

AS INTRODUCED IN THE RAJYA SABHA
ON THE 8TH DECEMBER, 2006.

Bill No. CVII of 2006

THE CHILD LABOUR (ABOLITION AND REHABILITATION)

BILL, 2006

A

BILL

to provide for abolition of child labour in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour (Abolition and Rehabilitation) Act, 2006.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a state, Government of that State and in all other cases, Central Government;

(b) “child” means a person who has not attained the age of eighteen years;

10 (c) “prescribed” means prescribed by rules made under this Act.

Abolition of Child Labour. **3.** Notwithstanding anything contained in any other law for the time being in force, child labour in any form is hereby abolished.

Prohibition on Child Employment. **4.** The appropriate Government shall ensure that no person employs any child for performance of any of the following work, namely:—

- (i) Domestic work;
- (ii) Agricultural operations;
- (iii) Construction activities and operations of transport industry;
- (iv) Work in shop, factory, any establishment or organisation; and
- (v) Manufacturing, trading or processing activity of any item.

Provided that any child may work at his own residence or perform any domestic work out of his volition.

No establishment to deal with any activity or product involving child labour. **5.** The appropriate Government within its territorial jurisdiction shall ensure that no establishment sells or buys any product which has been manufactured or processed by any industrial establishment or factory employing child labour and it shall be the duty of every organisation to display in bold letters, at prominent location, in the organisation that it does not deal with any activity or product where child labour is involved.

Penalty. **6.** Whoever,—

(i) employs or compels any child to render labour for remuneration without sending him to a school shall be punished with imprisonment for a term which may extend to three months and a fine of rupees ten thousand.

(ii) Where an offence under this Act has been committed by a company, every person who, at the time, offences were committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offences and shall be punished with imprisonment which may extend to six months and a fine of not less than rupees one lakh and not more than ten lakhs, and the license of that organisation shall be cancelled and he shall also be required to meet the educational and such other requirements of the child as may be necessary for his development and education upto graduation level.

Central Government to provide expenditure to the child having no parents. **7. If any child is found to be self employed and he has no parents or guardians to support him, he shall be immediately sent to a hostel for studies by the Central Government and all expenditure on this account shall be met by the Central Government.**

Act to have overriding effect. **8.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules. **9.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Child labour is very much prevalent in our country. Millions of children are engaged in various activities like domestic, agriculture, industry, factory, construction activities, etc. Due to poverty, they are sent for work instead of schools for education. Even at the work place, they are harassed, and not even paid the minimum wages. No basic facilities are provided to them. Sometimes, children are also engaged in hazardous industries. These children are forced to work by their parents due to stark poverty.

The Bill seeks to provide for abolition of child labour and provides for their rehabilitation. The Bill also proposes that no child below the age of eighteen years should be employed in any work or activity and those who employ them should not only be subjected to punishment but also they will be required to meet the cost of education of the child.

Moreover, ban on selling the products of the industrial establishments or factories wherein child labour has been engaged for its manufacturing or processing, has also been proposed.

Hence this Bill.

SYEDA ANWARA TAIMUR

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for educational facilities to those child labour who do not have any parents or guardians. Since educational facilities are already provided in schools without any cost, only nominal expenditure will be involved from the Consolidated Fund of India. A recurring expenditure of about rupees five hundred crore per annum will be involved and a non-recurring expenditure of about rupees two hundred crore is 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. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shrimati Syeda Anwara Taimur, M.P.)