

**THE EMPLOYMENT OF CHILDREN
(AMENDMENT) BILL, 1978**

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Vice-Chairman, Sir, I beg to move:

"That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration."

As the hon. Members will see from the Statement of Objects and Reasons as well as the clauses of the Bill, the Bill is an eminently non-controversial measure meant to increase the area of protection extended to children who seek employment. I do not, therefore, want to take the time of the House to make a long speech to explain the objects or provisions of the Bill.

In the last three or four decades, several laws have been enacted to regulate the employment of children. The Employment of Children Act, which this Bill seeks to amend, was enacted exactly 40 years ago in 1938. The purpose of the Act was to prohibit the employment of children in certain occupations which were regarded as particularly harmful or hazardous for children. The Employment of Children Act of 1938, therefore, prohibited the employment of children in occupations connected with the transport of passengers, goods or mail, and with the port authority within the limits of any port. Several other Acts like the Factories Act, the shops and Establishment Act, the Plantations Labour Act, the Motor Transport Workers Act etc. specify a minimum age for the employment of children, and provide for the regulation of the conditions of work that affect children. In spite of many of these regulatory provisions, the number of children working for a living according to the census of 1971 is as high as 10.7 million.

The Report of the Working Group on Employment of Children that the Department of Social Welfare of the

Government of India set up went into the various aspects of the problems of child labour, and suggested that the prohibition of employment of children should be extended to all hazardous occupations, and the minimum age of employment of children should be at least 14 years, under all the Acts. This would mean that the lower minimum age specified in Acts like the Plantations Labour Act and the Shops and Establishments Acts will have to be raised.

At present, children are employed in large numbers mainly in rural areas, domestic service, shops and establishments and small and unorganised industries. According to the 1971 census, nearly 87 per cent of the total child labour in the country is in the rural areas, in agricultural work and in plantations and fish and live-stock tending¹. Children are also employed in large numbers in cottage industries, like match-manufacture, bangle-making, carpet-weaving, cashew-processing, bidi-making, handloom and powerloom units.

We are aware that the Bill that we are now introducing does not deal with all aspects of the problem. The limited object of this Bill is to prohibit the employment of children in some categories of employment not covered by the parent Act. The Bill seeks to prohibit the employment of children in certain additional occupations under the railways namely, construction work, catering services, track and line work and clearing and picking of ash pits and cinder.

The proposal amendments also provide for legal action against employers for the non-display of notice of certain particulars relating to child employment. The amendments empower the competent authority to make rules, and also provide for the laying of these rules before the Parliament.

Since child labour is drawn from the vulnerable and socially disabled

sections of our population, the amendments that the Bill proposes will add to the protection enjoyed by children of the poorer sections. The provisions of this Bill are modest and affect only some of the occupations in which child labour is being employed today. Even so, the passage of the Bill will have wide-ranging effects and will affect the practices and arrangements in quite a few employments. The success of the amendments will, therefore, largely depend on the success we achieve in rousing public conscience, and in educating the employers, local officials and workers themselves, on the need to extend increased protection to children and to ensure that children are not exposed to hazards and unhealthy and unwholesome conditions of work. The Central Board of Workers Education and the National Labour Institute no doubt have to play their part in this campaign of education. So do trade unions and all other organisations interested in the welfare of the working class. We have to work for the day when children of tender age will no longer have to seek employment, when the conditions and social conscience will save our children from the need to look for employment before they have come of age and acquired the skills necessary for gainful employment in healthy and safe conditions.

Sir, I move that the Bill be taken into consideration.

The question was proposed.

श्री कल्प नाथ राय (उत्तर प्रदेश) :
आदरणीय उपसभाध्यक्ष महोदय, माननीय मंत्री महोदय ने जो बिल्लुन एम्प्लायमेंट बिल पेश किया है, उस बिल के इरादे बहुत

ठीक हैं लेकिन मैं यह कहना चाहता हूँ कि इस समय देश में जो वर्तमान स्थिति है उसमें क्या आप लोगों या जनता सरकार के पास जो लाखों बेकार बच्चे हैं या जिन बच्चों के मां बाप के पास खाने-पीने की व्यवस्था नहीं है, क्या उन बच्चों के लिए सरकार की तरफ से कोई प्रोटेक्शन या कोई पोलिटिकल पावर का कोई कानून आ रहा है? कानून तो इस पार्लियामेंट में बहुत बनते हैं लेकिन जब तक उस कानून को जनता की सँवदन नहीं मिलती तब तक वह कानून अमली रूप धारण नहीं करता है। इस पार्लियामेंट ने दहेज प्रथा के विरोध में कानून बनाए, बाल विवाह के विरोध में कानून बनाए, शारदा एक्ट बनाया और भी बहुत सारे कानून बनाए, लेकिन मैं यह जानना चाहता हूँ क्या उन पर कोई अमल हो रहा है? मैं समझता हूँ नहीं। इसका कारण यह है कि जब तक सरकार के पास पोलिटिकल विल-पावर नहीं होगी तब तक किसी कानून को इम्प्लीमेंट या लागू नहीं कर सकती। आज इस दिल्ली के अन्दर 21 हजार लड़के ऐसे हैं जो 14-15 वर्ष से कम उम्र के हैं। आज हर परिवार में यहां तक कि मैं समझता हूँ बहुत से मंत्रियों के परिवारों में इस तरह के लड़के होंगे जो नौकरी कर रहे होंगे और पूरे देश के पैमाने पर तो लाखों बच्चे ऐसे हैं जिनके मां-बाप के पास न बच्चों को पढ़ाने लिखाने की व्यवस्था है, न बच्चों को स्कूल कालेज में भेजने की व्यवस्था है। जैसे ही 8-10 साल के हुए वे कहीं न कहीं नौकरी करते हैं। या तो बेंस चरायेंगे या गाय चरायेंगे। अगर वहां काम नहीं मिला तो किसी फैक्टरी में काम करेंगे। अगर फैक्टरी में काम नहीं मिला तो किसी सेठ के घर काम करेंगे। अगर वहां भी काम नहीं मिला तो किसी होटल में या रेस्टोरेंट में काम करेंगे। पूरे देश के अन्दर दिल्ली के ही अन्दर करीब पचासों हजार लड़के ऐसे होंगे जिन्हें नौकरी

[श्री कल्प नाथ राय]

नहीं करनी चाहिए, जिन्हें पढ़ने लिखने दिया जाना चाहिए। अगर वे लड़के आज काम कर रहे हैं। आज इस देश के अन्दर इस समय 31 दिसम्बर, 1977 तक 10 मिलियन अनएम्प्लायड पढ़े लिखे लोग हैं जो रजिस्टर्ड हैं। एक करोड़ इस देश में बेकार हैं। अगर इस तरह के बच्चों को यह कहा जाए कि उनको एम्प्लायमेंट मिलनी चाहिए तो मैं समझता हूँ कि उनकी संख्या भी एक करोड़ होगी। संविधान में लिखा हुआ है कि हम कम्पलसरी शिक्षा देंगे, 14 वर्ष की उम्र तक अपने देश में कम्पलसरी शिक्षा देंगे, लेकिन क्या हम संविधान के उस कानून को लागू करने की पोलिटिकल विल पावर रखते हैं? क्या हमारी सरकार के पास पोलिटिकल विल-पावर है कि संविधान की धाराओं को लागू करे। आदरणीय उपसभाध्यक्ष महोदय, हम समाजवाद की बात करते हैं, पिछली सरकार ने जो भी समाजवाद की दिशा में कदम उठाए, जो भी सोशल सिक्युरिटी के सम्बन्ध में कदम उठाए, जो भी हरिजनों के कल्याण के सम्बन्ध में कदम उठाए, महिलाओं के कल्याण के सम्बन्ध में कदम उठाये, इन सारी नीतियों को उलटने का बुद्धि वर्तमान सरकार कर रही है। यह सरकार चिल्ड्रेन एम्प्लायमेंट को रोक पायेगी यह तो बिल्कुल नकारखाने में तूती की आवाज के समान है। आदरणीय उपसभाध्यक्ष महोदय, इस देश के अन्दर बुनियादी सवालों का जब तक हल नहीं ढूँढ सकते तब तक इस तरह के कानूनों के लाने से कोई फायदा नहीं होगा। उपसभाध्यक्ष महोदय, कौन नहीं जानता है कि हम समाजवाद की बात करते हैं। यह सरकार कोई काम न करे, मैं सरकार से यह कहना चाहता हूँ कि वह केवल एक काम करे, बुनियादी ढंग का काम करे। वह इस मुल्क के अन्दर

14 वर्ष से कम के सभी बच्चों की अनिवार्य पढ़ाई की व्यवस्था का ऐलान करे। इस सरकार के प्रधान मंत्री आल इंडिया रेडियो से ऐलान करें कि 14 वर्ष के नीचे के सभी बच्चों को, पढ़ाई की, जिनके पास भोजन की व्यवस्था नहीं है, वस्त्र की व्यवस्था नहीं है, रहने की व्यवस्था नहीं है, उन तीनों की जिम्मेदारी यह सरकार अपने ऊपर लेती है। अगर मोरारजी देसाई इस तरह की घोषणा करें आल इंडिया रेडियो से तो यह देश के मन को छूने वाला कानून होगा, देश के मन में एक जय प्रकाश नारायण की समग्र क्रान्ति का प्रतीक यह घोषणा होगी। यह है टोटल रिवाल्यूशन, यह समग्र क्रान्ति का उद्घोष होगा। लेकिन सरकार के पास पोलिटिकल विल पावर नहीं है। जो पिछली सरकार ने काम किये यह सरकार उन कामों को भी नहीं रख सकती है। उन कामों को बचा कर नहीं रख सकती है। जिन बुनियादी नीतियों के कारण हिन्दुस्तान आज दुनिया के एक शक्तिशाली देश के रूप में उभरा है, उन कार्यों को यह सरकार नहीं बचा सकती है।

आदरणीय उपसभाध्यक्ष महोदय, मैं आदरणीय रवीन्द्र वर्मा, मजदूर आंदोलन के नेता से कहना चाहता हूँ कि क्या हमारे देश के अन्दर बच्चों के लिए कोई योजना इस सरकार के पास है? यह एक समाजवादी देश है क्या हम लोकशाही को इस मुल्क में पनपाना चाहते हैं। आदरणीय उपसभाध्यक्ष महोदय, आज भी इस देश में पांच प्रकार के स्कूल हैं। क्या सरकार इस बात का ऐलान करेगी कि हिन्दुस्तान के सभी लोगों के बच्चों के लिए एक प्रकार के स्कूल होंगे, एक प्रकार की किताबें होंगी, एक प्रकार के अध्यापक होंगे, एक तरह की व्यवस्था होगी। अगर सरकार इस बात का ऐलान करे तब तो कुछ बुनियादी परिवर्तन या समाजवादी परिवर्तन की बात कही जाएगी।

उपसभाध्यक्ष महोदय, इस देश की 90 प्रतिशत जनता के बच्चों के पढ़ने के लिए तो गांवों के स्कूल हैं, उनकी अलग प्रकार की किताबें हैं, उनके अलग प्रकार के स्कूल हैं, उनकी अलग प्रकार की शिक्षा व्यवस्था है। फटा हुआ टाट लेकर, पटरी लेकर और दुधड़ी लेकर देश के 90 प्रतिशत बच्चे गांव के स्कूलों में पढ़ते हैं। उनके पढ़ने के लिए अलग किताबें, उनके अलग अध्यापक, उनके लिए अलग प्रकार के टीचर्स हैं। उपसभाध्यक्ष महोदय, अगर आप गांव से ऊपर उठ कर किसी म्यूनिसिपैलिटी को देखें तो म्यूनिसिपैलिटी में बच्चों के पढ़ने के लिए अलग प्रकार की किताबें हैं, अलग प्रकार के अध्यापक हैं, उनका केरीकुलम बिल्कुल अलग है। उपसभाध्यक्ष महोदय, इससे लखनऊ, वाराणसी, कलकत्ता या दिल्ली को देखें तो वहां के बच्चों के लिए कान्वेंट स्कूल हैं, वहां की किताबें अलग हैं, वहां के अध्यापक अलग हैं, वहां के तौर तरीके अलग हैं, वहां का रहन-सहन अलग है, वहां की षड़ाई लिखाई अलग है। अगर चौथे प्रकार के स्कूलों को देखें तो सेंट्रल स्कूल और तरह-तरह के स्कूल बच्चों के लिए, दिल्ली के बच्चों के लिए, हैदराबाद के बच्चों के लिए, कलकत्ता के बच्चों के पढ़ने के लिए हैं। और पांचवे प्रकार के स्कूलों की व्यवस्था इस मुल्क में है जैसे ऊटी, देहरादून और शिमला के स्कूल जिसमें लड़कों पर लगभग पांच हजार रुपये खर्च होता है। मोटर से लड़के जाते हैं, कार से उतरते हैं और कुर्सी में बैठ कर पढ़ते हैं। उनके लिए अलग किताबें हैं, उनकी अलग व्यवस्था है, उनके अलग तौर तरीके हैं। तो जिस मुल्क की सरकार लोकशाही का नाम लेती है, प्रजातंत्र का नाम लेती है, समाजवाद का नाम लेती है, धर्मनिरपेक्षता का नाम लेती है, राष्ट्रीयता का नाम लेती है, जिस सरकार का समग्र

क्रान्ति के नाम पर, जयप्रकाश नारायण की समग्र क्रान्ति के नाम पर उदय हुआ है, उस सरकार में पांच प्रकार के स्कूल हों, पांच प्रकार की किताबें हों, पांच प्रकार के अध्यापक हों, पांच प्रकार के मैनेजमेंट हों, पांच प्रकार की व्यवस्था हो, तो क्या इस तरह की व्यवस्था से कोई लोकशाही समाजवाद पर आधारित समाजवाद की रचना हो सकती है? तो इस मुल्क में देश के बच्चों के भविष्य के निर्माण के लिए कोई कानून अब तक नहीं बनाया गया है। साम्राज्यवादी अंग्रेजों ने जिस कानून को, जिस कायदे को बनाया अभी वही परम्परा आप चला रहे हैं। इस मुल्क में बुनियादी परिवर्तन की आवश्यकता है।

आदरणीय उपसभाध्यक्ष महोदय, जो आज यह कानून लाया गया है चिल्ड्रन एम्प्लायमेंट एक्ट, यह एक्ट उसी तरह का एक्ट है जैसे एक्ट बना है बाल-विवाह पर रोक लगाओ। इस मुल्क में 90 प्रतिशत बाल-विवाह आज भी हो रहे हैं। सारे देश में दहेज प्रथा उससे भी जोरों से चल रही है। देश में कानून बन गया शराब बन्दी का, लेकिन शराब की और जोरों से देश में खपत बढ़ती जा रही है। तो सरकार जो कानून लाई है, इस कानून के पीछे न कोई पोलिटिकल विल पावर है, न इसके पीछे कोई नये समाज की रचना की भावना है, न इसके पीछे कोई नये देश के निर्माण का सपना है। जनता सरकार तो जनता का नाम लेती है, मगर कोई उम्मीद नहीं। पार्टी अपने को कहती है, पर पार्टी बिल्कुल नहीं। इस सरकार की नीतियों से लगातार देश रसातल की तरफ जा रहा है। जिन बुनियादी नीतियों का निर्माण हमारे देश के नेताओं ने किया, चाहे न्यूक्लियर पालिसी की नीति रही हो, चाहे सेल्फ-रिलायन्स, चाहे अपने पैरों पर खड़े होने की रही हो, चाहे प्लाण्ड इकनामिक डेवलपमेंट की रही हो, सारी नीतियों को उलट कर के पूरे देश को अमरीका के हाथ में और पूंजीपतियों के हाथ में बेचने का

[श्री कल्प नाथ राय]

षड्यन्त्र सुनियोजित ढंग से इस सरकार के द्वारा किया जा रहा है। इस सरकार के पास कोई दिशा नहीं है, यह दिशाहीन सरकार है।

This is a directionless and rudderless Government.

इस गवर्नमेंट की कोई दिशा नहीं। इस सरकार के पास तीन प्राइम मिनिस्टर हैं और 11 प्राइम मिनिस्टर बनने वाले उम्मीदवार हैं। चौदह प्राइम मिनिस्टर जनता सरकार के हैं। यह ग्यारह इन दि मेकिंग और तीन एक्जिस्ट करते हैं। जिस सरकार के मंत्री नीतियों के सम्बन्ध में अलग-अलग वक्तव्य दें, क्या वह सरकार है? देश का डिफ़ेन्स मिनिस्टर कहे कि

The industrial policy of Jawaharlal Nehru was the best policy.

इस देश का भूतपूर्व गृह मंत्री कहे कि—

Nehru's policy was the worst policy for India.

जो सरकार दिशाहीन है, जिस सरकार के मंत्री अलग-अलग वक्तव्य दें, जिस सरकार की बकेंग नीति आज तक घोषित नहीं हुई हो, जिस सरकार की शिक्षा नीति आज तक घोषित नहीं हुई हो, जिस सरकार की कोई विदेश नीति आज तक घोषित नहीं हुई हो, जिस सरकार ने आज तक अपनी पंच वर्षीय योजनाओं की प्राथमिकताओं को तय नहीं किया हो, जिस सरकार की न्यूक्लियर पालिसी की घोषणा न की गई हो, जिस सरकार की कोई नीति न हो, वह जनता सरकार कानूनों की चिंता और सिद्धान्तों की कब्रिस्तान है। जनता सरकार का दिल टूटा हुआ है, जनता सरकार का मन टूटा हुआ है, जनता सरकार के विचार टूटे हुए हैं, जनता सरकार के पास कोई पोलिटिकल बिल नहीं है। जनता सरकार दिशाहीन और उद्देश्यहीन लोगों का जनमत है। यह देश के उस एक महान बख़्शात के समान है और इस सरकार के होते हुए कोई भी कार्य नहीं हुआ है।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Will the hon. Member give some observations on the Bill

श्री कल्प नाथ राय : मैंने कहा कि जो सरकार ने चिल्ड्रन एम्प्लायमेंट एक्ट लाया है, मेरे ऊपर आब्रजवेशन की कोई आवश्यकता नहीं है। मैं कहना चाहता हूँ कि सरकार के पास कोई पोलिटिकल बिल नहीं है। इस मुल्क में लाखों बच्चे हैं। सरकार ने घोषणा की है कि हम कम्पलसरी एजुकेशन करेंगे। संविधान कहता है कि हिन्दुस्तान के 14 वर्ष के बच्चों को हम कम्पलसरी एजुकेशन देंगे। मगर यह संविधान की कसम खाने वाली सरकार रोज संविधान की धाराओं को तोड़ रही है। यह सरकार हिन्दुस्तान के बच्चों के भविष्य में कोई दिशा नहीं रखती है। यह सरकार हिन्दुस्तान के बच्चों के लाखों, करोड़ों बच्चों को जिनके मां-बाप की रोटी की व्यवस्था नहीं है, उनके एम्प्लायमेंट की बात छोड़े। वे तो मजबूर हैं एम्प्लायमेंट के लिए। हिन्दुस्तान के करोड़ों बच्चे आठ-नौ वर्ष बाद अपनी जिन्दगी में मजबूर हैं किसी होटल में काम करने के लिए, किसी की फैक्टरी में काम करने के लिए, किसी के खेत में काम करने के लिए, किसी की भैंस चराने के लिए, किसी की गाय चलाने के लिए, किसी की बकरी चराने के लिए। इस देश के करोड़ों बच्चे मजबूर हैं। वे कौन अपने मन से नौकरी करना चाहते हैं? मां-बाप की गरीबी के नाते ऐसे बच्चों को काम करना पड़ता है। मैं इस सरकार से चाहता हूँ, विशेष कर रवीन्द्र वर्मा जी से कि वे आल इंडिया रेडियो से चरित्र-हूनन का काम बन्द कर के इसकी घोषणा करें कि मोरारजी देसाई की सरकार देश के नाम ऐलान करती है कि 14 से कम उम्र के बच्चों के लिए अनिवार्य शिक्षा की, मुफ्त पढ़ाने की, मुफ्त भोजन की व्यवस्था करती है। अगर यह गवर्नमेंट एक पोलिटिकल बिल के साथ यह ऐलान करेगी तो देश की राजनीति में एक व्यापक परिवर्तन की दिशा में कदम उठाएगी।

Bill. 1978

आदरणीय उपसभाध्यक्ष महोदय, बाल विवाह को रोकने में यह सरकार फेल रही, दहेज प्रथा को रोकने में यह सरकार फेल रही, चिल्ड्रेन एम्प्लायमेंट का रिश्ता हिन्दुस्तान की आर्थिक स्थिति से जुड़ा हुआ है। जब तक हिन्दुस्तान की आर्थिक नीति में व्यापक और बुनियादी परिवर्तन करने का काम नहीं किया जाता, तब तक हिन्दुस्तान में छोटी आमदनी और बड़ी आमदनी का रिश्ता तय नहीं किया जाता जब तक हिन्दुस्तान में 100 से कम और 1000 से ज्यादा आमदनी नहीं होने का रिश्ता कायम नहीं किया जाता, तब तक हिन्दुस्तान के बच्चों के सम्बन्ध में कोई भी नीति लागू नहीं की जा सकती। यह सरकार जो बिल लायी है इस सरकार का इरादा ठीक है लेकिन यह सरकार अपने इरादे में सफल नहीं हो पाएगी। हिन्दुस्तान के 40-50 करोड़ पावर्टी लाइन के नीचे हैं। जिस हिन्दुस्तान की चालीस से पचास करोड़ की जनता पावर्टी लाइन के नीचे है, क्या उन के बच्चों को एम्प्लाय होने से हम रोक सकते हैं? इसलिए आदरणीय उपसभाध्यक्ष महोदय, देश की आर्थिक जिदगी में बुनियादी समाजवादी परिवर्तन की आवश्यकता है। जब तक हिन्दुस्तान की आर्थिक जिदगी में क्रांतिकारी परिवर्तन को नहीं लाएंगे तब तक हम इस कानून के माध्यम से देश के गरीबों का एम्प्लायमेंट होने से रोक नहीं सकते। इसलिए मैं मंत्री महोदय से यह अपील करूंगा कि देश की आर्थिक नीति में बुनियादी परिवर्तन करने की दिशा में ठोस और समय-बद्ध कार्यक्रम की घोषणा करें तभी हम नयी व्यवस्था कर सकते हैं और देश में जो अनेक प्रकार के स्कूल हैं, अनेक प्रकार के कालेज हैं, उनकी अनेकता को तोड़ कर समता पर आधारित लोक-शाही समाज की रचना की घोषणा करें, तभी हम गांधी जी के सपने को साकार करके अपने बच्चों के, नागरिकों के सुख और सुहावने भविष्य के निर्माण कर सकेंगे ताकि भारत की आने वाली संतति भी सुखी और समृद्ध हो सके।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Thank you, thank you.

Bill. 197ft

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): This speech may be considered to be one for all the Bills.

SHRI MANUBHAI PATEL (Gujarat): This same speech may be repeated for all the future Bills.

SHRIMATI LEELA DAMODARA MENON (Kerala): I feel that it is a very necessary piece of legislation but at the same time I do feel that it is very inadequate. When the hon. Minister was introducing this Bill and said that it was to expand the scope of protection given to the children, I thought that probably he was reminded of the International Year for the Child next year and that this was his humble contribution to the welfare of the children. Sir, I would like to point out that we will not be satisfied with this small mercy for the International Year of the Child next year.

As has already been stated, this Act has been amended twice and this is the third time that this House is amending this Act. There is a paradox: On the one hand, we are still in the age of apprentices—and in the medieval age—when things had not improved for the children and when the children were working under appalling conditions. Sir, on the other hand, modern science and technology has made vast changes. The hon. Minister himself said that 87 per cent of the children are working in the rural areas. But even in the rural areas, in villages and farms mechanised transport and other things have come, so that work in the agricultural sector has also, to some extent, become hazardous. I have seen children on top of mowers and other mechanical equipment in the fields. Also some of them have been handling very hazardous pesticides. Now in the agricultural sector, these are areas where special protection is needed for children and nobody is bothering about these things. Child-

[Shrimati Leela Damodara Menon] , ren handle tractors and mowers, without any reference to their age. Sir, it is a well-known fact that in spite of this legislation, the provisions of "the Act are not complied with. The ILO survey shows the magnitude of the problems of child labour. Thousands of small industrial concerns and other concerns use the services of young children without any protection to them, whether this Act is there or not. I am surprised to see that the maximum number of children are working in Madhya Pradesh, Uttar Pradesh, Bihar and Andhra Pradesh. I do not know whether this is because of the population. I do not know the percentage of children i population-wise. But in Andhra Pradesh when the Rege Committee made a study of this problem, they said that one of the black spots in labour conditions was the illegal employment of children and that, too, in unhealthy and unhygienic conditions. Child labour has become the bane of our society. Is this Act going to prevent it in any way? On the one hand, you have this schedule and a number of industries which should be considered a protected area and where children are not allowed to work and, on the other hand, you also say that there is no way in which the provisions of this Act could be implemented.

Sir, we want to see our children with laughing faces. We want to see them laughing and beaming. We want to see happy faces around. Now, Sir, millions of our children are working. According to your own | estimate, 10.9 million children are working. And they are having a childhood without being children, without the happiness of being children. How do we deal with them? Do they get enough food? Do they get enough wages? Even in the protected areas> what is their conditions? In plantations they get only half the wages and their hours of work is nobody's business. I do not know "whether these figures themselves

are correct because the statistics and data have not been properly collected. I am sure that if we take into account all the children who are now working, it might be much more, probably much more than we even envisage. This figure of 10.9 million relates probably to urban areas and the areas surrounding the large industrial units. But there are tens of thousands who working elsewhere and nobody cares for them. Now there is the economic factor also. In the case of many of these children, the parents themselves drive them out to feed for themselves. Or may be there is nobody to look after these children and, therefore, they are forced to do these things. How are we going to face these socio-economic problems? I know, the Labour Ministry may not be able to deal with them, but there must be some point of co-ordination. All these enactments, these facilities and the plan programmes should be co-ordinated at some point so that they form a whole picture and not pieces of a jigsaw puzzle. The National Labour Commission said that the use of child labour in unorganised industry is also very distressing. Even there they have only a negative approach. Children are now taken even as bonded labour. Now, you yourself had brought a Bill to put an end to bonded labour. Do you know that even now children are bought and sold? Boys are sold for Rs. 70 and girls are sold for Rs. 50. Even there, there is discrimination. AU the same, this is a very sad fact that children are sold and for child labour. And nobody is there to look after them.

There is another factor. We are thinking of children below 12 years, 14 years. But there is another section of children whose condition is worse; there is another kind of child labour. That is, children of 15 days, 20 days, are loaned to other people, to men and women, so that they may use them for begging. In that process those infants are exposed to the sun, the rain, the weather. They get mutilated in that process. Yet, there is no legal protection for them. Our

child laws are so very vague. I would like to remind the House, we are still awaiting a comprehensive Children's Act. The present laws are all very vague. Our children are the most exploited, the most misused, section of the population. Jawaharlal Nehru once said, I remember, that when the nation moves forward, it marches on the feet of her children. No wonder, we are tottering like that. Because our children cannot move forward in a healthy manner, our nation also cannot move forward. Then there is the problem of non-hazardous occupation. Even when children are permitted to work in certain categories of occupation, their working hours and their working conditions, are not regulated. Nobody bothers about the conditions in which these children work, the number of hours these children work daily, or the type of food they are fed. In some States in schools children are given food. But what is the quality of the food served there? In some places there is not even the provision for feeding school children. Our children are employed in hotels where they pick up everything that is bad, that is discarded. The children also become delinquent. Then there are hundreds of industries where children are employed without any kind of protection. There is the weaving industry. I went to see one of the handloom units. Over 300 women are working there. But 75 per cent of them are young girls. They are all so ill-fed. And their heads are covered with layers of wisp of cotton making them look much older than they really are. In course of time, naturally they look really old. These are unprotected areas. Nobody seems to be bothered about them, then, take the railway stations and running trains . . .

AN HON. MEMBER: The Railway Minister has come.

SHRIMATI LEELA DAMODARA MENON: I am glad the Railway Minister is here . . .

PROF. MADHU DANDAVATE: In anticipation of your comments I have come here.

SHRIMATI LEELA DAMODARA MENON: It is very kind of the honourable Railway Minister to be here now. There are certain legal protections required for children working on the railways. Every Member of this House knows, everyone must have seen, how small children jump in and out of running trains in their attempt to sell things for a livelihood. They are endangering their lives in that process. But there is no protection against it. The Railway Minister has got many laws to protect his railway property, his railway yards. But is there any law to protect the small children who are found in such precarious conditions on the railways? Is there any law to keep them off the railway surroundings? This is a common sight in India. It is not that the honourable Railway Minister does not know it. I appeal to him to see that necessary legal measures are taken to protect these children, to prevent these children from coming anywhere near railways. Of course, this practice may not be prevented by him completely. You can prevent ten children, fifteen children, but not millions of children, unless we have the requisite social conditions to transform the lives of our children, to prevent them from leaving their homes. It is true they go out and risk their lives to earn a morsel of bread. Something, therefore, should be done in this direction.

Then, look at the ports and docks. A port is a protected area. Yet, more than a lakh of children are employed there. They are employed in the docks, in the ships. Nobody is bothered about their working conditions, their living conditions. We have a national policy; we have a National Board. But these boards are concerned more with nursery schools. These are, of course, necessary. But

[Shrimati Leela Damodara Menon]

what about the wider aspect of child welfare? Our children are dying inch by inch, millions of them, in our presence. Do we not have a responsibility to do something, to bring about some far-reaching changes for their welfare? I would appeal to the Government to see that dynamic changes are brought about. As yet we have not passed the Children's Act. I do not know why. We have also not been able to ratify the ILO Convention. While we accept it as a gesture that the year 1979 should be celebrated as the Children's Year, I hope the honourable Minister will, at least during this Children's Year, make a beginning to bring about fundamental changes for the welfare of our children. One enactment here and another enactment there 5 P.M. can all be scrapped and instead of these we should have a full and comprehensive child welfare programme for this country so that our children will be happy and delighted and they can enjoy life. That is the only way we can keep our children free from the cares of life. Let us not make adults of our children before they are even five or ten years of age. Let us make them happy so that at least in their adulthood they can look back and remember their childhood with pride and happiness.

श्री शिव चन्द्र झा (बिहार) : उप-सभाध्यक्ष जी, यह विधेयक चिल्ड्रन एम्प्लॉयमेंट विधेयक जो है यह बहुत ही सिम्पल विधेयक है। बच्चों का जो शोषण देश में होता है उसको रोकने के लिए यह विधेयक है। जो यह चाहते हैं कि बच्चों का शोषण देश में बन्द हो उनका बुनियादी और पहला फर्ज हो जाता है कि वे इसका समर्थन करें। विधेयक कितना कारगर होगा इसको रोकने में, यह अलग बात है लेकिन यदि कदम उठाया जाए कानून के माध्यम से

तो यह एक माध्यम है कानून के द्वारा जिससे यह कदम उठाया जाता है बच्चों का शोषण रोकने के लिए। 14-15 साल के नीचे के बच्चे कोयला उठाने का काम करते हैं या दूसरा मकान बनाने का, कंस्ट्रक्शन का काम करते हैं या दूसरे ऐसे ही कामों में बहाल किया जाता है उनका शोषण होता है। इसको रोकने के लिए यह विधेयक आया है।

[The Vice-Chairman (Shri Shyam Lal Yadav in the Chair.)]

इसलिए मैं इसका समर्थन करता हूँ। आप जानते हैं कि बंगाल में बच्चों के शोषण का सिलसिला चला। दुनिया के इतिहास में जब औद्योगिकीकरण का सिलसिला चला, 18वीं सदी में, 19वीं सदी में जब यह औद्योगिकीकरण का सिलसिला चला तो 14-15 साल के छोटे-छोटे बच्चों का किसी न किसी रूप में शोषण होता था। इसका चित्रण हम पाते हैं 'एंजिल्स' की किताब 'कंडीशन आफ द वर्किंग क्लास इन इंग्लैण्ड इन 1884' और 'विक्टर ह्यूगो' की किताब 'लाज मिजरेबल्स' और दूसरी किताबों में। लेकिन बाद में जब ट्रेड यूनियन्स मूवमेंट जोर पकड़ता गया तो कुछ इस मामले में रुकावट आई लेकिन फिर भी यह सिलसिला चलता रहा। आज भी दुनिया में जहाँ पूँजीवादी व्यवस्था है, अपने देश में, वहाँ यह सिलसिला चलता है। इसको रोकना बहुत जरूरी है। लेकिन सवाल आता है कि जो देश में अर्थ-व्यवस्था है और जिसकी वजह से ये बच्चे मजबूरन काम करते हैं वहाँ थोड़ा बहुत कदम उठाया जा सकता है रोकने की कोशिश हो सकती है वह मंत्री महोदय इसके जरिये रोक सकते हैं या नहीं? इसमें मुझे शक है। उदाहरण के लिए यह कहते हैं कि रेलवे में बच्चे जो हैं कोयला चुनते हैं और दूसरे काम करते हैं उन सब

का कानून के जरिए रोक लेंगे। लेकिन कुलों के रूप में जो बच्चे काम करते हैं और आपके जो रजिस्टर्ड कुलों हैं और जो दौड़ कर आते हैं सामान उठाने के लिए उनको आप कैसे रोकेंगे? आपकी आंखों के सामने ये बच्चे काम करते हैं और इनका शोषण होता है इनको आप कैसे रोकेंगे? आप कहेंगे कि हमने नहीं बहाल किया लेकिन वे जो बहाल होते हैं काम करते हैं और उनका शोषण होता है। ये तो आपके रेलवे में आते हैं इनको आप कैसे रोकेंगे? इसकी कोई इसमें व्यवस्था नहीं है। इसी तरह से बन्दरगाह में और दूसरी जगहों में बच्चे काम करते हैं उनका भी शोषण होता रहेगा। हमारे सामने सवाल यह पैदा होता है कि इसकी क्या वजह है? मैं समझता हूँ कि इसकी दो वजह हैं। पहली वजह यह है कि उनकी आर्थिक हालत बहुत खराब है जिस की वजह से उनको काम करना पड़ता है। अपने पेट को भरने के लिए और जिन्दा रहने के लिए उन लोगों को इस प्रकार के काम करने पड़ते हैं। दूसरी वजह यह है कि हमारी नीति जो कम्पलसरी एजुकेशन की है उसको हम सस्ती के साथ लागू नहीं कर पा रहे हैं। 14 साल तक के बच्चों को स्कूल में भेजा जाना चाहिए इस नीति को हम लागू नहीं कर पाये हैं। मैं समझता हूँ कि इसका बुनियादी कारण उन लोगों की आर्थिक हालत का खराब होना है। यही कारण है कि उनका शोषण होता है। अभी जो उनकी आर्थिक स्थिति चल रही है उसको देखते हुए ऐसा लगता है कि इस विधेयक के पास होने के बाद भी इन बालकों का शोषण होता रहेगा। इसलिए आज आवश्यकता इस बात की है कि हमारे देश के आर्थिक ढाँचे में बुनियादी परिवर्तन किया जाय और बुनियादी तौर पर आर्थिक व्यवस्था में परिवर्तन हो क्रान्तिकारी परिवर्तन हो। मुनाफाखोरी की जो व्यवस्था हमारे देश में चल रही है उसको

तत्काल बदलने की आवश्यकता है। हमारे देश में जो आर्थिक असमानता है इकनॉमिक डिसपैरिटी है इसको खत्म करना होगा।

श्रीमन्, अभी हमारे नवजवान भाई ने कहा कि जनता पार्टी की सरकार दिशाहीन है। उन्होंने और भी कई बातें कहीं। मैं उनका ध्यान इमरजेन्सी के दौरान इस देश की स्थिति और उसके पहले की स्थिति की ओर दिलाना चाहता हूँ। यदि हम पिछले 30 सालों की हालत का सिंहावलोकन करें तो हमें पता चलेगा कि हमारे देश में इतनी इकनॉमिक डिसपैरिटी पैदा हो गई कि उसमें बच्चों का शोषण होने लगा और वह आज भी जारी है। मैं समझता हूँ कि यह खराबी पैदा करने की जिम्मेदारी हमारी नहीं है। इसकी जिम्मेदारी कांग्रेसिया सरकार की है। इसी कांग्रेसिया सरकार की नीतियों के कारण इस देश में मुनावाद बढ़ा और शोषण का सिलसिला चला, मुनाफाखोरी बढ़ी। इस देश में इसी नीति के कारण बड़े-बड़े घरानों की पूंजी में बढ़ोतरी होती गई। धनी लोग और धनी होते गये और गरीब और गरीब हो गये। कांग्रेस सरकार की गलत नीतियों के कारण यह स्थिति पैदा हुई। जनता पार्टी की सरकार जनता की आर्थिक स्थिति में सुधार लाने के लिए कटिबद्ध है। हम मानते हैं कि इसमें समय लगेगा। लेकिन हमारे सामने एक दिशा है। यह कहना कि हम दिशाहीन हैं, यह गलत है। हमारी एक निश्चित दिशा है। समाज में सम्पूर्ण क्रांति और समग्र क्रांति हमारा लक्ष्य है। आप लोग उसका मखौल उड़ा रहे हैं। अगर आप वैज्ञानिक दृष्टिकोण से देखें और उस दृष्टिकोण से समाज का विश्लेषण करें और समाज में अगर आप बुनियादी परिवर्तन चाहते हो तथा नये समाज का निर्माण करना चाहते हो तो झक मार कर आपको समग्र क्रांति पर आना पड़ेगा और समग्र

[श्री शिव चन्द्र झा]

क्रांति में विश्वास करना पड़ेगा। मैं यह कहना चाहता हूँ कि अगर तुम समाजवाद में विश्वास रखते हो, वैज्ञानिक दृष्टिकोण में विश्वास रखते हो तो तुम्हें समग्र क्रांति को अपना समर्थन देना पड़ेगा। हमारा समाज अपनी मंजिल की ओर जा रहा है। उसको अब कोई नहीं रोक सकता है। हमारी जनता पार्टी की सरकार अपनी मंजिल की ओर जा रही है। मैं मानता हूँ कि इसमें थोड़ा बक्त लगेगा। हमें आज अपने देश में नया समाज बनाना है। एक शोषणविहीन, जातिविहीन और वर्गविहीन समाज का निर्माण करना है। समाज के अन्दर बराबरी के आधार पर सब के साथ व्यवहार हो, यह बात हमारे घोषणा-पत्र में कही गई है और नीतियां भी बताई गई हैं। आज जो देश में उतनी प्रगति नहीं हुई है इसकी वजह यह है कि आपने जो पद्धति 30 सालों से इस देश में चलाई वह इसका कारण है। आप पढ़िये पंडित जवाहरलाल नेहरू को। उन्होंने कहा था 1962 में, जब कि वह योजना आयोग के खुद चेयरमैन थे। उन्होंने कहा कि बावजूद जितना कुछ देश में हुआ है वह बहुत थोड़ा है उस मंजिल के संदर्भ में जहां हम जाना चाहते हैं और जहां हम देश को ले जाना चाहते हैं। देश में गरीबी है, इस बात से कोई इंकार नहीं कर सकता है। पंडित जवाहरलाल नेहरू ने अपने आयोग पर यह टिप्पणी की थी।

उपसभाध्यक्ष महोदय, इस विधेयक का हम समर्थन करते हैं और मुझे आशा है कि यह बच्चों का शोषण रोकने के लिए एक कदम होगा। इस का विरोध करना शोषण को बढ़ावा देना होगा। कोई भी व्यक्ति जो समाज की प्रगति में विश्वास करता है, वह इसका विरोध नहीं करेगा। लेकिन दो बातों को मंत्री महोदय ठीक से

अपने ध्यान में रख लें। वह इस बात को ध्यान में रखें कि आर्थिक असमानता को जब तक हम देश से समाप्त नहीं करते हैं और साथ ही साथ जो फुल इम्प्लाइमेंट की जो पालिसी है, उसको लागू नहीं करते तब तक इस समस्या का हल नहीं हो सकता। जो बच्चे पढ़ने वाले होते हैं यदि उनके परिवार को चलाने वाले लोगों के पास पूरा रोजगार नहीं होता तो इसीलिए बच्चों को भी काम करना पड़ता है। इसलिए सब से पहले हमें एकानामिक डिसपैरेटीज को समाप्त करना होगा और फुल इम्प्लाइमेंट की नीति को लागू करना होगा।

दूसरी बात, आपकी शिक्षा की जो नीति है, बच्चों के लिए कमलसरी एजुकेशन, जो कि 14 साल तक के है, उसको सख्ती से लागू करना चाहिए। यदि आप साइड बाई साइड, साथ ही साथ ऐसा कदम भी उठायेंगे तभी इसको सफल बना सकेंगे और तभी यह विधेयक कारगर समझा जा सकता है वरना यह जो शोषण का सिलसिला है वह चलता ही रहेगा। लेकिन इसका मतलब यह नहीं है कि जो कदम उठाये जा रहे हैं उसका हम विरोध करें। जो विरोध करता है वह प्रगति विरोधी आदमी है, समाज विरोधी आदमी है, समाजवाद विरोधी आदमी है, राष्ट्र विरोधी आदमी है। इसीलिए

श्री कल्पनाथ राय : कौन विरोध कर रहे हैं ?

श्री शिव चन्द्र झा : मुझे याद है कि जब 14 बच्चों का राष्ट्रीयकरण इंदिरा

गांधी ने किया, चौथी लोक सभा में कांग्रेसिया बैठे थे और हम लोगों ने उसके लिए रास्ता प्रशस्त किया था और हम लोगों ने बैंकों के राष्ट्रीयकरण का मार्ग प्रशस्त किया। लेकिन वह भी थोड़ा था। हम लोगों ने कहा कि खैर जो भी यह कदम उठाया जा रहा है उसका हृग समर्थन करते हैं। लेकिन तमाम बैंकों का राष्ट्रीयकरण होना चाहिए, देशी और विदेशी। हम लोगों ने वहां हर बार बात उठाई। इसीलिए जो भी कदम उठाया जाता है चाहे वह छोटा ही क्यों न हो परन्तु देश की प्रगति के लिये हो तो उसका समर्थन करना चाहिए। गांधी जी कहा करते थे कि एक कदम तो है। यह तो बड़ा काम है। एक कदम ही अगर हम इसके जरिए बच्चों के शोषण के बारे में आगे बढ़ाते हैं तो यह बड़ा काम हम करते हैं और उस मंजिल की ओर जाने के लिए नजदीक पहुंचते हैं। इसलिए मैं इसका समर्थन करता हूं। लेकिन साथ ही साथ मंत्री महोदय का ध्यान इसकी जो खामियां हैं, आकर्षित करते हुए कहना चाहता हूं कि वह उनको दूर करने की कृपा करें।

आखिर में एक बात कहना चाहता हूं और वह यह कि इसमें जो एक माह की सजा और 500 रुपये जुर्माना का जो प्रावधान किया गया है उसमें संशोधन करने की जरूरत है। इसमें यह व्यवस्था है कि जो आदमी ऐसा करेगा उसे कानून के अनुसार एक महीने की सजा और 500 रुपये फाइन करेंगे। जो कि बहुत थोड़ा है। मेरा सुझाव है कि सजा सख्त करें और जो लोग इस के लिए दोषी पाये जायेंगे उनके विरुद्ध इसे सख्ती से लागू करने के लिए कदम उठायें। इसके ऊपर पूरी तरह से निगरानी रखी जाय ताकि इसका कार्यान्वयन ठीक ढंग से हो। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

SHRI LAKSHMANA MAHAPATRO (Orissa): Sir, though I do not oppose this Bill, at the same time I cannot refrain from saying that this is a fraud on the children in the International Year for Children. I am sure that after hearing me the Labour Minister will agree that we have never failed to be hypocritical in the past and now also we are being hypocritical. You talk of employment of children. Two things are there; children and their employment. My friend who spoke just before me feels that this is a step forward. Sir, the law was made in 1938 when the British were here. This is a conception not obtaining in this country alone. It is a universal conception. Child is being exploited everywhere. Wherever it is permitted it is done. But what do you see in the socialist countries? There is not a single socialist country where there is child labour or where there is exploitation. It cannot be because it all depends on the socio-economic set-up that you have or the economic policy that you follow which necessitates the child becoming so bad and so ugly looking or shabby as Shrimati Leela Damodara Menon described or the child being exploited by being employed here and there. The employer is sought to be punished and you also want to regulate the employment of children by the different legislations that you have made. There have been amendments to the Employment of Children Act many a time. When it was originally introduced, it was felt that a child below 12 years should not be employed. Later on, it became 14 years. Then it became 15 years. In this way, the age of the child has been raised. The feeling of those people who sought to frame this particular law was that the children below a particular age should not be employed. What was the driving force for this? For that, I will take you to the Statement of Objects and Reasons that was appended to the Bill that was introduced in that year for making this law of 1938. I will

[Shri Lakshmana Mahapatro] do that a little later. Sir, the year 1938 was something different. The British were ruling us. But this consideration was no doubt there. They also felt that the child should not be employed everywhere. Where the hazards were great the children should not be employed. It was to be seen that the children do not get there. But they never bothered about the exploitation of children. But, we are bothered about exploitation also. We feel that if a law is so made that it prevents the exploitation of children or the child labour is not exploited, then we can call it a progressive law and we will all be for it. But unfortunately this particular piece of legislation does not do that. The little thing that has been done is that you don't allow the children to be employed in particular places and if somebody employs or if somebody does not put on notices for employment you want to penalise him in a particular way as other who had earlier been required to do this work and had not done it or had violated it, had to be punished. This particular provision for penalty is not a very important thing. Of course, it is not a bad thing. But this is not such an important piece of legislation that you can proclaim to the world. As I said at the outset, Sir, it is a fraud on the children of the country, not only on the children, their parents but also on the persons who are very much concerned about child welfare in this country. Sir, what is the condition of the child in this country today? Sir at the moment we have a population which according to our statisticians and demographers is expected to rise up to 740 million by 1990-91. And at the moment we have a population of children of about 250 million whom you have to cover by this particular law, and who are below 14 or 15 years of age. Out of these 250 million, 150 million are in the rural side and 43 million are in the urban areas. Now, what is the condition of these children, a population of 250 million? Five lakhs

of children die due to diseases caused by malnutrition every year. Another 70 per cent belonging to the poorer sections suffer from growth retardation. At present, nearly 14 per cent of the children die before they reach their second birthday. On the whole, 75 per cent of the 250 million children's population can be identified as not healthy. Now the children's hospitals and clinics are flooded with children below the age of 5 who suffer from acute diseases and infections. They suffer from diarrhoea, dysentery, cholera and typhoid and sometimes even hepatitis. They also suffer from polio. In spite of the fact that we have been getting some anti-polio vaccine and giving it to some children, yet a large number of children specially in the rural areas do not get it and, therefore, they suffer from polio also. Therefore, the real point is that to get over from this particular condition of health of the children, we have done nothing. As Shrimati Leela Damodara Menon has been saying, we have a national child policy and we have also child welfare boards. What have they been doing all these years? That has also to be seen to combat this sort of a situation. I am talking of the physical health and not the mental health. Mental health is something about which we have said in our Constitution that we should provide education to the child compulsorily up to the age of 14. But have we done anything in this respect? Every other Member who spoke on this matter referred to it. I did so the other day when I was speaking on the Adoption of the Children Bill. I said that it is not a fancy for anybody to adopt a child who is not having a good look, who is illiterate and who has not got a body with all the limbs proportionately built up. Therefore, Sir, somebody will definitely go in for adopting a child if he is handsome, if he is of a particular family or what you call *khandani*. From that family some child can be taken in adoption out it is not in such children that we-

are interested. Our interests lay in providing a home and a family to the destitute, to the abandoned, to the ill-fed. If such children could be adopted, then I would be the happiest person on the earth. But such a thing is not coming about because that is not so easy. Similarly, here also, the mental health is a later consideration. I am talking about his bodily health and this is the way in which we have been attending to the physical health of the children. And, such children are not only being not properly fed but they also have diseases of which they die so early. It is in that context that I quoted to you all that statistics.

As I told you, Sir, these Child Welfare Boards are there, the National Board is there, the State Boards are there. For some time very serious considerations have been given to the problems of children and very large sums of money have been spent on very special programmes for children, the under-privileged children. But what has been the result? Most part of this money has gone into the pockets of middlemen. As the problem of bad health of children was attributed to the absence of protein-rich food for children, protein-rich food was sought to be produced in abundance and the manufacturers of the protein-rich food cornered the greatest percentage of that money that was spent on these special programmes for children. The child did not get it. I shall point out in this context two studies that were carried out in the city of Delhi by the young men of a Government institution and by some others of the university. Sir, in the city of Delhi, according to a study of young workers in Delhi, made by the Indian Council of Child Welfare, more than 25,000 children are employed in shops, factories and other establishments. Sir, some of our friends here feel that this Bill, if made into a law, will give some protection to these children. But about the efficacy of

this Bill I have my greatest doubts and it is because of that that I want to point out certain things that were happening under the very nose of the Union Government in the Union territory of Delhi.

SHRI KALPNATH RAI: There are 21,000 such children.

SHRI LAKSHMANA MAHAPATRO: No. There are 25,000 such children who are being employed in shops, factories and other establishments, most of them between the ages of 7 and 14. What are their working hours? They are 10 to 15 hours a day. What is the wage for them? Hardly a rupee a day. And, how are they treated? Mostly part-time, and therefore no security of service. How are they being protected? We have a Government which has been callous to such a situation in Delhi itself, a Government which sees that such a situation has been portrayed in a report by a study group of young men of the Indian Council of Child Welfare, now that Government would make a law and we will be made to believe that we will have the best of results in the coming days for our children. That is the reason why I said that this is a fraud on the children of our country. That is why I said we are hypocrites.

Now, Sir, I will refer to the other study about which I was saying. The other study was made in the year 1976. That study was made in relation to the money that was expended on these specialised programmes for providing nutritious food for children. It was again a study undertaken in Delhi. It showed that only four out of every ten children covered by the programme received the food. Six did not get; only four got. What happened to the money

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that was provided for these six children? The money that should have gone to these children, the food that should have gone to these children was found in the black market. *(Time bell rings)*. I am not cissing, I will continue.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You kindly finish now. There are some more speakers.

SHRI LAKSHMANA MAHAPATRO: I have got some more points to say. The debate on this Bill was to be for the whole day but the Visva-Bharati (Amendment) Bill has taken the major part of it. Anyway, I shall try to be as brief as possible.

So, Sir, this is how the money that is sanctioned or set apart for the children is being utilised!. Yet the Government is not able to take any steps to prevent food meant for children either going to the pockets of middlemen or getting into the black market. This is the state of affairs. In Delhi itself the other day in the month of January end and beginning of February, there was a big seminar which was sponsored by the Women's International Democratic Federation and was organised by the National Committee for Asian Regional Seminar on Child. According to them—it has come in the *Statesman* of February 3, 1978—"Seminar seeks a fair deal for the child". What has appeared in the Press is: "Seminar sponsored by the Women's International Democratic Federation and organised by the National Committee for Asian Regional Seminar on Child was attended by the representatives from 13 countries, international regional and non-Government organisations and UNESCO, UNICEF and the Economic Commission for Asia and the Pacific. The participants unanimously expressed concern with the problem of child

labour and the contradiction between* the existing situation and the principles of United Nations declaration on the rights of the child. They were of opinion that the child labour could only be eliminated...."—this is the most important thing and I want the whole House to take note of, including the Minister—". ..by effective steps to strengthen the position of the family by full employment as an effective social security system." How a child engaged in picking up cinders or the burnt coke in the railway yard can strengthen a family's economic position? Every child of a poor family is regarded as the wealth of the parents who would be used for making money for the family. That is the spirit with which the parents give birth to a child. As soon as the child starts trotting about, the parents feel that he is fit enough to procure some money for the family. If they are in the village, they not only go in for some avocation for themselves but they also try to make some money by making the child work with somebody. Therefore, whenever such a Bill is brought I have somehow a feeling that why punish the poor employee^ because he may not be so much anxious to employ a child. Of course, I know, anxiety of the employers is there to employ children and if you go to the countryside, you will find very small children being employed, who cannot do any hard work but yet they are kept and used as servants. The reason for that is that the employer can employ a small child for very low wages, or sometimes for no wage at all. If they are given a little of gruel, they will be satisfied with that. It may also be possible that the parents might have approached the employer, and influenced him, requested him, to keep the child so that the burden of the child will not be there on the family. In addition, they will also be able to earn a few rupees through the employment of the child. This also happens. There are many such instances* where the parents have been forced

to send their children for employment and they feel that the children should be a source of income. This is because of the socio-economic condition in which the family is placed. Sir, I 'need^{not} dilate on the question of unemployment. Nothing has been done as yet to attend to this problem. Every day, this is increasing. This issue has beenⁿ raised in this House 30 many times, how there has been a great influx of the rural population to the cities. They come to the cities with the fond hope^e of getting employment. Somebody said that the city slums are the transplants^of the rural miseries. This^s is very correct. Who are the people who^o come? The landless labourers and the tribals migrate with the fond hope^e of getting employment inⁿ the cities. They come to the cities seeking employment. Some of them who are fortunate get something to fill their bellies. To supplement the income, they try to get their children employed. For the others who are unfortunate, the misfortune of the children and the family is more evident.

This is how things are developing in this country. I need, not speak further on the question of unemployment. The problem of unemployment is increasing only because of these reasons. My only request to the hon. Minister is that, we should not tinker with the problem of child labour in this way. On the other^r hand, we should go into the causes of child labour and into the causes of unemployment. How could an employer employ children if the Government is very firm about it? How could the parents feel like sending their children for employment instead of sending them to school if the Government is very firm about it? The other day,, we asked the Prime Minister: You are very much anxious and you are very much interested to do away with unemployment and you are very much interested to amend the Constitution, but have you on the Agenda the amendment of the Fundamental Rights Chapter to provide for the right to work? He says

'No'. But he has a ten-year programme for doing away with unemployment. Nothing as yet has been done in regard to this problem. The rural side is the worst-affected area as far as the children suffering from mental health and bodily health are concerned. In spite of the tall proclamations of this Government, I am pained to say that this Government, like the previous Government, has done nothing to implement the Directive Principles of State Policy. The previous Government failed to do anything in this regard. This Government also is not prepared to touch the fringe of the Directive Principles of State Policy enshrined in the Constitution. That is the reason why our children are in this stage. That is the reason why the parents are forced to send their children for employment. That is the reason why, when such a Bill is introduced, the Labour Minister is not able to tell us as to what is the efficacy of this particular law which is there from 1938 till this date. Forty years have passed. We do not know how many children have been employed in violation of the provisions of the law and how many employers have been prosecuted for this. The fact is³ that they could not provide for such a thing. This law, in particular, does not apply to those establishments covered by the Factories Act. This is only a small amendment of the law. But let us see what the Statement of Objects and Reasons of the 1938 Bill says:

"The Royal Commission on Labour drew attention to the serious abuses prevalent in many establishments not subject to the Factories Act. In particular, mention is made of the employment of children, often at a very early age, in various offensive and, in some cases, dangerous occupations."

It was not that they did not want children to be employed. But they wanted that children should not be employed in really offensive and dan-

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i gerous occupations. The Bill intends | to prohibit employment of children at the age of 12 in precincts and establishments enumerated in the Schedule, which have been selected either, because they are unhealthy or ^{are} accompanied by exploitation of child labour. Provincial Governments which have been consulted are given full powers to amend the Schedule. Therefore, this was how it was brought...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Please conclude.

SHRI LAKSHMANA MAHAPATRO; I a_m coming to that. Sir. I think the Schedule remains intact. Bidi making, carpet weaving, cement manufacture including bagging of cement—of course, this is really bad—cloth printing, mica cutting, soap manufacture, tanning, wool cleaning—these were the things that were listed in the Schedule. Is it all that is there in the country? Evidently, he does not want the child to go to the railway station and to the port. I think these are the two places where he does not want the child to go, but he cannot prevent him because the child has per force to go there and the law also does not prevent him, let me make that clear for the understanding of the hon. Members who might be feeling that this is a leap forward. You want to prevent the employer, that is all right, but you cannot prevent the person who employs himself. There is nothing in the law to prevent him from going there. You can easily get umpteen number of cases where it was not the anxiety of the employer, but the anxiety of the child itself and the parents who employ them though they come within the restricted age.

So, sir, I want to say that the children of this country need a lot of care. Their exploitation is something abominable and yet I say that they

are compelled to be in that situation. The Government at the moment does not feel compelled to attend to the economic conditions of the family, of the parents, so that they could prevent their children from going to such hazardous places, to places where unhealthy conditions exist, so that the parents could think of turning the faces of their children to the schools which are yet empty. In spite of your drives, you have so many drop-outs. Therefore my submission is, if you are really serious to give a very good image of yourselves in the International Year of the child, please attend to the problems of the family. The family's miserable condition is the cause of the child's exploitation. It is the cause of his employment anywhere which you feel you can very well prevent and where I have all my doubts.

SHRI L. R. NAIK (Karnataka): Mr. Vice-Chairman, Sir, at the outset I would like to say that I want to be very brief and refrain from talking at random, on a simple subject like the Bill that has been introduced. At the outside, the hon. Minister has explicitly said what is the object of this Bill. It is a simple Bill and also at the same time it may also be said that it is a non-controversial one. The Bill aims at amending the principal Act, Employment of Children Act, 1938. When we say that it is an Act of 1938, it has been passed long long before, even the Constitution of India was not enforced in this country. It was actually an Act which was enacted during the British regime. Since then no attempts have been made to bring about amendments to such an Act though the amendments were absolutely essential. I have seen form the amending Bill and also the principal Act of 1938 that the provisions are very simple and they all relate to prohibition of employment of children in certain vocations concerning the railways as well as the ports. The present Bill seeks to widen

the area of protection. Of course, to that extent, protection is absolutely essential because the 'nature of employment that the children have to face is of a very hazardous nature and it is, therefore, in the iftness of things that the children, should have to be protected. But the point at issue is whether the Bill that has now been brought is a comprehensive one. Is it 'not high time that we attempt at a comprehensive Bill being brought so that children within the age of 14 or 15—whatever you may like to have—are forbidden from employment in all avocations which are hazardous to their health and which will also covne in the way of their development? We often call the children of today as the citizens of tomorrow. This itself shows that it will be absolutely essential to take care of the healthy growth of children,, not only by educating them properly but also by seeing that economic forces do not drive them to accept any kind of avocation which will prevent them from achieving their cherished growth. So, the question that arises is whether the present Bill, which is of a very limited 'nature, wiH serve the purpose. I am sure the hon. Ministe_r will also agree with me that it will not serve the purpose.

Now our Constitution under article 24 clsarly lays down that children within the age of 15 shall not be employed in any factory or mine or any employment which is of hazardous nature. This article 24 occurs in the Chapte_r o_n Fundamental Rights and this is very important. Though it occurs as a Fundamental Right, no attempt appears to have bee_n made to give full value to this Fundamental Right so that the children are taken care of.

Sir, there is another article which is of a directive nature. That is article 39. Under this article, it shall be the duty of the State to ensur_e that the strength and health of all workers,

whether men or women, and the tender age of children are 'not abused. This is also another very important directive which the State is required to take care of. But what has happened is—as many speakers have said, and especially I refer to the speech of Mrs. Leela Da-modara Meno_n who has rightiy pointed out—that several anomalies have crept in as far as the solutions of the problems of children are concerned. I, therefore, urge that whatever she has said should be taken care of with due urgency. Of course, my hon. friend, Shri Kalp Nath Rai has spoken of the political will of the Janata Party. No doubt, political will is neccessary to implement such a measure. It can be said that since the Bill that has been brought has only a limited purpose and the Government has not taken care to bring forward a comprehensive Bill which pervades all walks of life, so there is definitely a lack of political will o_n the part of the Government. Therefore, it wiH be necessary to introduce such a Bill as early as possible. Sir, I have observed that under article 45 of the Constitution all children up to the age of 14 shall have free and compulsory education and this is supposed to be achieved within a period of ten years from the commencement of the Constitution. The Constitution came into force with effect from 26th January, 1950. But even today we heard the hon'ble Minister of Education saying several times as to how it has not been possible for the Government to say that they have achieved this goal. The goal is still far off.

SHRI K. B. ASTHANA (Uttar Pradesh): What did you do in thirty years?

SHRI KALP NATH RAI; What is your responsibility?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV); You please continue.

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""SHRI LAKSHMANA MAHA-PATRO: The past was bad. The present is worse. What about the future?

SHRI KALP NATH RAI; What is the policy of the Government?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Let him conclude.

SHRI L. R. NAIK; Only a weak-kneed government remembers the past to justify its present misdeeds. That is not the point. The point is whether the present Government has thought it fit to introduce compulsory education. Of course, they have introduced the Bill. But do they have the necessary political will to implement its provisions? I know policy is one thing and its implementation quite a different thing. As far as my knowledge about Karnataka goes it is my definite view that there is so much wanting in implementation due to the attitude of bureaucracy. Therefore, that has to be taken care of. Supposing compulsory education is introduced up to the age of 14, the child would remain in school up to 14 and there would be no necessity about his employment. This Bill aims at prohibiting employment of children below 15 and this Bill would not be necessary. And the question of hazardous avocation would not have arisen. So what is important is to see that all such measures which are of a far-reaching nature and which are of an essential nature for the development of our nation have to be taken care of and should not be looked down upon. This is absolutely essential.

Sir, I had the privilege of staying abroad for over ten years in London with my family. In fact, I was chairman of a parent's association. That

position enabled me to know how much attention was being paid in those countries for the growth of children. I have visited most of the European countries. There even today they take the utmost care of the children. It will be difficult for anybody to find children up to the age of 17 in employment. No organisation can employ them. It is an offence to employ children within the age of 14 whatever might be the organisation. Therefore, unless such a comprehensive measure is adopted, I am afraid all piecemeal legislations will not help our children. I, therefore urge upon the Government to consider this issue in a very comprehensive manner. Of course, I have no objection in supporting the present Bill as it has a limited purpose. But this Bill has to be considered in a very comprehensive way. With these few words I have done.

SHRIMATI KANAK MUKHERJEE (West Bengal): Mr. Vice-Chairman, Sir, It is very unkind of you for giving me this opportunity of speaking on this Bill at the fag end of the day when everybody including myself is tired. But I feel it is my duty to say a few words on this Bill. It would have been a pleasure if I could welcome it as a comprehensive effective Bill on the eve of the International Children's Year. 1979 has been declared the International Children's Year by the United Nations. And certainly India has got to fulfil its own part. I would be very happy if it had been like that. But it is all right so long as it is a symbolical gesture. Section 3 of the Act prohibits employment of children who have not completed their fifteenth year in certain occupations, like railways and so on. Even the Constitution of India, Part III—Fundamental Rights—says under Article 24—Prohibition of employment of children in factories, etc.:—"No child

below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment." It is very good to read and hear, but unfortunately the reality is absolutely different as all other friends of mine have stated earlier. Under the present socio-economic conditions of our country, it is only a mockery to say that "we prohibit the exploitation of children by, law, that we will just put a notice board and write on that that children must not be employed. This reminds me of a fine story told by no less a person than Comrade Lenin himself. In one of his articles on women, he exposed the mockery of bourgeois welfare work. He cited this instance in his article: "Once the Holy Queen of Germany went to visit a home for destitute women. Naturally there were many unfortunate unmarried mothers with their children as the real conditions of the society are and were. But could the Holy Queen bear to have the sight of unmarried mothers " with their children? So the decision of the management was to put rings on the fingers of the unmarried" mothers as a sign of marriage so that the Holy Queen does not have the sight of unmarried mothers."

That is the mockery. This is also something like that. It would be mockery if we put a notice board and write on that, "Children must not be exploited and children must not be employed here."

"Hazardous." What is not hazardous in employment? If the railways are hazardous, if mines are hazardous, if construction work is hazardous, is not the bidi industry hazardous? Is not any other work where our children are employed hazardous. An hon. friend there was saying that the Indian Council of Child Welfare undertook a Centrally

sponsored research project on Work and Children in Urban Delhi. What they found is that 25 per cent of the children were working as unpaid family workers in the household enterprise and 17.6 per cent were self-employed. Do we want that our children should not do hazardous work in the mines and industries but they should go to families as serfs and slaves, as unpaid workers? Do we want that? Certainly we do not want to see our children turning into serfs and slaves of families, as unpaid workers? Lakhs of children—boys and girls—are engaged in the bidi factories, plantations and cottage industries. And there are many types of cottage industries where the working conditions are much worse than in any standard institution.

Again, child labour will not be banned in all the industries. If you ban child labour only in certain industries, they will go to other industries. If they do not get work, they will be in the streets selling illicit liquor and doing all sort of things. I know it from my own experience as to how many children are associated with black-marketing, selling wheat and rice and so on in the back. If we want to keep up the morale of the children, then how can that be through a ban on child labour? Now, what will be the result of this Bill?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You can continue tomorrow.

SHRIMATI KANAK MUKHERJEE: Sir, if you give me only ten minutes, I can finish it today. Will you please give me that much time?

AN HON. MEMBER: Possibly she is not remaining here tomorrow.

SHRIMATI KANAK MUKHERJEE: You give me only ten minutes and I will finish.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Other programmes are there. You can finish tomorrow. I think that will be better. Secretary-General will place the Message.

MESSAGE FROM THE LOK SABHA

The Air (Prevention and Control of Pollution) Bill, 1978

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary of the Lok Sabha:

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on Tuesday, the 25th July, 1978, adopted the annexed motion in regard to the Air (Prevention and Control of Pollution) Bill, 1978.

I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha appointed to the Joint Committee, may be communicated to this House.

MOTION

"That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment,

with a view to carrying out the aforesaid purpose, of Boards for the prevention and control of air pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely:—

- (1) Shri P. Anbalagan
- (2) Shri Manoranjan Bhakta
- (3) Shri Gananath Pradhan
- (4) Shri Dinesh Jorder
- (5) Shri B. P. Kadam
- (fi) Dr. Karan Singh
- (7) Shrimati Parvathi Krishnan
- (8) Shri M. V. Krishnappa
- (9) Shri B. P. Mandal
- (10) Shri Jagdish Prasad Mathur
- (11) Shri R. K. Mhalgi
- (12) Shri Govind Ram Miri
- (13) Shri Nathuni Ram
- (14) Shri R. N. Rakesh
- (15) Shri Ram Kinkar
- (16) Shri Ram Murti
- (17) Shri Vasant Sathe
- (18) Shri Chiman Bhai H. Shukla
- (19) Shri A. Sunna Sahib
- (20) Shri Sikandar Bakht

and 10 from Rajya Sabha.

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total member of members of the Joint Committee;

that the Committee shall make a report to this House by the end of first week of the next session;