

Bill No. 277 of 2019

THE CHILD LABOUR (ABOLITION) BILL, 2019

By

DR. MANOJ RAJORIA, M.P.

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BILL

*to abolish the practice of child labour in the country and
for matters connected therewith.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour (Abolition) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;	
	(b) "child" means a boy or a girl who has not attained the age of eighteen years;	
	(c) "establishment" includes a household, shop, commercial establishment, workshop, farm or any residential place where commercial activity is involved, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment; and	5
	(d) "prescribed" means prescribed by rules made under this Act.	
Abolition of child labour.	3. Child labour, in any form, in any establishment in the country, is hereby abolished.	10
Punishment.	4. Whoever employs a child in any establishment, shall be punished with simple imprisonment for a term which may extend upto three years and with fine which may extend upto rupees one lakh.	
Punishment to parents or lawful guardians for coercion.	5. Any parent or a lawful guardian of a child, who coerces his child into employment, shall be punished with simple imprisonment for a term which may extend upto one year and with fine which may extend upto rupees fifty thousand.	15
Closure of an establishment, engaging child labour.	6. (1) Any establishment employing children shall remove such children from employment within a period of six months from the date of coming into force of this Act. (2) If, after the expiry of the period specified in sub-section (1), any establishment fails to remove children employed in that establishment, the appropriate Government shall order closure of such establishment.	20
Establishment of children homes and other welfare measures for rehabilitation of children.	7. (1) The appropriate Government shall establish at least one children home in every district for rehabilitation of children found employed in any establishment or collecting rags and waste or begging. (2) The appropriate Government shall provide a monthly stipend of rupees five hundred per month to the parents of the children placed in the rehabilitation centres. (3) The children homes established under sub-section (1) shall provide free boarding and lodging, education, maintenance and such other facilities to the children, as may be prescribed, till they attain the age of eighteen years. (4) Any child who is found employed in any establishment or collecting rags and waste or begging shall immediately be taken into custody by the police and sent to the nearest children home. (5) The appropriate Government shall provide grants to the recognised non-Governmental organisations working in the field of abolition of practice of child labour for setting up of the rehabilitation centre:	25
	Provided that in cases of children affected by physical or mental disability, the specialized rehabilitation centres shall be set up under the supervision of the appropriate Government.	35
Act to have overriding effect.	8. The provisions of this Act or rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Child Labour (Prohibition and Regulation) Act, 1986 or any other law for the time being in force or in any instrument having effect of law by virtue of any law other than this Act.	40 61 of 1986.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which
5 may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
10 of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is sadly the home to the largest number of child labour in the world. An estimated one per cent. workforce employed in the hazardous industries such as manufacturing crackers, diamond polishing, glass, brassware, carpet weaving, bangle making, domestic help, mining, brick kilns, silk manufacturing, agricultural labour and stone quarries, are comprised of children as workers ranging in the group of 12-18. All this is because children are the source of cheap labour as they can be paid less wages or can be abused without provoking retaliation.

Poverty is cited as a major cause of child labour, but it is not the only determinant. Inadequate number of schools or even the expense of providing education leave some of the children with practically no option but to work. The attitude of parents also contribute to child labour. Compulsory elementary education may help ameliorate this attitude. The problem of child labour cannot be eliminated in one stroke. Many countries have enacted laws providing for ban on buying products of industries where children are employed.

Only multi-dimensional strategies including compulsory elementary education, eradication of poverty, eradicating parental illiteracy, making child labour illegal will help in achieving this objective. Stringent legal provisions, severe punishment for violation of laws, rehabilitation of children already engaged in work have to go along with abolition of practice of child labour in the country. Therefore, it is high time that a stringent law for abolition of practice of child labour is enacted.

Hence this Bill.

NEW DELHI;
November 6, 2019

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the appropriate Government shall establish at least one children home in every district for the rehabilitation of children found employed in any establishment or collecting rags and waste or begging. It also provides for payment of monthly stipend of rupees five hundred to the parents of children placed in children homes. The expenditure relating the States shall be borne out of the Consolidated Funds of the respective State Governments. The expenditure relating to Union territory shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Manoj Rajoria, M.P.)