the question is whether the States will oppose it by saying that this comes within their jurisdiction as they do in the United States of America. We should request all our States to cooperate and bring forward similar legislation which is very vital, very important and very timely.

There is an ILO convention on minimum wage and age, 13 States participated in that and they ratified it. Unfortunately, the name of India does not figure there. I would request the Minister to follow one of the good examples of the Gujarat Government that in the tribal areas, if the parents send their children to school, some stipend is given to the parents. This is done in order to encourage them to educate their children and not to send them to farms and factories.

I hope, the entire legislation should not remain in the statute book in name but should be executed in letter and spirit.

With these words, I thank you, Sir, for giving me an opportunity to speak on this Bill.

SHRI P. K. KODIYAN (Adoor): I had expected the hon. Minister on the eve of the International Children's Year to bring forward a comprehensive Bill as a sort of gift to the children of India. But I am disappointed that he has brought forward, as he himself said, a limited-purpose Bill. Under the existing Act, majority of the working children of our country, who are, of course, living in rural areas and whose number according to one estimate comes to more than 10.5 million, are not covered. They are outside the purview of this Act. I know that even the rural workers

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are not sufficiently protected under any trade union law and the question of enacting legislation for the rural workers is still under the consideration of the Government. I do not know how long the Government will consider it. Perhaps the hon. Minister might be under the impression that children working in the rural areas are not doing any hazardous job or a job which is harmful to their health. If he is under such an impression, he is entirely wrong. We notice that even in agriculturally advanced States like Punjab, parts of UP and Delhi, modern agricultural implements like threshers are being used, in many areas children below 16 are employed and many of them lose their hands or limbs while working and yet they are not provided any compensation. So, I would urge on the hon. Minister that the majority of the children who are working in the rural areas should not be left without any protection. If it is not possible to bring the rural children within the purview of the existing law, he should at least consider the inclusion of their protection in the proposed legislation for rural workers.

Prof. Mavalankar referred to the ILO Convention and the Convention on Minimum Wage in Industry. I do not understand why the Government of India has not yet ratified it. Apart from that, I would like to point out that in 1958 the International Labour Conference adopted a convention on child labour and recommended equal pay for equal work, full coverage under insurance scheme, medical care and sickness benefits and prohibition of overtime so that the children can do home work and undergo training. Considering what has to be done by the Government of India for the sake of children who are working in this country, I would say that what we have done is quite inadequate and the Government of India has to come forward with much more concrete measures to protect the interests of children.

I should say that even the existing Act is not properly implemented, there is hardly any prosecution, there are ever so many industries, particularly small-scale industries, where children are employed in violation of the existing Act, they are exploited, and they are paid extremely low wages. Yesterday an hon. lady Member from Tamil Nadu was referring to the match industry and the production of crackers in Sivakasi, where about two lakh people are employed, out of whom 80 per cent are children. Since these industries use harmful chemicals, many of the employees develop bronchitis or tuberculosis, and there is no protection for them. I do not know what the Labour Department of either the Centre or the State Government is doing for these children. It is a sorry state of affairs. Take, for example, the carpet weaving industry in Srinagar. When I was going through the newspaper, I came across a report that in one carpet factory in Srinagar about 3000 workers are employed, out of whom 50 per cent are children below 14 years of age and there is no record kept. According to the rolls of the carpet factory, these 1,500 children are not employees at all. So, there is no need for the employer to pay compensation and they are paid only at the rate of Rs. 1.50 per day. Similarly, there is a handicrafts industry in Kashmir where about 9000 people are employed and majority of them are children. As in the case of carpet factory, here also there is no record, the employer is not responsible and the Government does not care. I am only giving two instances, but there are so many other instances like this. Even in Delhi, according to the old municipal survey, there are about 15000 unregistered workshops and other establishments where children are employed and in some of the auto-workshops they are employed for 9 to 15 hours a day and paid at the rate of Rs. 1.50 per day, and in the walled city, according to the report, they are paid only one rupee per day.

I do not want to give more instances. **What I am saying is that even the inadequate enactment that is now in force to which the hon. Minister has come to make amendment, is not enforced.** There is no enforcement machinery. Therefore, I would suggest that there must be a separate cell in the Ministry to see that whatever law exists is implemented.

Then, I would also like to suggest that it should be made obligatory on the part of the employers that child employees under the age of 14 should be given facilities for education. This should be made obligatory on the employers because these children are denied the normal facilities. They are denied educational facilities, they are also out of the other welfare measures like the mid-day meals programme, recreational programme, and medical check up in the schools. These benefits a child gets normally if he goes to the school. Therefore, it should be made obligatory on the part of the employers to provide for their education. According to me, denial of education to our children is the greatest social injustice that we can do to children. We are destroying their future and we all say that children are the assets of the community, and they are the future citizens. But we are not providing even the minimum facilities for the children in our country. Therefore, I would request the hon. Minister to consider the suggestion and make the necessary amendment, and without much delay come forward with comprehensive legislation which would bring also the children working in the rural areas under the purview of the law.

With these words, I conclude.

SHRI PABITRA MOHAN PRADHAN (Deogarh): Mr. Deputy-Speaker, Sir, whatever the ILO or any international organisation or national organisation or any big man to whatever extent he is kind or social, says, the country as it is today is bound

to employ children below 14 years of age....The socio-economic conditions of the poorer people compel them to send their children to get some employment. Sometimes the parents take the children to individuals and institutions to get their boys and girls employed. This is the situation in India, this is the socio-economic condition of our nation.

Whenever a law is to be passed, it should be according to the needs of the society and the economy of the society, not according to the desire expressed by any international organisation or the example of a small country where the entire population is controlled by the State. So, while supporting this Bill as a welcome measure, I am afraid that in implementing it, the Minister will be put to difficulties.

Big men say many things. One big man, very philanthropic, Mr. A. B. Thakkar, had been to Orissa and he compelled us to have free and compulsory education. I was in charge of education then. I said: "Primary education is free, no money is charged, but I cannot compel the people to send their children to school. If I cannot feed the children who are not fed by their parents, it will not be socially and administratively proper for me to compel anybody to send his children to school." Mr. Thakkar, who was very sanguine about free and compulsory education, especially in the district of Koraput, a predominately Adivasi district, finally had to agree to my suggestion. So, in Orissa, the socio-economic condition being such, I do not think that such a law, that children under the age of 14 should not be employed, should be passed, although I support the Bill.

I will give another example. After independence, our political leaders were very sanguine about prohibition. Just after independence, there was a circular from the Central Government that toddy tapping must be

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stopped. In our State, the Chief Minister was very Gandhian, and he had to stop it, but I objected strongly. I said: "If you stop toddy tapping, you stop the income of a particular set of people. Unless you make alternative arrangements for these families, you should not do it."

But they did it and the people complained after three or four years again that this toddy tapping in some form or other was allowed to be done. So, I say that while the Minister would operate the Act, he should look to the socio-economic condition and he should at least make some allowances in this regard. With these words, I resume my seat.

15 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FOURTH REPORT

SHRI PABITRA MOHAN PRADHAN (Deogarh): I beg to move:

"That this House do agree with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd November, 1978."

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd November, 1978."

The motion was adopted.

15.01 hrs.

PADDY PRICE (FIXATION) BILL*

SHRI RAJ KRISHNA DAWN (Burdwan): I beg to move for leave to introduce a Bill to provide for establishment of a Paddy Price Stabilisation Corporation for fixation of price of paddy every year and for matters connected therewith.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for establishment of a Paddy Price Stabilisation Corporation for fixation of price of paddy every year and for matters connected therewith."

The motion was adopted.

SHRI RAJ KRISHNA DAWN: I introduce the Bill.

JUTE PRICE (FIXATION) BILL*

SHRI RAJ KRISHNA DAWN: (Burdwan): I beg to move for leave to introduce a Bill to provide for establishment of a Jute Price Stabilisation Corporation for fixation every year of jute prices and declaration thereof and for matters connected therewith.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for establishment of a Jute Price Stabilisation Corporation for fixation every year of jute prices and declaration thereof and for matters connected therewith."

The motion was adopted.

SHRI RAJ KRISHNA DAWN: I introduce the Bill: