

(b) If the answer to part (a) above be in the affirmative, which are the States which are having this type of labour and in what form does it exist?

(c) If the answer to part (a) above be in the negative, why the International Labour Organisation Convention No. 29 regarding forced labour is not ratified by the Government of India?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Forced labour as defined in the I.L.O. Convention No. 29 is not countenanced by law in India. Article 23 of the Constitution of India prohibits forced labour except when it is specially permitted by the State for public purposes. Section 274 of Indian Penal Code makes forced labour for private purposes a penal offence.

The Agricultural Labour Enquiry conducted recently by Government revealed that some kind of forced labour was in existence in 74 sample villages in the Punjab, Uttar Pradesh, Bihar, Orissa, PEPSU, Madhya Bharat, and Jammu and Kashmir. Such forced labour in some cases took the form of contractual obligations to continue to service of the same employer till the loan advanced was cleared. In some other cases, it took the shape of depressed wages for attached workers who were not free to work with other employers, or of work by family members without separate remuneration or at a nominal wage. Since these facts came to light, the State Governments concerned have taken appropriate measures to eradicate forced labour and have reported that there is no longer any forced labour in existence as defined in the I. L. O. Convention.

(c) A statement explaining *inter alia* difficulties in ratification was placed before the Parliament on the 10th September, 1951. The main obstacle impeding ratification then was the exaction of forced labour under the Criminal Tribes Act, 1924. Some other enactments were also found to contain provisions permitting forced labour not allowed under the Convention. The Criminal Tribes Act has since been repealed. The other enactments have either been suitably amended or appropriate action for doing so is in hand. With these obstacles removed, Government will now consider the question of ratification after obtaining legal opinion.

EMPLOYMENT OF CHILDREN

800. Shri Morarka: (a) Will the Minister of Labour be pleased to state whether the Factories Act, 1948 and

the Employment of Children Act, 1938, have been applied to all the Parts 'B' and 'C' States in India?

(b) Is the employment of children still prevalent in any of the Parts 'A', 'B' and 'C' States?

(c) If the reply to part (b) above be in the affirmative, which are the industries and in which States the children are employed?

The Deputy Minister of Labour (Shri Abid Ali): (a) The Factories Act, 1948, and the Employment of Children Act, 1938, have been applied to all Parts 'B' and 'C' States except the State of Jammu and Kashmir.

(b) and (c). The Factories Act, 1948, permits the employment of children between 14 and 15 years of age subject to certain restrictions regarding the period of employment etc. The Employment of Children Act, 1938, prohibits the employment of children below 14 years in workshops wherein any of the processes set forth in the Schedule to the Act is carried on. On the basis of information available, a statement showing the industries in which children between 14-15 were employed in factories during 1950 in the various States is laid on the Table. [See Appendix VIII, annexure No. 6.]

So far as the employment of children below the prescribed age-limits in contravention of the statutory requirements is concerned, enquiries already made show that children are employed in a few industries. The attention of the hon. Member is, in this connection, invited to the reply given to the Starred Question No. 2756 put by Shri Sanjivayya on the 3rd April 1951.

MINIMUM AGE FOR EMPLOYMENT AT SEA

801. Shri Morarka: (a) Will the Minister of Transport be pleased to state what is the minimum age of employment of children at sea?

(b) What are the reasons for the non-ratification of the I.L.O. Convention regarding minimum age for employment at sea?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The minimum age of employment of children at sea on ships registered in India is 14 years subject to certain exceptions specified in section 37B of the Indian Merchant Shipping Act, 1923.

(b) On the subject of minimum age of employment of children at sea, the I.L.O. have so far adopted the following three Conventions:—

(i) Minimum age (Trimmers and Stokers) Convention, 1921 (15)