

Lacunae in amendments proposed in Child Labour Law

2020. SHRI RAVI PRAKASH VERMA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government proposes to amend Child Labour (Prohibition and Regulation) Act, 1986 to allow children to work in family enterprises and TV and Entertainment Industry;

(b) if so, the details thereof;

(c) whether there are some lacunae that have been left unaddressed defeating the entire purpose of the Bill; and

(d) if so, the steps taken or proposed to be taken by Government to address these lacunae in the proposed amendment Bill?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): (a) and (b) A Bill to amend the Child Labour (Prohibition and Regulation) (CLPR) Act, 1986 has been introduced in Rajya Sabha in December, 2012. The Government has decided to move official amendments to the Amendment Bill.

At present Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children below 14 years of age in 18 occupations and 65 processes. The Official Amendments along with the Amendment Bill, *inter alia*, covers complete prohibition on employment of children below 14 years and linking the age of prohibition with the age under Right of Children to Free and Compulsory Education Act, 2009. Further, the present provisions of the Child Labour (Prohibition and Regulation) (CLPR) Act, 1986, permits a child to work in any workshop where any process is carried on by the occupier with the aid of his family and in TV and entertainment industry.

However, the proposed amendment to Child Labour (Prohibition & Regulation) (CLPR) Act provides for necessary safeguards in cases of these exceptions. The proposed amendment provides for a child to only “help” his family or family enterprises, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations; and the child can work as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed, and provided that such work does not affect the school education of the child.

(c) and (d) The proposed amendment to the existing Act, completely prohibits the employment of a child below 14 years with exceptions proposed keeping in mind the country's social fabric and socio-economic conditions, along with safety conditions and schooling of the child not being compromised.

Building and Other Construction Workers Welfare Board

†2021. SHRI P. L. PUNIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government keeps a check on ways of collection and utilization of the amount meant for the help and welfare of workers by the Building and Other Construction Workers Welfare Boards in various States, if so, the details thereof;

(b) whether Government is aware of the primary reason due to which building and other construction workers are not getting assistance and facilities; and

(c) if so, whether Government proposes to make the state commit to solve the problem, if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): (a) to (c) The Government has enacted the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and other Construction Workers' Welfare Cess Act, 1996 to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures.

Under the Building and Other Construction Workers' Welfare Cess Act, 1996, a cess @ 1% of the construction cost is collected for meeting the expenses on welfare of construction workers.

The responsibility of collecting cess and its utilization for welfare of workers lies with the respective State/UT Governments through State Building and Other Construction Workers' Welfare Boards.

Section 27 of the Act makes it mandatory for the State Welfare Boards to maintain proper accounts and other relevant records and prepare an annual Statement of accounts in prescribed form and the accounts of the Boards are to be annually audited by the Comptroller and Auditor General of India.

The Cess fund is to be utilized by the State Welfare Boards in terms of Section 22 of the Act for the welfare of construction workers.

† Original notice of the question was received in Hindi.