

(b) to (d) The Government is aware of the problems of the workers including domestic workers. The domestic work falls under the purview of State Sphere. The State Governments are empowered to enact legislations for domestic workers. However, various labour laws, like the Minimum Wages Act, 1948, the Employees Compensation Act, 1923, the Equal Remuneration Act, 1976 and Inter-State Migrant Workmen (RECS) Act, 1979 are directly or indirectly applicable to these workers.

The Central Government has enacted the Unorganised Workers Social Security Act, 2008 for social security and welfare of unorganized workers which includes domestic workers.

The Government has set-up a Task Force to evolve a policy framework for domestic workers. The Task Force has, *inter-alia*, recommended adoption of National Policy for Domestic Workers. The Policy is under consideration of the Government.

Amending the Child Labour Act

2732. SHRI PALVAI GOVARDHAN REDDY: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the details of occupations and processes where child labour is prohibited;

(b) whether it is not a fact that in spite of prohibiting employment of children in occupations and processes, there is still rampant child labour in the country;

(c) whether it is also a fact that punitive clause is also not stringent enough to be as deterrent for others;

(d) whether Government will consider amending the Child Labour Act;

(e) if so, the details thereof; and

(f) if not, the reasons therefor?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (c) Under the Child Labour Policy, Government of India follows a multi-pronged approach with the following three major elements:

- Legal Action Plan
- Focus on general development programmes for the benefit of the families of child labour; and
- Project-based action in areas of high concentration of child labour.

The Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children below the age of 14 years in 18 Occupations and 65 Processes. The details of occupations and processes where child labour is prohibited under Child Labour (Prohibition and Regulation) Act, 1986, are given in Statement (*See below*). The Act regulates the working conditions of children where they are not prohibited from working. Any person who employs a child in any occupation or process where employment of children is prohibited under the Child labour (Prohibition & Regulation) Act, is liable for punishment with imprisonment for a term which shall not be less than 3 months but which may extend to one year or with fine ranging from Rs. 10,000/- to Rs. 20,000/-. Further the Government is implementing National Child Labour Project (NCLP) in 266 districts of the country for rehabilitation of children rescued/withdrawn from work. Under the Project, children rescued/withdrawn from work are enrolled in the special schools, where they are provided with bridge education, vocational training, nutrition, stipend, health care, etc. before being mainstreamed into formal education system. As per 2001 census, the total number of working children between the age group 5-14 years in the country was 1.26 crore. However, in the Survey conducted by NSSO, in 2004-05 the numbers of working children were estimated at 90.75 lakh. As per NSSO survey 2009-10, the working children are estimated at 49.84 lakh which shows a declining trend. The existing legislation and policy framed by the Ministry have yielded positive results.

(d) to (f) Certain amendments in the Child Labour (Prohibition and Regulation) Act, 1986 are under consideration with the Government. The proposals *inter-alia* include complete prohibition on employment of children below 14 years with some exceptions like helping the family, home based non-commercial work, linking the age of prohibition to employment with the age of compulsory schooling under the Right to Free and Compulsory Education Act, prohibition of children below 18 years from working in hazardous occupations, stricter penalties, making the offences cognizable under this Act and giving the overall responsibility of implementation to the District Magistrates.

Statement

List of Occupations and Processes prohibited under the Act

Part A

Occupations (Non Industrial Activity)

Any occupation concerned with:

- (1) Transport of passengers, goods or mails by railways;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;

- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform to another or in to or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- (6) Work relating to selling of crackers and fireworks in shops with temporary licenses;
- (7) Abattoirs/Slaughter House;
- (8) Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and power loom industry;
- (12) Mines (underground and under water) and collieries;
- (13) Plastic units and fibreglass workshops;
- (14) Domestic workers or servants;
- (15) Dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centers; and
- (16) Diving.
- (17) Caring of elephant.
- (18) Working in the circus.

Part B

Processes (Industrial Activity)

- (1) Beedi-making.
- (2) Carpet-weaving including preparatory and incidental process thereof;
- (3) Cement manufacture, including bagging of cement.

- (4) Cloth printing, dyeing and weaving including processes preparatory and incidental thereto.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica-cutting and splitting.
- (7) Shellac manufacture.
- (8) Soap manufacture.
- (9) Tanning.
- (10) Wool-cleaning.
- (11) Building and construction industry including processing and polishing of granite stones.
- (12) Manufacture of slate pencils (including packing).
- (13) Manufacture of products from agate.
- (14) Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.
- (15) 'Hazardous processes' as defined in Sec. 2 (cb) and 'dangerous operation' as notice in rules made under section 87 of the Factories Act, 1948 (63 of 1948)
- (16) Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)
- (17) Cashew and cashewnut descaling and processing.
- (18) Soldering processes in electronic industries.
- (19) Aggarbatti' manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units.
- (22) Cotton ginning and processing and production of hosiery goods.

- (23) Detergent manufacturing.
- (24) Fabrication workshops (ferrous and non ferrous)
- (25) Gem cutting and polishing.
- (26) Handling of chromite and manganese ores.
- (27) Jute textile manufacture and coir making.
- (28) Lime Kilns and Manufacture of Lime.
- (29) Lock Making.
- (30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store typesetting, assembling of cars, shot making and lead glass blowing.
- (31) Manufacture of cement pipes, cement products and other related work.
- (32) Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products.
- (33) Manufacture of dyes and dye stuff.
- (34) Manufacturing or handling of pesticides and insecticides.
- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry.
- (36) Manufacturing of burning coal and coal briquettes.
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
- (38) Moulding and processing of fiberglass and plastic.
- (39) Oil expelling and refinery.

- (40) Paper making.
- (41) Potteries and ceramic industry.
- (42) Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill-all processes.
- (45) Sericulture processing.
- (46) Skinning, dyeing and processes for manufacturing of leather and leather products.
- (47) Stone breaking and stone crushing.
- (48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form.
- (49) Tyre making, repairing, re-treading and graphite beneficiation.
- (50) Utensils making, polishing and metal buffing.
- (51) 'Zari' making (all processes).
- (52) Electroplating.
- (53) Graphite powdering and incidental processing.
- (54) Grinding or glazing of metals.
- (55) Diamond cutting and polishing.
- (56) Extraction of slate from mines.
- (57) Rag picking and scavenging.
- (58) Processes involving exposure to excessive heat (*e.g.* working near furnace) and cold.
- (59) Mechanised fishing.

- (60) Food Processing.
- (61) Beverage Industry.
- (62) Timber handling and loading.
- (63) Mechanical Lumbering.
- (64) Warehousing;
- (65) Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries, and agate industry.

Rehabilitation of children under NCLP Scheme

2733. DR. GYAN PRAKASH PILANIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether as per 2001 Census, total number of working children in the country were 1.26 crore, the survey conducted by NSSO, 2004-05 estimated it at 90.75 lakhs but only 7,05,558 children were mainstreamed under National Child Labour Project scheme launched in 1988;
- (b) if so, what is 2011 Census scenario;
- (c) whether rehabilitation under NCLP scheme could be termed satisfactory;
- (d) how many children were working in hazardous industries; and
- (e) the State-wise details of action taken against offenders under the Child Labour (Prohibition and Regulation) Act, 1986, during last five years?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (d) Under the Child Labour Policy, Government of India follows a multi-pronged approach with the following three major elements:

- Legal Action Plan
- Focus on general development programmes for the benefit of the families of child labour; and
- Project-based action in areas of high concentration of child labour.