

Government has totally failed. What prosperity have you brought to this country? Now you say that because of poverty they have to go and work and that is why you are regularizing child labour.

Now, Sir, you are infringing the Fundamental Right guaranteed in the Constitution under article 21. Therefore, Sir, I oppose this Bill. I would request the Minister to apply his mind even at this moment and do away with the exemption which has been given to the schools run by the Government to employ the children even in the processes that have been banned. Thank you.

ANNOUNCEMENT RE. STATEMENT TO BE MADE BY THE MINISTER OF STATE FOR HOME AFFAIRS

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): I have to inform honourable Members, that Shri P. Chidambaram, Minister of State in the Ministry of Home Affairs, would make a statement in the House today at 4 p.m. on a query made yesterday during the discussion on the Calling Attention Notice regarding the security lapses at Rajghat on 2nd October, 1986.

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Sir, I have given my name.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): I will be calling you. We are not concluding the discussion. I just made an announcement.

SHRIMATI BIJOYA CHAKRAVARTY: I am sorry.

THE CHILD LABOUR (PROHIBITION AND REGULATION) BILL, 1986— *contd.*

SHRIMATI ELA RAMESH BHATT (Nominated): Mr. Vice-Chairman, Sir, I deeply appreciate the good intention of the Ministry in bringing this Bill. However, with great regret I have to oppose this Bill.

I oppose this Bill because it is unconstitutional, because it is unreal, because it is inadequate, insufficient, incomplete because it touches only ten per cent of the children while more than eighty per cent of the children who are engaged in agriculture and who are rural are almost untouched by this Bill and also because it is against the development policies of the Government.

Sir, my first point is that article 24 forbids the employment of any child below 14 years in any factory or mine or other hazardous jobs. Article 45, which is a Directive Principle, states that the State shall endeavour to provide, within a period of ten years, free and compulsory education for all children until they complete the age of 14 years. We also have article 23, which comes under the heading "Right against Exploitation" prohibiting traffic in human beings and *begar* and other similar forms of forced labour. In the well-known *Asiad* case, forced labour was interpreted to mean any labour offered for wages below the minimum wages. The logic of the judgment was that no person would offer oneself for labour below the minimum wage unless forced by compulsion of economic circumstances. If this is true for adult workers, then is it not true for a child worker? "Child labour" by definition is forced labour and, therefore, it violates article 23. So, the Bill that we are discussing now is basically unconstitutional and it is also against the spirit of the Constitution. It also fails to fulfil the promises given by the Constitution. My second point is that the Bill has been watered down. It has watered down the definition of 'hazardous'. The definition is inadequate. Only fourteen occupations and processes are listed in the Schedule. Industries like glass, brass and many others are not included in it. Moreover, the Constitution speaks of hazardous employment, while the Bill speaks of hazardous processes, which is against the Constitution again, because it will allow a child to work inside a hazardous factory on the plea that the process in which the child is working is not hazardous.

The other watering down is, although the Constitution says nothing of the kind,