

# CEC Working Paper

## Report On Bonded Labour in Delhi

*Analysing the Effectiveness of the Programmes for the Eradication  
of the Bonded Labour System*

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2007

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## PREFACE

Although policy makers, administrators, academics, trade unions and NGOs may differ on the concept, approach and extent of bonded labour in India, one point, which all of them currently agree about is, "Labour bondage still persists!" A country poised to emerge as the next economic superpower still faces the challenge of liberating millions from the scourge of bondage into which they have been pushed by poverty, hunger and social exclusion. Moreover, empirical evidence indicates that the process of globalisation, kick started by economic reforms, far from reducing the magnitude of bondage has reinforced it further through the process of informalisation.

The Bonded Labour System Abolition Act, 1976, which reflected the commitment towards 'Liberty' made in Article 23 of the Indian Constitution, surely brought a ray of hope for many toiling under this inhuman practice for mere survival. Yet, our experiences in the past 30 years of intervention suggest that this progressive tool has inherent constraints in eradicating the bonded labour system.

Against this backdrop, in 2004, the Centre for Education and Communication (CEC) and Anti Slavery International (ASI) decided to initiate action research in selected states and sectors to assess whether the programmes initiated by the government, international organisations and NGOs have been effective in eradicating the bonded labour system and, if not, why these have not been effective.

The Indian project was part of a South Asia regional project on bonded labour, coordinated by the Anti Slavery International. The Pakistan Institute of Labour Education and Research (PILER) coordinated the project in Pakistan and the General Federation of Nepalese Trade Unions (GEFONT) coordinated the project in Nepal.

In India, the states covered in three years were Chhattisgarh, Delhi, Karnataka, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh in sectors ranging from traditional agriculture to the export-oriented garment industry. The series of working papers is an outcome of these studies, which we hope, will serve as a tool for policy framers as well as grass-root activists to understand the changing dynamics of labour bondage in India in the present context.

The desk research and field studies in Chhattisgarh and Orissa were done by Mr. Abhay Xaxa; field research in Uttar Pradesh, Karnataka, Punjab, Rajasthan, Tamil Nadu and Delhi was carried out by Dr. R.S. Gautam, Ms Gauramma, Prof. Manjit Singh, Ms Anjali Deshpande, Dr Mohanasundaram and Ms Sujata Madhok, respectively. Initially Prof. Gopal Iyer and then Prof. Surinder S. Jodhka provided valuable guidance and intellectual leadership to the researchers throughout the study.

I gratefully acknowledge the support, encouragement and guidance provided by the Advisory Board of the Project, constituted by Prof. D.N. Dhanagare, Com. Suneet Chopra, Ms Manjari Dingwaney, Com. Amarjeet Kaur and Mr. K. Chandrasekar. We also acknowledge the invaluable contribution of the Regional Consultant Prof. Jan Bremen in the formulation of the research, the field studies and in the writing of the reports. We recognise the encouragement provided by Anti Slavery International, in particular, Krishna Upadhyay at all stages of the project. The studies would not have been possible but for the effective coordination provided by my colleagues Bansari Nag and Abhay Xaxa.

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## INTRODUCTION

The Bonded Labour System (Abolition) Act, BLSAA, 1976, made unlawful the practice of binding labour through the mechanism of debt. The practice of coercing workers through debt was institutionalised in most parts of the Indian subcontinent over a long period of time under different local names. However, the system worked in a similar manner everywhere. It bound the worker with the creditor-employer until the outstanding debt was cleared. Given the abject state of poverty of those who entered the arrangement and the social disabilities imposed on them by the order of caste hierarchy, very few could get out of the arrangement. Those who worked in such arrangements invariably came from the 'depressed' caste groups. In the given state of affairs being tied to a specific employer became a fact of life and beyond for those belonging to the labouring classes in the subcontinent. Poverty and marginal status kept the workers perpetually indebted. The debts were transferred from one generation to another. This form of slavery came to be known as 'bonded-labour'.

The legal abolition of 'bonded labour' in 1976 was a progressive legislation and an important landmark in the history of contemporary India. It offered a ray of hope to India's most deprived and marginalised citizens. More importantly, it recognised that Independence and the introduction of democracy had not necessarily brought freedom to all. Even industrialisation and the introduction of new technology in the agrarian sector, which led to the growth of the market economy, and the development of capitalist agriculture, did not release labour from the traditional modes of bondage and patron-client relations everywhere.

The passing of the 1976 legislation straightaway meant that workers bound by an outstanding debt no longer needed to keep working with the creditor-employer. It made the binding of labour against a debt a legal offence. It also made it legally binding on state governments to identify all the bonded labourers in their states, organise their release from the wily employers and provide them with a viable rehabilitation package. To accomplish this, the state governments initiated several measures and instituted new administrative set-ups. Official surveys enumerated the incidents of bonded labour and special commissions were set up to formulate strategies for the eradication of the system.

Much has changed in India since the legislation was enacted more than three decades back. Though agriculture continues to employ a large proportion of active workers, its place in India's economy is not predominant. While the impact of legislation and state action against bonded labour has been limited, the social relations of production on the ground have undergone many changes. The opening up of labour markets, the increasing linkages with towns and the growing political consciousness have made it difficult for employers to bind labour for generations. In some instances, employers, in order to circumvent the law, have found other ways of subjugating labour.

Besides state interventions, the different regions of India have been witness to social movements and civil society interventions supporting bonded labourers and favouring their release. Several non governmental organisations (NGOs) used the available legal provisions to support individual labourers in their struggle against their powerful employers. As a consequence of all these measures, the old system of generational bondage has slowly declined almost everywhere in India.

The decline of the old system, however, did not translate into any kind of substantive empowerment of the labour class. In some cases, it just meant a greater degree of casualisation, or simply, unemployment. However, this is not to suggest that the traditional relations of patronage and clientele were better for the poor labourer. Freedom without economic security means little and brings other forms of vulnerabilities. Today, labour has to

struggle to find employment despite being much more mobile. Travelling and sustaining themselves in an alien setting is difficult. Migrations of the poor invariably occur through intermediaries of different kinds. Such migrations, sometimes, also involve the payment of some advance to the labourers or their families, which, in turn, leads to the institutionalisation of newer forms of relations based upon dependency. This has been found to be a pattern in many industries. Dependencies institutionalised through debt have also continued, albeit in newer forms in the agricultural and several other sectors of employment. The payment of an advance to secure labour supply at depressed wages is commonplace in many sectors. The liberalisation or globalisation of the Indian economy has further reinforced this process.

Though bondage relations mediated through debt continue to be practised very widely, they no longer work within the older frames of permanent relations between workers and employers. The generational and family bondage has given way to more individualised and relatively temporary, or sometimes, seasonal bondages. While things have changed on the ground, state policies have not. The old framework of identification, release and rehabilitation no longer seems meaningful. In fact, official surveys no longer report the existence of bondage in most parts of India and the official machinery no longer feels obliged to do anything for the poor labourer.

We are at a stage where we need to make a concerted effort to understand and conceptualise the newer, and increasingly elusive, forms of bondage relations. The studies being conducted by Centre for Education and Communication in collaboration with Anti-Slavery International are an attempt in this direction. It is only through participation and dialogue with the organisations of civil society that we can hope to initiate the process of formulating new legislations that can truly empower the poor labourers and bring them dignity and citizenship rights.

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## CHAPTER I

### INTRODUCTION

Debt bondage or bonded labour is a means of paying off loans with direct labour instead of currency or goods. It is a kind of indenture system and is a form of unfree labour. According to Anti-Slavery International, "A person enters debt bondage when their labour is demanded as a means of repayment of a loan, or of money given in advance. Usually, people are tricked or trapped into working for no pay or very little pay (in return for such a loan), in conditions which violate their human rights. Invariably, the value of the work done by a bonded labourer is greater than the original sum of money borrowed or advanced." It often takes the form of disguised slavery in which the subject is not legally owned, but is instead bound by a contract to perform labour to work off a debt, under terms that make it impossible to completely retire the debt and thereby escape from the contract.

Prior to the early modern age, feudalism and serfdom were the predominant political and economic systems in Europe. These systems were based on the holding of all land in fief or fee, and the resulting relationship of lord to vassal, and were characterized by homage, legal and military service of tenants, and forfeiture. Many historians have argued that this system was also established in some Latin American countries, following European settlement. A modernization of the feudal system was 'peonage', where debtors were bound in servitude to their creditors until their debts were paid. Although peons are only obliged to a creditor monetarily, this relationship also reduces personal autonomy.

Debt bondage has therefore been defined by the United Nations as a form of 'modern day slavery' and is prohibited by international law. Despite the U.N. prohibition, according to the United Nations Commission on Human Rights and the Anti-Slavery International, 20 million people are being subjected to debt bondage today the world over.

### An Overview

The Constitution of India forbids the system of bonded labour and the Preamble as well as several Articles of the Constitution can be cited that confer the rights to freedom, equality, social justice and a life with dignity to all citizens. Part III of the Constitution, which guarantees Fundamental Rights, Article 23(1) specifies that "traffic in human beings and beggar and other forms of forced labour are prohibited..." In 1976 the Government of India enacted the Bonded Labour System (Abolition) Act. India is also a signatory to both the ILO Conventions on labour. The Supreme Court has, through various judgements, reinforced and enlarged the scope of the Bonded Labour System (Abolition) Act to abolish all forms of forced labour by broadening the definition of bondage. In 1985, Act 73 was passed to include contract and migrant labour in bonded labour.

Despite legislative, administrative and judicial measures, bonded labour persists in India, particularly since few mechanisms of effective social security exist and few people own land or possessions. In India, there continues to be considerable controversy regarding the number of people actually held in bonded labour. Estimates vary between Human Rights Watch's appraisal in 1999 of 40 million bonded labourers, and the 280,340 which were identified by the Indian Government as of 31 March, 1999.

The Indian Government's figure seems to seriously underestimate the scale of the problem. The 1978-79 survey, which was carried out jointly by the Gandhi Peace Foundation and the National Labour Institute, estimated that there were 2,617,000 bonded labourers in the ten

states surveyed. It should be stressed that this survey only looked at bonded labour in the agricultural sector. The more recent report submitted to the Supreme Court by the Commission on Bonded Labour in Tamil Nadu (31 October 1995) estimated that there were approximately 1,250,000 bonded labourers in Tamil Nadu alone.

It is no coincidence that those subjected to debt bondage almost invariably belong to minority groups who are victims of discrimination, indigenous people and those from the oppressed castes. Research carried out recently by the NGO Mine Labour Protection Campaign (MLPC), found that there is a high incidence of bonded labour amongst the three million mine and quarry workers in Rajasthan and that approximately 95 per cent of them are *dalits* or *adivasis* (these are 'low' caste or indigenous groups, which are also referred to as 'scheduled castes' and 'scheduled tribes'). The Gandhi Peace Foundation's detailed research indicated a similar pattern in agriculture with 87 per cent of bonded labourers being *dalits* or *adivasis*.

### **The Problem of Statistical Information**

It is now 52 years since India ratified the ILO Convention No. 29 against Bonded Labour and over 30 years since the Indian Government introduced legislation, which prohibits the use of bonded labour. Yet, the government has not even taken the first step necessary to implement these laws: proper survey and identification of bonded labourers. Between 1976, when the Act was passed, and 31 March 1999, the Indian Government identified a mere 280,340 bonded labourers. This figure seems to seriously underestimate the scale of the problem. Commenting on the Indian Government's figure in a letter to Robert Evans (11 April 2000), the Charge 'd Affaires of the EU Delegation of the European Commission in India noted: "It is obvious that these numbers do not reflect the actual situation, although the Government feels that NGO estimates of 5 million adults and 10 million children are exaggerated."

Human Rights Watch puts the number of bonded labourers at as high as 40 million. A report submitted to the Supreme Court by the Commission on Bonded Labour in Tamil Nadu (31 October, 1995) estimated that there were approximately 1.25 million bonded labourers in the state of Tamil Nadu alone.

A dearth of reliable data regarding the number of bonded labour in India is a serious impediment to eliminating forced labour. An accurate assessment of the number of people, who are bonded, particularly at the local level, is essential if the government is to develop appropriate action plans to address the problem. This glaring, fundamental lacunae in the implementation of the Bonded Labour Act has been recognized by the ILO Committee of Experts, which recommended in its 2000 report that the "[Indian] government undertake a comprehensive survey using valid statistical methodology to be broken down by gender. The Committee encourages the government to utilise the services of an independent body to assist in developing the methodology and conducting the survey."

The inadequacy and unreliability of the data available is exemplified by the statement made by the Government of India at the International Labour Conference in June 1998, which suggests that there are, at worst, only 280,000 bonded labourers in India – a remarkable suggestion to some, given the evidence from Tamil Nadu alone. The official figure given for the number of child bonded labourers (3,300) is ridiculously low.

In the absence of detailed surveys, it becomes important to fill in the data gaps through micro studies that examine bondage and its various forms in twenty first century India. It is significant that most of the available data, surveys and studies on bonded labour hark back to the 1970s and 1980s following the enactment of the Bonded Labour Act in 1976. During this phase, top political and Government circles showed considerable interest in the issue. Action was taken to identify and release bonded labourers in several states. There followed several studies and publications on the subject. Regrettably, this interest seems to have petered out within a few years. In the 1990s decade of liberalization, the issues and concerns of labour were put on the backburner and have remained there to date. There have been hardly any studies on bondage in recent years.

However, the period of economic restructuring has thrown up new forms of bondage. The feudal bondage traditions are being increasingly replaced by capitalist forms of bonded labour. Lifelong bondage is in many places giving way to annual or seasonal contract bondage. Accelerated rates of distress migration due to the downturn in the rural economy, accompanied by some demand for labour in urban areas, or demand for specific types of labour (men or women or children) in rural areas have created conditions conducive to capitalist bondage. For instance, the seasonal labour of migrant rural girls to meet the specific growing conditions of the new BT cotton varieties and the BT cotton-seed farms owned by multinational seed companies such as Monsanto-Mahyco is in high demand in some states. There are many such examples of new labour demands and contractual forms of bondage to meet these demands cheaply. There is an urgent need to study these new forms of bondage of both adults and children and the restructuring of older forms of bondage to meet the current needs of capitalist development.

The specific focus of the present research study was to look at the incidence and types of bondage in the National Capital Territory of Delhi (NCTD) and focus on a couple of areas/sectors where bondage is prevalent.

## **Literature Survey**

While considerable literature is available on the subject of bonded labour in India, there is a dearth of literature on the subject of bondage in Delhi, which is not recognized as a state prone to bonded labour.

The Government of Delhi (GoD) has never made public any substantial data on bondage in Delhi. GoD has, as per the requirements of the Bonded Labour System Act, 1976 (BLSA), declared bonded labour a subject under the jurisdiction of the Divisional Commissioner, Delhi and has even set up nine Vigilance Committees, one for each district of Delhi. Occasionally, NGOs have prompted the rescue of workers bonded to contractors in the construction and kiln sector and even in domestic service. Periodically, children have been rescued from bonded labour in small workshops. However, there is no published data and no substantial studies on bondage in the Indian capital. One is dependent on the occasional newspaper report for this kind of information.

The present study looks at two sectors viz. the construction and zardozi industries in Delhi. Here again, there are few or no studies available for reference. The zari industry of Delhi in particular appears to be completely undocumented. The research has perforce had to depend on primary sources of information, interviews and observations in the field, besides a few newspaper reports on the subject. Data on the size of the industry, figures of production and sale, figures on the size and profile of the workforce are unavailable, leaving the field wide open for speculation and guess estimates.



## **BONDAGE IN THE NCT OF DELHI**

The National Capital Territory of Delhi does not reflect the typical, traditional forms of bonded labour found elsewhere in India. Delhi is a largely urbanized area, with 93 per cent of the population living in urban Delhi, according to Census 2001. With the overwhelming majority of workers being employed outside agriculture, there is little recorded evidence of bondage in agriculture, unlike in most states.

In the related mining and construction sectors, which are prone to bonded labour, there is again little clear evidence of bondage. Urban expansion as well as environmental concerns has curbed mining activities in the territory. In compliance with the orders of the Supreme Court, heavy and hazardous industries including brick kilns were shifted out of Delhi during the year 1996-97. The construction industry's rising demand for sand, stone and other materials is increasingly being met by sourcing materials from adjoining states. Brick kilns, which frequently use bonded labour, are located in the bordering states. The traditional sectors where bondage is prevalent do not exist on the same scale in urbanised Delhi.

Delhi is not considered a child labour prone state either. It seems that available statistics do not adequately capture the size of the problem. According to the 55<sup>th</sup> Round of NSSO conducted in 1999-2000, child labour numbered 10.41 million (5.57 million males and 4.84 million females). The highest number of child labour were in Andhra Pradesh (17.89%) followed by Uttar Pradesh (13.14%), West Bengal (7.93%), Orissa (3.28%), Punjab (1.53%), Rajasthan (1.39%) and the least were in Delhi (0.67%).

### **Bondage in the Construction Industry**

Bondage is reported in the construction sector in several states, but seems to be less prevalent in Delhi, although there are many migrant construction workers employed through the *thekedari* (contract) system, which in itself suggests a system of advances/loans and tied work that is akin to bondage.

There are very few trade unions or other social organisations working in construction, as the industry falls in the category of the unorganised sector. Trade unions are found mostly in a few public sector construction companies and the central government's public works department. The ordinary worker in construction is bereft of all labour protections and is open to various forms of exploitation. Both the contract system and the presence of large numbers of migrant workers from different parts of the country are conditions conducive to bondage.

However, the staff of the various field organisations contacted reported that there is no bondage in the sector. Mr. Subhash Bhatnagar, Coordinator of the Nirman Mazdoor Panchayat Sangam, a Delhi based independent trade union of construction workers, is of the opinion that while work conditions are exploitative, there is rarely any bonded labour to be found in the sector. Delhi has a large number of construction workers who have settled in parts of the city and flock to the labour chowks for work on daily wages. In addition, there is substantial migrant labour brought in by contractors employed by large construction firms to work on giant projects such as the Metro Rail, flyovers, malls, toll bridges, expressways etc. However, there are few reports of bondage.

A meeting with about 30 field staff of Mobile Crèches, comprising their centre supervisors and helpers, again brought out little evidence of bondage in construction work. These women and men run crèches for children of construction labourers at large building sites. They reported only one type of labour, skilled workers from Malda in West Bengal, who come to work in Delhi after having taken loans of Rs 10,000-15,000 as advance payment from the contractor. They work as a team and are contracted to complete a specified quantum of work. Unlike other workers on big sites, who work a nine-to-five day, these men work till late at night without overtime. The groups are all male and bring along one or two men to cook for them. The Mobile Crèche staff was unaware of any sites in Delhi where such labour was employed at the time of the study.

These crèche workers themselves are increasingly being shifted to work on sites outside Delhi, in Gurgaon and Noida where construction is in full swing.

It seems that the transition to urban situations loosens the traditional feudal bond between master and slave that is characteristic of some settled agrarian societies. The city offers the choice of other employers. While migrant adult workers find it easier to exercise that choice, it is migrant children and women who are more vulnerable and less able to opt out of an exploitative work situation. This is evident in trafficking and bondage of women and children for domestic work, sex work and other forms of forced labour.

### **Bondage in Zardozi Units**

A new form of bondage that seems to have been introduced in recent decades is the bondage of trafficked children in the zardozi embroidery units of Delhi. Boys, sometimes as young as eight years of age, are brought from the villages of Bihar, West Bengal and other states and even from neighbouring Nepal to work in these units. Many of these are small units, *karkhanas* or workshops, rather than large factories. They supply garments brightly embroidered with metal or silken yarn, sequins and beads. The work is labour intensive rather than highly skilled and the boys learn to do it within a month or two.

To understand the factors responsible for the exploitation of children in the zardozi industry it is necessary to situate it in the larger context of the zari Industry and the ready made garments industry as well as the zardozi tradition of fine handwork. It is also necessary to place these in the context of current labour law and policy.

## **II. THE READY MADE GARMENTS INDUSTRY and ZARDOZI**

The fine art of hand-worked zardozi embroidery, as practiced on a large scale in Delhi and other parts of the country, need to be situated in the larger context of the ready made garments industry in India, which has shaped its form and content and the conditions in which it is crafted in the country today.

### **The Zardozi Tradition**

Zardozi is rich traditional embroidery attributed to the Mughal era of Indian history. Aari work or zardozi is a kind of hand embroidery believed to have been introduced in medieval times during the reign of Muhammed Bin Tughlak. The embroidery was done on velvet, satin or other heavy material by stitching gold thread or wire over the material. Zardozi used to be a work of beauty combined with the display of wealth. The earliest artisans of zardozi used silk thread and wire hand embroidery on materials. The designs were of royal taste.

Several parts of India are famous for their unique styles of zardozi. The state of Uttar Pradesh in north India is particularly known for its zardozi and several towns such as Lucknow, Bareilly and Farrukhabad are famous centres of this craft. Zardozi has increasingly become a cottage industry in villages surrounding major centres of the craft. It is done by women, men and children in workshops and in homes.

Delhi also had an ancient tradition of fine zardozi work, which was done by highly skilled Muslim artisans in the old city. They embroidered expensive velvet and silk garments studded with gold and silver thread and semi-precious gems for royalty and the nobility during the Mughal period. These artisans also embroidered military uniforms, producing epaulettes and medallions, embroidering insignia etc. In later years, orders even came in from foreign armies. Some of the work continues to this day. This zardozi continues to be the preserve of some artisan families of the old city who teach the skill to their children and other relatives.

It needs to be clarified here that the term 'zardozi' is used in this study to describe a whole genre of hand embroidery including both the intricate zardozi stitch worked with gold or silver thread as well as cruder stitches and forms of metal work, bead work, sequin work etc., that are popular today.

### **The Zari Manufacturing Industry**

'Zari' which literally means made of gold is the golden thread essential to zardozi embroidery. Real zari is made of silver and electroplated with gold. It may also be made entirely of silver. Imitation zari is made from copper. A third variety of zari is called plastic zari which is made from metallic yarn.

Surat in Gujarat is the home of the zari industry in India. Surat's zari production dates back to the 16th century. Some 3,500 units, including a large number of household units manufacture zari in Surat. The industry is well organised and has a trade association called the All India Federation of Zari Industry, which brings out a directory of

manufacturers. Zari manufacturers lobby with the government for financial concessions and have a sizeable presence on internet sites advertising their goods. In 2001 the Union Textile Minister addressed a conference of the Federation and informed it that zari constitutes an important part of India's export basket. The value of exports of zari and zari goods had risen from Rs. 70.95 crores in 1995-96 to Rs.142.32 crores in 2000-01. However, he estimated that 80 to 85 per cent of the production is still consumed within the country.

Exports of zari and zari goods have risen substantially since then. The export figure for the period April-January 2005 was Rs 207.60 crores, according to the Office of the Development Commissioner, Handicrafts. (See Table below)

Besides being used for zardozi embroidery in several parts of the country, particularly Uttar Pradesh, zari is used in weaving centres in south India to make zari bordered silk saris such as Kanjeevarams and Patolas and in the weaving centre of Varanasi in north India to produce Benarsi silk saris.

The Surat industry makes embroidery materials such as zari thread, *nakshi, salma, sadi, kangri and badla* besides fancy stars, lace, woven trimmings, metallic trimmings and fringes. These are used to make a huge variety of zari goods in different parts of the country including zari embroidered cushion covers, table mats, sofa spreads, bed spreads, chair covers, bags and wall hangings. Many of these are exported. In addition Christmas decorations and gift items are produced primarily for export to USA, Canada and Europe. These include Christmas trees, stars, velvet soft toys and various kinds of souvenirs.

While Surat produces some of the embroidery yarns, sequins and beads required for zardozi the production of other types of yarn, sequins and beads used is geographically more widespread.

**Statement showing Export of Handmade Carpets and other Handicrafts during the period April –Jan., 2005-06 compared to April-Jan., 2004-05.**  
(Provisional)

ITEMS	(Rs. in crores)			US \$ Million			
	2004-05	2005-06	% age Increase/ Decrease	% Share of total	2004-05 @ 43.9796	2005-06 @44.2305	% age Increase/ Decrease
1	2	3	4	5	6	7	8
<b>A. Carpet &amp; other Floor Coverings</b>							
1. Woollen	1905.36	1958.10	+2.77	89.80	433.24	442.70	+2.18
2. Silk	167.25	169.36	+1.26	7.77	38.03	38.29	+0.68
3. Synthetic	51.95	52.93	+1.89	2.43	11.81	11.97	+1.35
<b>Total (A)</b>	<b>2124.56</b>	<b>2180.39</b>	<b>+2.63</b>		<b>483.08</b>	<b>492.96</b>	<b>+2.05</b>
<b>B. Other Handicrafts</b>							
1. Art	2789.36	3004.34	+7.71	26.75	634.24	679.26	+7.10

Metal ware							
2. Woodware	502.45	583.88	+16.21	5.20	114.24	132.01	+15.54
3. H.P. Textiles	1641.04	1826.76	+11.32	16.26	373.14	413.01	+10.68
4. Scarves Embroidered & Crocheted goods	3135.72	3367.12	+7.38	29.98	712.99	761.27	+6.77
5. Shawls as Art ware	38.24	74.67	+95.27	0.66	8.69	16.88	+94.25
<b>6. Zari &amp; Zari goods</b>	<b>160.93</b>	<b>207.60</b>	<b>+29.00</b>	<b>1.85</b>	<b>36.59</b>	<b>46.94</b>	<b>+28.29</b>
7. Imitation Jewellery	132.86	186.75	+40.56	1.66	30.21	42.22	+39.76
8. Misc. Handicrafts	1903.28	1981.37	+4.10	17.64	432.77	447.96	+3.51
<b>Total (B)</b>	<b>10303.88</b>	<b>11232.53</b>	<b>+9.01</b>		<b>2342.88</b>	<b>2539.55</b>	<b>+8.39</b>
<b>Grand Total (A+B)</b>	<b>12428.44</b>	<b>13412.92</b>	<b>+7.92</b>		<b>2825.96</b>	<b>3032.51</b>	<b>+7.31</b>
<b>Source: Export Section, Office of Development Commissioner Handicrafts</b>							

### The Mass Market

In recent years, zardozi has become fashionable and there is considerable demand for it. Zardozi is both high fashion and mass market wear. It is popular in both India's domestic market and in the huge export market. Skilled artisans are in demand for fashioning intricately embroidered designer wear that fetches premium prices. These highly skilled artisans are well paid for their labour.

The less skilled artisan, on the other hand, may not even earn the minimum wage, particularly if the artisan is a woman or child doing piece work in a remote village, and producing goods for the mass market.

The domestic market is particularly price sensitive and clothing needs to be produced cheaply. The demand for cheap ready made garments is met, not by production on scale, but by production in sweat shops in the city and village workshops in neighbouring states, particularly Uttar Pradesh where zardozi is a traditional cottage industry.

Ready made garments have become popular in India only in the past three or four decades. Until then, women stitched garments at home or the sewing was done by the local tailor. In order to create a market and compete with the local tailor, the ready made garment sector began to provide value addition in the form of embroidery, patchwork, beads, sequins, fancy buttons etc., to differentiate its products. These add to the cost of clothing and one way of lowering costs is to use sweat labour, including bonded children.

## **RMG and the Export Sector**

Ready made garments (RMG) are also a spin-off from the Garment Export Industry, which dumps large numbers of 'rejects' on the domestic market. The garment export sector began to take off in the 1970s, witnessing the mushrooming of factories and rapid growth in production volumes and capacities. The incredibly low prices of many of these garments indicate the low wages in the sector.

In Oct, 2001 the Minister of Textiles, in a speech addressed to members of the Clothing Manufacturers' Association, said, "From an insignificant export in the early seventies, ready made garment exports have reached a level of around Rs 28,000 crores today. At present, garment exports account for nearly 14 per cent of India's total exports and nearly 40 per cent of total textile export and, therefore, occupy a special place in the country's economy."

The Government of India, through the Ministry of Textiles, has set up several bodies to promote handlooms, handicrafts including cottage industries and the export industry.

These include the Apparel Export Promotion Council (APEC), which is a nodal agency sponsored by the Ministry of Textiles, entrusted with the dual responsibility of monitoring garment exports quotas and promoting exports of RMG from India. RMG exporters have to operate within import quota restrictions imposed by the Western countries under the international Multi Fibre Agreement and it is the APEC, which doles out the quotas.

APEC monitors data on Indian exports of RMG, with a detailed break-up according to type of fabric (cotton, wool etc), but not according to the craft/embroidery/embellishment used. Zardozi is considered a craft and therefore falls under the ambit of the Development Commissioner, Handicrafts.

RMG exporters benefit from duty free imports and investment concessions given by the Government of India to those who register as export oriented units. In the late 1990s under the new economic policies, export units were allowed to expand and exceed the ceilings on investment imposed in the industry, which had till then been restricted to the small scale sector. This led to the growth of larger units, which are increasingly patronized by international corporations that source some of their product range from India.

## **The Invisible International Supply Chain**

The relationship between the fashion industry, the garments export industry and sweat labour including child labour is neither direct nor obvious.

Between the ten-year-old bent double over an embroidery frame in a dingy village workshop in India and the U.S. department store boasting branded wear is an invisible chain of exploitation. The links that conceal the sweatshop origins of clothing retailed by many top labels in the West are a long series of agents and middlemen in the shape of

buying houses, garment exporters, manufacturing factories, contractors and sub-contractors.

The child worker or even the adult worker has no clue where his work may end up. The owner of the small unit, where workers slog night and day, does not know either. He merely knows that he has an order from a big contractor. The big contractor knows only that he must outsource to several small units to be able to deliver a large order on time to a garments factory. The factory owner deals with a buying house and may not know who the actual purchaser is.

Secrecy ensures that each agent in the supply chain gets his commission and is not undercut by direct dealing between the producer and buyer. Secrecy protects the exclusivity of the designs of a fashion house or retail brand. And secrecy ensures that the glittering brand names of international branded clothing corporations are not stained by the stench of the sweatshop.

The subcontracting chain ensures that the risks intrinsic to an industry where the product range changes with every season are passed on to the lowest rung. If zardozi is in fashion this season and out the next, this does not seriously affect the profits of the big buyer, the buying house, the merchant exporter or the manufacturer. The manufacturer does not have to pay idle workers or pay severance benefits to retrench them. It is the fabricator who must deal with the laying off of workers. Since the fabricator operates in the unorganised sector, where no labour laws apply, he does not have to pay the costs of firing his casual, daily wage worker either. It is the worker who bears the risk of unemployment.

Many researchers have documented the historical process whereby international clothing chains have spread to ever cheaper locations, sourcing from low wage third world countries, constantly moving to take advantage of low currency exchange rates and depressed economies.

### **Growth of the RMG Industry**

Garment manufacture was reserved for the small scale industry from 1951 to 2000. The Textiles Committee Survey of 1989-90 found that about 80 per cent of the units were small or cottage units employing a maximum of 20 sewing machines. Only six per cent of the units had over 50 machines.

The Survey listed four types of units in the garment industry: (i) domestic manufacturers (ii) manufacturer exporters (iii) fabricators and (iv) merchant exporters.

According to S.L. Batra's\* study (Employment for Women, a study of export-oriented garment industry, CSD, New Delhi, 1996) conducted in 1993-94, Delhi had all four types of units. These units were of recent origin, with 42 per cent having been set up between 1986 and 1989. 80 per cent of the units were small scale and cottage industries. They employed less than half of the total workforce in the garments industry.

Batra noted that the merchant exporters were essentially traders and had no production infrastructure except to create samples. They directly employed only 3.2 per cent of the workforce in the industry. The domestic manufacturers produced 48.26 per cent of the

total production of 1494 million garments in 1988-89. Their factories usually operated a single shift of 10-12 hours and provided 21 per cent of employment in the sector. The manufacturer-exporters produced 17 per cent of garments, working in two shifts and employing only nine per cent of labour. The fabricators who executed orders for the merchant exporters accounted for 34 per cent of production and two thirds of the industry's workforce. The fabrication units were of various sizes in the unorganised sector outside the purview of all labour laws.

The AEPC's 1990 directory recorded 17,546 exporters where less than six per cent of them were designated manufacturers, the others were merchant exporters. However, many exporters were also running their own unregistered manufacturing units. 75 per cent to 80 per cent of the garments were made in unorganised manufacturing units. "The prevalence of unorganised and unregistered manufacturing created a foundation of pervasive informal employment relations largely outside the reach of labour laws, characterised initially by piece-rate wages and multilayered contract work spread out in small units and often extending into home based work," writes Indrani Mazumdar in her unpublished study "Emergent Contradictions – Globalisation and Women Workers in India" (Centre for Women's Development Studies).

However, in the mid 1990s the ceiling on investment in garments units, which was required as the industry was reserved for the small scale sector, began to be relaxed for larger export units. There has been expansion of some large units with heavy investment in the import of machinery etc. The international clothing corporates are increasingly patronizing the larger factories. They also demand 'compliance' with standards set by them for equipment and technology and factory conditions for labour. These corporations are under some pressure from consumer organisations in Europe and USA who are campaigning against sweatshop production of the clothes and other goods they buy.

### **A Feel of the RMG Business**

To get a feel of the RMG industry and understand its inner workings, the researchers interviewed women and men working at different layers of the trade. These interviews have been reproduced here. The names have been changed to protect the individuals interviewed.

#### **RETAILER:**

**Suman Bapat, manufacturer and retailer:** A graduate of the National Institute of Fashion Technology, she retails garments from her own home. Her range of garments includes women's clothes embellished with embroidery, zardozi and sequin work. She has a production workshop and employs workers fulltime, including *karigars* who do zardozi and other embroidery. She pays these *karigars*, who are experienced hands, Rs 7000-10,000 per month.

She says that many young men from villages come to Delhi, learn embroidery, become *karigars* and eventually manage to set up their own workshops. They source the labour from their own and surrounding villages and do not care to pay them well or provide decent conditions of work.



She also says that this is labour intensive work as so far no machine has been able to do the work. There are Pakistani machines that can attach big sequins, but the embroidery unravels easily and only wholesalers/exporters use such machine embroidery. In the domestic Indian market, hand embroidered zardozi and sequin work is preferred. There are also computerized machines to do monograms, badges etc. These huge machines take up considerable space and make 30-50 pieces at a time. The advantage is the neat lettering that they are able to achieve. These machines are used only by large export houses.

## **RETAILER**

**Jasmeet Chhabra, manufacturer, wholesaler, retailer:** Her parents owned a big garment export business in the 1970s and she initially worked with them, but opted out as the work was hectic and the pressure tremendous.

She chose instead to start her own small business of retailing clothes from home, supplying some clothes to big stores and holding exhibitions.

Her designs make liberal use of zardozi and related types of embroidery such as *aari*, *dabka*, *nakshi*, stone work, *badla*, *mukaish* etc. She says small manufacturers like her prefer to hire only six or eight workers directly, as labour laws do not apply to units of under ten workers. Besides, this small number of workers can live in the workshop as it saves them the cost of renting a room and wages can be kept low since workers do not need to pay rent.

The work is done under the *nafri* system. A *nafri* is an eight hour work shift. However, if the worker does overtime of another four hours, which means a 12 hour stretch, this is treated as two *nafris*.

There are three grades of workers. The raw worker from the village earns Rs 80-90 per *nafri*. The worker with some experience and expertise gets Rs 110 per *nafri*. The master artisan gets Rs 250 per *nafri*.

This means a worker at the bottom of the scale earns Rs 2080 per month (for a 26 day week, working an eight hour shift at Rs 80 per day). If he works a 12 hour shift he earns Rs 4,160.

At the top of the scale the master artisan can make Rs 6500 per month for an eight hour day and Rs 13000 for a 12 hour day.

She draws the initial design herself. The master artisan works out the size on a sample piece of fabric and does the embroidery. Once the sample work is approved, the master artisan draws the traces on butter paper and the required number of pieces is made in the workshop.

However, when the order is large, the embroidery is outsourced. For her, 'mass production' means 360 pieces of a particular design. The same design is executed on six different colours of fabric using different colours of embroidery, beads etc. A sample is made in each colour. After that a man is sent to the source village with the order.

She outsources from villages in neighbouring Uttar Pradesh, specifically the area around Bareilly. Entire villages in this area specialise in zardozi and other traditional embroidery. The fabric is sent to them and they are expected to source and pay for their own materials such as thread, sequins, beads etc. They get these materials from Bareilly and other supply centres.

She says that in these villages hundreds of growing children, ages ten upwards, do zardozi work daily after they return from school. Everyone does the work – men, women and children. The men and boys specialise in zardozi while women do ancillary work such as beadwork, making tassels etc., which can be done at home. Zardozi is *adda* work and requires to be done in a group. It is often done in common spaces in the village such as under a tree or in a shed rather than at home. Outsourcing work to the village costs one fourth of the cost in the city as wages in the villages are far lower than in the city.

She says that a big retailer like CTC Plaza, which is also a distributor, is able to hire young polytechnic graduates as designers and give huge work orders. CTC has a whole village near Bareilly, which works exclusively for it. Daily couriers go up and down to ensure that production and delivery is timely.

There are many other big shops in the city which act as distributors, sending embroidered running yardage and saris to retailers around the country. There is tremendous demand for this work in the large domestic market.

Asked why people like her have a workshop in the city when it is far cheaper to outsource to distant villages, she says there is a convenience factor to having a unit in the city. On profitability, she says wholesale margins for her are not more than 20 per cent while the retail mark-up is a flat 30 per cent. Retail is profitable because it means immediate cash in hand from clients while the wholesaler pays after one month.

## **MERCHANDISER**

**Meera Anandani, Freelance Merchandiser:** She explained the broad working of export houses. Usually, she said, a buyer gives a design sketch to the exporter. The exporter asks the fabricator to copy the design and make a sample. The fabricator/embroidery unit owner/zari unit owner gets the sample made in his workshop. The exporter does not directly employ much labour and definitely not child labour. Exporters and manufacturers have signs in their factories saying “No child labour employed”. They have to comply with international norms as their clients demand it.

She comments that in the entire supply chain, no one knows the person two steps ahead or below. Each deals with only one person above or below. E.g. the exporter gets an order from the buyer, but does not know who the product will go to, to which brand names or stores in Europe etc. The exporter does not know where the product is produced either, he deals only with the fabricator who in turn may have it produced in various workshops, units etc. Much of the secrecy is to ensure that each guy in the chain retains his role and commission as middleman and is not undercut/bypassed.

She recalls that recently she was asked to source chiffon shirts and dresses embellished with sequin work for an export house. She went to some workshops and was appalled to see small children working there. They complained of eyestrain and ill treatment. Like many people in the trade the exporter was indifferent to the problem and she could do nothing about it.

## **MERCHANDISER**

**Supriya Sud, Merchandiser:** A senior merchandiser with a manufacturer/exporter, she readily explained the RMG industry's method of operations. Her company makes garments for many European companies who sell them under various brand names.

She says that they do not deal with an intermediary buying house, but approach clients directly. Typically, they study fashion forecasts for the coming season, study fashions at 'catwalks' like the Milan fashion show and copy the designs and trends. Their design team then creates a range for presentation to buyers. Their merchandisers often visit prospective clients/buyers in their own countries, carrying samples of the latest collection.

She says that fashions now change so fast that it is hard to keep up. A client who places an order demands delivery within 30-40 days or a maximum of 50 days. Previously there used to be a lead delivery time of 90 days. Her company has partners in Tirupur in South India and factories in Delhi. Typically, a factory may have a production capacity of one lakh pieces in a month. It may have an even larger production capacity. Companies like hers may have 2000 sewing machines on the shop-floor, in one or more factories.

Her company executes large orders of 50,000 pieces or one lakh or even two lakh pieces at a time. On the day of the interview, this young woman had booked an order from a visiting European buyer for two lakh women's shirts.

On client preferences she said that many clients are becoming more conscious of cost and quality. They insist on paying the best possible rates, but still demand quality. Another problem, she said, is the increasing insistence on compliance with international labour standards and the imposition of a code of conduct on supplying companies. Every factory now has signs saying they do not employ child labour. Clients expect social responsibility including observance of local labour laws and provisions such as Provident Fund, ESI etc.

She recalled the instance of a European client holding up horrifying photographs of a teenaged boy standing in a smoking acid vat in Ferozabad. Acids are routinely used in the polishing of glass and crystal beads in Ferozabad and children are employed in the process. The client insisted that his company did not want products made by child labour working in such hazardous conditions.

Within the company's own factories, she said, it is possible to comply with such requirements. All production can be done in house provided that the client gives enough lead time for the delivery. However, when orders are large and have to be completed against a tight deadline, companies resort to outsourcing their production.

Embroidery, for instance, is more likely to be outsourced. The company will appoint a big contractor, who in turn will employ several sub-contractors to get the job done. Often the actual work is done in outlying villages in neighbouring states such as Uttar Pradesh. It may be done by men or women or children. The exporter, she says, has little control over the conditions of labour in far-flung areas, nor is it their primary concern.

She laughs and recalls a trip to a neighbouring state where she found artisans sitting around an *adda* (large embroidery frame) in a room, which was both a workshop and a cowshed. The *karigars* were sitting right next to the family's cow!

Zardozi is a specialisation of Uttar Pradesh and many highly skilled artisans are available in some parts of the state, such as Meerut, Bareilly, Bulandshahr and the villages on their outskirts.

According to Supriya, fine zardozi work is mostly sold in the domestic market as clients in the West do not appreciate the fine work as much, nor are they willing to pay for this relatively expensive work. Zardozi work for the export market is usually lighter embroidery, mixed with *aari* work, sequins etc., to make it cheaper for cost conscious buyers.

The exporter works out the time taken to do a particular type of embroidery and pays an hourly rate to the contractor. He in turn will get the work done through sub-contractors who will pay the *karigar* by the hour. There are three grades of *karigars*, the 'A' grade *karigar* may command Rs 20 an hour, the 'B' grade *karigar* Rs 14-15 per hour and the 'C' grade *karigar* Rs 10-12 per hour.

However, if the company pays the contractor Rs 16 per hour, the *karigar* is likely to get no more than Rs 10 per hour. The rest is the commission earned by the contractor and sub-contractor.

The contractor has to supply the finished work within a fixed period of time. As a guarantee that he will deliver on time he has to provide a security deposit to the company, which also ensures that the contractor does not disappear with the fabric. The company sometimes buys the cloth and supplies it to him or may ask him to buy it and get it approved before having it embroidered. A person may be sent to the contractor's place to physically check the material.

Supriya's company also gets zardozi done in Delhi and NOIDA and in areas like Tughlakabad, Khoda, Mamoora, Govindpuri and the Badarpur border area.

## **SUPPLIER/FABRICATOR**

**Aman Malik, Supplier/Contractor/Fabricator:** A big contractor who supplies material worked with fine zardozi to retailers in Delhi and also to exporters based here, he hails from Moradabad, but is now based in Delhi. He says that he does 'job work' and that the companies he works for usually give him the design, or he himself makes a design for them.

Someone is sent with the design to a workshop that may be based in a village near Hasanpur, Rampur or Moradabad or some other part of Uttar Pradesh, depending on the type of work required. The embroidery is done in villages where there are skilled *karigars* trained in this work. He says it is too expensive to have a workshop in Delhi. At best, people who outsource to the villages keep two to five workers in the city to execute samples. In the villages, on the other hand, there are large workshops that may have 40-50 *karigars* working at a time. They do *zardozi*, *aari ka kaam*, *aari machine work* etc. These workshops have overseers who ensure quality control of the product.

He said that villagers also work from home in these areas. Asked if children also do the work, he laughed and said that real *zardozi* is an art and takes years to learn; only adults can master it.

He explained that one reason for outsourcing to various areas is that different parts of Uttar Pradesh specialise in particular types of *zardozi*. He mentioned that Lucknow is known for the best *karigari* (workmanship) in *zardozi*, the artisans are creative and delicate in their style of embroidery and choice of colours. Farrukhabad is known for its *dabka* and *nakashi* style and so on.

Asked why workers were brought to the city from West Bengal and Bihar to work in *zardozi* units, he said Bengal had a tradition of fine *zardozi*. Bihar, he observed, has no such tradition and workers from Bihar would not be able to do good *zardozi*. At best they would handle metal work and the cheaper '*chalu kaam*' that is common in the mass market nowadays. He said that the city based *karkhanas* were small and rarely had more than one or two *addas*. Large suppliers prefer to outsource the work to villages to meet their big orders.

Malik said that a large order may require five or six trips to the villages to give the order, deliver the fabric, ensure the work is going as per schedule, collect the finished material, make payments etc. The fabric is generally supplied by the company placing the order. "Suppliers like me can't afford to invest a large sum in buying material," he pointed out. The stitching of garments is usually done by the company itself, after the embroidered material is delivered to them.

Malik supplies to the domestic market wholesalers and retailers based in markets in Delhi such as Kamla Nagar, Karol Bagh, Gandhi Nagar etc. He also supplies to some large garment export companies.

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## PROFITS

The kinds of profits to be made in the export sector are indicated by websites like EBay Auctions that advertise Indian *zardozi* garments such as sarees, suits and other clothes. The following is a text extract (the photographs of models displaying the clothes could not be reproduced here). The prices are quoted in dollars but the site mentions that in

India the same items are available at the same price in rupees (without currency conversion!). These items were sourced from Chennai, Bangalore and Faridabad:

**EBAY ADVERTISEMENT:**

[Rasgulla Crape saree hand embroidered zardozi work](#)



Current Price: **\$2585**

[EMBROIDERED GEORGETTE SAREE IN ZARDOZI WORK TIE & DYE](#)



Current Price: **\$1999**

[Lazer georgette saree hand zardozi border rich pallu](#)



Current Price: **\$3650**

[Gorgeous Bollywood Zardozi Work Salwar Kameez Boho](#)



Current Price: **\$1940**

[ZARDOZI WORK HAND EMPROIDERY SAREE - HOT PINK](#)



Current Price: **\$6399**

**Source: EBay Auctions**

However, these huge profits are rarely made by the small supplier or the *karkhana* owner. The *karkhana* owners operate on low margins. Their costs also tend to be high. According to NGO activist Junned Khan of Butterflies, the average *karkhana* owner pays Rs 15,000-20,000 as rent for one large room. Besides rent, each *karkhana* has to pay protection money to the local cops, on average Rs 2000 each. The rents are high as the landlords know the *karkhana* is operating illegally. In the urbanised villages where many *karkhanas* operate, the landlords are generally influential local Gujjars while the *karkhana* owners are outsiders from Bihar, Uttar Pradesh or Bengal. The *karkhana* owner has to keep on the right side of the landlord.

Khan says *karkhana* owners have low investment costs, but they do have overheads like high rents, payment for the workers' food, and provision of facilities like rugs on the floor, coolers in summer, a radio or television to keep the boys entertained while they work etc. Without such facilities it is difficult to make the boys work long hours. Since the margins are low, the *karkhana* owners' profits are not huge. The real profits are made higher up the supply chain by the manufacturer exporters and merchant exporters.

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## **BOX**

### **Trade Associations**

The garments industry has several trade associations, some of which appear to be large, influential, organised and prosperous. The fashion designers have the Fashion Design Council of India, while the RMG producers have two large, influential associations, the Clothing Manufacturers Association of India and the Confederation of Indian Apparel Exporters (CIAE).

The Clothing Manufacturers Association of India (CMAI) is India's oldest association of garment manufacturers, exporters and retailers, with a national presence through offices in Mumbai, Bangalore, Pune and New Delhi. CMAI helps its members work within various government regulations and represents their interests in matters of taxes, octroi, export policies, procedures, quotas etc. Some of the initiatives and services it offers are: organisation of National and International Garment Fairs, testing laboratory for fabrics and garments, issue of Certificates of Origin, resolving of payment disputes through the Payment Default Committee, Management Training Institutes, seminars and forums, technical and legal advice and performance recognition through its APEX Awards

The Confederation of Indian Apparel Exporters (CIAE) has an active website and provides its members with business news, changes in trade regulations in the US and European countries, updates on the Indian Government's latest policies on textiles, garments and exports, quotas etc. It lobbies for changes in government regulations, secures trade and tax concessions etc. It organises visits to foreign apparel fairs and explores opportunities in various countries, including taking delegations to meet government representatives in client countries. It also organises events such as conferences and fashion awards nights.

The zari manufacturing industry is organised under the All India Federation of Zari Industry. Zardozi, being a niche product in the RMG industry, does not appear to have any all India trade association of its own.

According to the Fashion Design Council of India (FDCI) website, which showcases some of India's top design talent, "The main objective of the FDCI, which has

established itself as the apex body in the field of fashion design in India, is the development and growth of the fashion industry. In order to attain this, the FDCI will: Promote fashion designs, within India and abroad, through strategically planning and executing promotion campaigns. The forum hopes to cultivate and consolidate a market base for products designed by Indian Fashion Designers...." Among FDCI's self appointed tasks is "To develop a system of norms for member fashion designers". It is not clear whether these norms would include the refusal to use products made by child labour.

As far back as 2003, the Times of India's Mumbai edition had carried exposes on child labour in the zardozi industry. On 4.03.03 the Times reported that, FDCI "expressed its shock that the industry used child labour. The Council decided to frame guidelines to stop its members from sourcing items from workshops employing children."

The story quoted several fashion designers saying they were unaware of the use of child labour to produce fashion garments, since they did not directly deal with the workshops. Designer Shaina N.C. said, "I don't think any of us know whether children are employed in these workshops." Designer Neeta Lulla said even when workshop owners directly liaise with the designers "there is no way of finding out whether they employ children." Opposing the use of child labour, she said children could lose their eyesight by long hours spent in doing this work.

An attempt to contact FDCI on email unfortunately met with no response, so it has not been possible to access any norms or guidelines framed by it.



### **III. ZARDOZI and THE READY MADE GARMENTS INDUSTRY IN DELHI**

#### **Enterprises in Delhi**

Delhi is a major design, production, distribution and export centre for garments. It has witnessed rapid growth in small industries.

However, GoD has never managed to adequately map or count or register the large number of enterprises in the city, despite several surveys and census counts. The Fourth Economic Census of Delhi, 1998\* counted 6,85,852 enterprises in Delhi. The majority of non-agricultural enterprises were small enterprises (93.12%) employing one to five workers. The largest chunk of employment was in the manufacturing sector (41.40%), which employed 14.4 lakh workers. The Economic Census Report does not provide a further break-up of the 'manufacturing' sector by type of manufacture.

According to the report of the Economic Survey of Delhi, 2003-04\*\*, "The Industries Department estimates indicate that in 2001 some, 1.29 lakh industrial units were functioning in Delhi and employed over 14 lakh persons."

The report also states, "A door-to-door industrial survey conducted in Delhi in 1998 found that an average unit employs 9 workers while 30 % of the units employ 4 workers or less. The survey revealed that textiles products (garments) units constitute the largest number followed by electrical machinery and repair services."

The report mentions that according to the Industrial Census, 1998 conducted by the Office of the Commissioner (Industries), of the 76,559 industrial units in the capital, the largest number or 15,166 units belonged to the category of "Textile products (including wearing apparel other than footwear)". In addition there were 406 units manufacturing "cotton textiles" and 206 manufacturing "wool, silk and synthetic products".

Obviously, it is not possible to figure out how many of the units manufacturing textile products are zardozi units.

It is significant that, according to the Economic Census report "out of the total enterprises, only 4% were found registered under various authorities. Out of them 2.56% were registered under SDI and 0.92 % under Factory Act 1948."

Interestingly enough, although the overwhelming majority of units are not registered with any authority of the Delhi Government, the government seems to have presently stopped the process of registration under the Delhi Shops and Establishments Act. It has admitted as much to the National Human Rights Commission and has said it will revive registration shortly after certain procedural changes.

In the absence of adequate data on the number, location and size of garment units, including zardozi units, estimating the number of workers employed in these units, let alone figuring out the number of children working here becomes an impossible task.

In contrast, it needs to be pointed out that the neighbouring state of Uttar Pradesh, where zardozi is a major cottage industry, has been able to collect detailed data on the industry. A UNDP/ILO study cites the following data: "In 1994-95, there were 12,500 zari and zardozi units in Uttar Pradesh providing employment to 218,000 workers. The value

of the annual production was Rs.1.43 billion and the value of exports was Rs.250 million during the same period. In other words, one-fourth of the total production was exported. The total number of enterprises increased from 12,500 in 1994-95 to 16,134 in 1999-2000 thereby recording an increase of 29.1% in the said period. Further, the total number of workers employed in zari and zardozi work, during the same period, increased by about one-third (30.37%).” (Informal Economy & the Way Forward, Harjit S. Anand, United Nations Development Programme & International Labour Organisation)

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\* Report on Fourth Economic Census in Delhi, 1998, Directorate of Economics and Statistics, Government of NCT of Delhi.

\*\*Economic Survey of Delhi, 2003-04, Planning Department, Government of NCT of Delhi, July 2004.

### **The Fashion Industry in Delhi**

Delhi is a leading centre of the fashion industry in India. Many top designers live, work, manufacture and retail in Delhi. Major fashion shows are held in the city. Among the top designers is Ritu Beri who is famous for the use of intricate zardozi work in her design range.

Delhi has a number of exclusive boutiques that cater to the city's fashion conscious well-to-do women. The major markets have large stores or 'showrooms' that retail fashionable garments. Increasingly, the city's mushrooming malls have stores selling high fashion branded ladies' wear. The mass market quickly copies these fashions, churning out large numbers of tailored Indian outfits in cotton, silk and synthetic blends, using block printing and embroidery. Some of these wholesale and retail outlets are located in areas like Amar Colony, Lajpat Nagar in South Delhi and Gandhi Nagar in East Delhi. The old Kinari bazaar off Dariba Kalan, Chitli Qabar and Matia Mahal in the walled city continue to hold their place on the zardozi map of Delhi, selling readymade garments, furnishings, sequins, threads, and trimmings et al.

At the lowest end of the market are shops and pavement markets selling bargains in the form of cheap surplus and rejected garments from export factories. These western style clothes carry the labels of top brands of the European and North American markets, such as Gap, Benetton, H&M, Mexx, Tommy, Calvin Klein and many others.

Behind the big names and glamorous labels, behind the colour and glitter of celebratory clothing, there is far too often a dismal tale of exploitation. The clothes sold in these various stores are often stitched by underpaid, overworked men and women and many of them are produced by children.

### **Sourcing of Materials**

The trade is readily able to source its materials as Delhi is a distribution centre for all kinds of products. The wholesale markets of the city are well stocked with a range of fabrics varying from cottons to silks, satins, velvets, tissues and chiffons.

The wholesalers also stock the various types of trimmings required by the garments industry, including the coloured silk and metallic embroidery yarns used in zardozi as well as sequins, beads, crystals and other embellishments. Delhi itself has several manufacturers of these products. On a typical trade website, companies describe themselves as: "Manufacturers/ Suppliers/ Exporters" of various types of sequins of metal and plastic as well as beads and other trimmings. For instance, Vrinda Clothing and Handicrafts, based in Tagore Garden, supplies "coloured sequins, plastic sequins, octagonal sequins, Australian opaque sequins and flat disco sequins".

A Labour Department official said one way in which his inspectors were able to track down zardozi *karkhanas* was to keep a watch the wholesalers' shops in the old city and follow those who bought bulk supplies!

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BOX

### Zardozi Manufacturers Hit the Net

Delhi based exporters and manufacturers of zardozi goods have a sizeable presence on the Internet. They showcase their products through online catalogues. The following are some examples to indicate the range and scale of their operations:

*Extracts from website 'Indian Industry'*

#### Directory of Indian Suppliers

##### Nav Durga Handicrafts, New Delhi

Engaged in manufacturing and exporting of Zari Embroidery items that includes Zari Embroidery place mats, Zari Embroidery table runners, Zari Embroidery napkin rings, Zari Embroidery boxes, Zari Embroidery table covers, Zari Embroidery cushion covers.

**Location:** Navdurga Bhavan, D- 97, Street No.06, Main Pusta Road, Opp. Power House, Garhi Mendhu, Bhajnapura , New Delhi, Delhi, India, 110 053

[View Catalog](#) [Request for product details](#)

##### J. Brother Zari Exports, New Delhi

Engaged in producing and supplying of cushion covers, Zari embroidered cushion covers, embroidered cushion covers, beaded cushion covers, handmade cushion covers, organza silk cushion covers.

**Location:** 64, G.F. Vinoba Puri, Lajpat Nagar-II , New Delhi, Delhi, India, 110 024

[View Catalog](#) [Request for product details](#)

##### D-Raj International, New Delhi

Manufacturers and suppliers of Zari Embroidery with precious stones and semiprecious stones.

**Manufacturer / Supplier / Exporter of** Floor Carpets, Bath Carpets, Floor Rugs, Bead Tassels, Cord Tassels, Tie Back Tassels, Handcrafted Jewelry Box, Handcrafted Decorations, Handcrafted Gift Items, Handicraft Wall Hangings, Embroidered Wall Hangings, Bed Covers, Cushion Covers, X mas Decoratives, Christmas Ornaments, Christmas Tree, Handcrafted Photo Frames, Decorative Picture Frames, Table Mats, Table Cover, Kitchen Linen

**Location:** 1911/143, Ganesh Pura, Tri Nagar , New Delhi, Delhi, India, 110 035

**UNI Exports Private Limited, New Delhi**

**Manufacturer / Supplier / Exporter of** Ladies Designer Clothing, Ladies Designer Wear, Ladies Fashion Garments, Ladies Embroidered Jackets, Ladies Embroidered Tops, Designer Silk Clothing, Fashion Silk Dresses, Silk Bridal Wear, Ladies Silk Clothing, Silk Evening Dresses, Embroidered Jackets, Embroidered Swing Coats, Embroidered Duster Coats, Beaded Long Gowns, Beaded Flairy Gowns

**Location:** 92, Jagriti Enclave, Vikas Marg , New Delhi, Delhi, India, 110 092

**Ajit Embroidery, New Delhi**

**Manufacturer of** machine Embroidery, hand embroidery, Zardozi work, chicken work, sequence work, beads work.

**Location:** E-217, Chatterpur Extension, New Delhi, Delhi, India, 110 030

*Source:* [www.indianindustry.com](http://www.indianindustry.com)

**Extract from website 'India Mart'**

**Chic Avenue Fashion**

**Manufacturer and exporters of embroidered ladies suits. The classic lines created in fine and delicate hand embroidery with Zardozi, Naquashi, Kundan and fine thread work.**

Address: J-12/39A, Rajouri Garden, New Delhi, Delhi - 110 027, India

Phone: +(91)-(11)-5156066 Fax: +(91)-(11)-5156066

**CTC Group**

**Manufacturer and exporter of women's wear, saree with silver work, hand embroidery saree, bridal lehenga, wedding lehenga, designer fashion apparel, suit-duppatta, designer suit-duppatta, gold jewelry, ethnic jewelry.**

Address: 920, Station Road, Near Mewa Hotel, Chandni Chowk, New Delhi, Delhi - 110 006, India.

Phone: +(91)-(11)-23941795 Fax: +(91)-(11)-23916444

[Send Trade Enquiry Now](#)

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**House Of Embroidery**

**Manufacturers and exporters of all kinds of aari zardozi lehengas, dabka and zardozi lehengas.**

Address: 5636, Nai Sarak, New Delhi, Delhi - 110 006, India

Phone: +(91)-(11)-23955113

[Send Trade Enquiry Now](#)

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**[Roshan Saree Palace Private Limited](#)**

**Manufacturer and exporter of women's embroidered garments, embroidered lehenga choli, embroidered ghaghra, embroidered wedding lehenga, embroidered bridal sarees and salwar suits with sequin work, stone work and zardozi embellishments.**

Address: 2380, Ajmal Khan Road, Karol Bagh, New Delhi, Delhi - 110 005, India

Phone: +(91)-(11)-41557266/41557255 Fax: +(91)-(11)-41557233

Website: <http://www.roshansworld.com>

### **Al-Mashriq Handicrafts**

**Manufacturers and exporters of all types of zari embroidery garments.**

Address: 86-B, LIG, DDA Flats, Motia Khan, Pahar Ganj, New Delhi, Delhi - 110 055, India

Phone: +(91)-(11)-35372859

[Send Trade Enquiry Now](#)

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### **Peety International**

**Manufacturers and exporters of all kinds hand bags in hand embroidery, beads, handlooms, zari etc.**

Address: 206, L. I. G. Sarita Vihar, New Delhi, Delhi - 110 044, India

Phone: +(91)-(11)-26941085/41401791 Fax: +(91)-(11)-41401790

[Send Trade Enquiry Now](#)

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### **Sahab Overseas**

**Engaged in manufacturing cushion covers, beaded tassels, beaded trimmings, beaded fringes, tassels with zari and place mats. Also exports handcrafted beaded items that includes beaded handbags, fashion bags, embroidery bags and beaded coasters.**

Address: A-11, Street No. 2, West Laxmi Market, Near Khureji Petrol Pump, New Delhi, Delhi - 110 051, India

Phone: +(91)-(11)-22531476/31249042 Fax: +(91)-(11)-22531476

*Source: [www.Indiamart.com](http://www.Indiamart.com)*

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## **Data on Child Labour in Delhi**

Officially, child labour by those under 14 years in industries notified as 'hazardous' is banned in Delhi, while strict working conditions including a ban on night work are stipulated under the Child Labour (Prohibition and Regulation) Act, 1986. The official website of the Delhi Government's Department of Labour lists the prohibited industries. The following extract reads:

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### **Prohibition of Employment of the Child Labour under Child Labour (Prohibition and Regulation) Act, 1986**

Employment of children below the age of 14 years is prohibition in the following processes carried out in a workshop where section 67 of the Factories Act 1948 is not applicable.

**11** Building and construction industry.

**51** 'Zari' making (all processor)

Source: <http://labour.delhigovt.nic.in/>

The Delhi Government has never released any figures on the number of child labourers in the city, let alone the numbers in specific industries. Official surveys do not count these workers. If they did, the findings could leave officialdom red faced.

When the media exposes the extent of child labour in the city, officials immediately become defensive. On August 26, 2006, for instance, the Hindustan Times carried the headline "Fashion's Victims" and described Delhi's child labourers in these terms: "the faceless and voiceless five lakh odd children who put in 12-hour days to create spectacular handbags, designer clothes and sparkly shoes that are then sold in fancy stores or exported out of the country."

Significantly, two of the Labour Department officials contacted for this study brought up this particular news story as an example of exaggerated reporting. Their major objection was to the figures trotted out in a chart accompanying the report. One official said he had a sleepless night as a result of this story. The figures estimated by the newspaper were:

EXPLOITATION INC.	
EAST DELHI	
Seelam Pur	: 2000 children
Chohan Banga	: 3000 children
Gautam Puri	: 25000 children
Preet Vihar slums	: 3000 children
CENTRAL DELHI	
Shakur ki Dandi	: 700 children
Darya Ganj	: 1000 children
LNJP colony	: 700 children
SOUTH DELHI	
Sangam Vihar	: 4000 children
Khanpur Extn.	: 900 children
Malviya Nagar	: 600 children
Hauz Rani	: 500 children

*Source: Hindustan Times, 26.8.2006*

It should be noted that the figures seem to cover only three districts of Delhi's nine districts, probably the areas where large numbers of child workers are concentrated. The figures may be an overestimate or an underestimate; the fact is that small factories and workshops employing children are spread right across Delhi and not confined to some areas.

In the initial years Delhi's garment factories of all sizes hired both children and adults. However, a combination of domestic laws and the imposition of international standards as well as the growing vigilance of consumer groups in the Western countries has increasingly pushed children out of the large factories. They now work in the sweatshops to which many large factories outsource production. Since these sweatshops employ a small number of workers, most labour laws do not apply to them.

## MINIMUM WAGE

The minimum wage stipulated by the Delhi Government in the year 2005 was Rs 3468.90 per month for skilled workers and Rs 3044.90 per month for unskilled workers. Construction, readymade garments and textiles including handloom and lace are covered by the Schedule although zardozi is not specifically mentioned.

### Schedule of employments covered under the Minimum Wages, Act 1948

9	Construction of maintenance of Roads or in Building Operation.
23	Readymade Garments.
25	Textile including Hosiery, Niwar, Handloom, Lace, Thread-balls, Name Label, Dyeing and Printing of Textiles.

SOURCE: <http://labour.delhigovt.nic.in/>

The apprentice in a zardozi unit gets a wage of Rs 50 per month. If one calculates the cost of food at Rs 1200 per month (this is the amount owners deduct from skilled workers who get a proper wage), the wage becomes Rs 1250. The cost of lodging is difficult to calculate, but let us say it is a maximum of Rs 400 per worker. That sends up the total wage of an apprentice to Rs 1650. This wage is not for the regular eight-hour day, but anything from 12-16 hours.

It is more difficult to estimate the *karigar's* average wage, since it depends on several factors such as age, skill level, length of working hours and negotiating ability. Information gleaned from the *karigars* interviewed reflected a broad range of wages.

At the bottom of the *karigar* scale one 15-year-old reported earning only Rs 2,000-2,500 per month. At the top of the scale a boy who claimed to be 19 years old said he earned Rs 200 daily, which works out to Rs 5,200 per month. Of the seven *karigars* who specified their earnings, two earned less than Rs 3,000; four earned between Rs 3,000-4,200 and one earned Rs 5,200. Since they all worked 12-16 hours, all earned less than the minimum wage for skilled workers. (*Karigars'* wages do not include the cost of food for which Rs 1,200 is deducted. Lodging is free).

It should be noted that *karigars* usually do not know exactly how much they earn. The owner keeps the accounts and very often, the worker's calculation of wages earned differs substantially from the calculation done by the employer. The wage earned is not a wage in hand; the worker is only given some pocket money and the rest of the money is deposited with the *Seth* (who gives no interest on it). Accounts are cleared as and when the *karigar* goes home, usually once a year at Eid. In at least one case a *karigar* reported that the *Seth* was not paying up his dues. In some cases the account is settled in the boy's village and the amount paid to his parents.

### Minimum Wages in Delhi

Year	Skilled	Unskilled
1991	1104	854

1993	1328	1078
1995	1919	1495
1997	2208	1784
2000	2843	2419
2001	3016	2592
2002	3091.40	2667.40
2003	3207.90	2783.90
2004	3318.90	2894.90
2005	3468.90	3044.90

SOURCE: <http://labour.delhigovt.nic.in/>

## SAVINGS

*Chelas* (apprentice workers) have no savings and can barely make ends meet. *Karigars* on the other hand try to save the maximum to send home, scrimping and stinging on food and other necessities for themselves. Their savings ranged from Rs 1,000 to Rs 4000 a month. Four out of the seven interviewed on this subject saved Rs 1,000-2,000 per month. Two saved Rs 3,000-3,500 per month. One saved Rs 4,000 per month.

It is clear that both *chelas* and *karigars* generally earn less than the minimum wage. However, the incentive to undergo the arduous apprenticeship is the possibility of earning enough as a *karigar* to save some money regularly.

## WORKING HOURS

Wages in the industry are often calculated according to *nafris* or shifts. One *nafri* is eight hours while the second *nafri* is usually shorter, but fetches the same money as a full shift. In a sense the wage for the second *nafri* is 'overtime' payment.

The *chelas* have no control over their working hours. Typically, they work two *nafris* from 8.00 a.m. to midnight. Of the four *chelas* who specified their work timings, one mentioned a workday stretching over 15 hours, two worked 16 hours and the third 17 hours. (It should be clarified that this includes two breaks for lunch and dinner.)

In theory, *karigars* are free to work fewer hours. In practice, they maximise their earnings by working two *nafris* or shifts. Besides, when there is a rush order they feel obligated to put in more work. Of the four *karigars* who specified the hours they worked, only one worked 9-10 hours (he earned the lowest *karigar* wage) while the others worked 13-15 hours.

## WORKING CONDITIONS



The zardozi units are located in low rent, overcrowded parts of the city, often in unauthorised areas and even slum areas where facilities like sanitary services, a sewerage system, piped water supply etc., are not available. Many units are found in the overcrowded village areas that lie within the city. Town planning by-laws do not apply here and buildings are haphazardly constructed. Sometimes the units are located in large buildings where each room is a *karkhana*. The rooms may be dark and poorly lit with few if any windows. A room may have one or more *addas* or large, low embroidery frames, rather like the wooden frame of a bed. Six to eight workers sit on the floor, crouched over a frame, embroidering with colourful yarns, beads, sequins etc.

The *Seth* who owns the unit keeps a sharp eye on the work and children who make a mistake in the embroidery are frequently scolded, poked with an embroidery needle and even beaten. The small *chelas* are particularly vulnerable and may be beaten with a stick. The employers prefer children below 14 years as the smaller the child the more docile he is likely to be. However, about half the workers in an average unit seem to be *karigars* and the rest are *chelas*.

The workroom doubles up as a dormitory at night, when the exhausted workers roll out bedding and sleep on the floor. Food is either cooked on the premises by a cook or brought in by contractors. It is usually two meals of rice or *roti*, *sabji* and *dal*. No breakfast is provided. Workers have to buy breakfast – puffed rice or *channa bhatura* or *samosa* or other snacks from vendors or *dhabas*. The *chelas* who get only Rs 50 a week often have to skip breakfast. On Sundays one or both meals have to be bought.

There is one weekly off day, usually Sunday when the workers can go out, play cricket, go to the market or walk around the city. It is also the day for other chores like bathing and washing clothes, having a haircut etc.

The long working hours and poor diet cause many occupational diseases in growing children. Eyestrain is a major problem and children's eyesight deteriorates as a consequence of working fine embroidery stitches for hours at a stretch. Embroidering late into the night, in poor light, exacerbates the problem. The constant crouching over the embroidery frame leads to hunching, stunting and even injuries of the spinal cord and deformity of the legs. Some children suffer lifelong disability as a result. Not enough information is available on the health hazards of the industry and this is an area that could do with further study.

However, reports on the conditions of boys working in Mumbai's zardozi units are indicative of the problems. For instance in a Frontline article Anupama Katakam (issue dated April 7, 2006) wrote, "Physical and sexual abuse is part of this sad existence. In April 2005, 12-year-old Afzal Ansari, who worked in a unit in Govandi, died after contracting hepatitis. When Ansari fell ill, his employer did not treat him. Instead he asked a relative to take the boy away. Ansari died on the way to hospital. A post-mortem revealed marks left by burning cigarettes all over the boy's body and several signs of sexual abuse.

"In June 2005, 11 year-year-old Ahmed Khan, another zari worker in Govandi, died after being beaten severely. According to his co-workers, the employer made the little boy massage his feet every evening. Khan did not do a very good job one day and the employer began thrashing him. Among other forms of torture, he pulled out the boy's

fingernails.”

## **The CHILD TRAFFICKERS**

**Mohammad Rafiullah, 17, who hails from Mahraba village**, summed up the system of recruitment and bondage.

The owners of *zardozi* factories in Delhi pay senior *karigars* (16-17 years of age and above) around Rs.15,000 to bring four or five fresh workers (mostly minors, as they can be easily procured) from their village or district.

The *karigar*-turned-recruiting agent pays each boy's parents Rs 1,000. The agent also arranges for the ticket and other travel expenses. On an average the agent earns about Rs 2,000 per child as commission. Usually, the recruiter promises the parents that their child would work as an apprentice for a year, but the child may be forcefully kept for three to four years.

Generally, no leave is given during 'apprenticeship'. If the parents ask that their child be released in the interim, the reply of the owner is, "I have spent so much money for the child's travel, training, food, lodging and medicine etc. I have to recover the money by making him work. If you want to take him back, then you have to pay me back for all these expenses, with interest." The money demanded is exorbitant, so the poor parents keep quiet. This way, minor labourers are kept in bondage for long periods. Many children run away, said Rafiullah, and in such a situation the recruiter is held responsible. He is obliged to 'compensate' the owner for the loss of labourers.

## **HOW LOANS ENFORCE BONDAGE**

In times of need, a *karigar* can borrow a sum of up to Rs.15,000 from the *karkhana* owner if he has worked long enough in the same factory and has earned the 'trust' of the owner. The loan is generally taken for ceremonies at home like marriages, or to pay back debts. Ostensibly, no interest is paid on the loan if the *karigar* continues working with the same owner. He returns the money through work. During the long repayment period, no saving is possible for the *karigar*. If he wants to change his employer in between, he has to pay interest at the rate of Rs.100 per Rs.1000 every month.

Under the pressure of such debts, many workers run away, but it is difficult to escape from the owners, since they know the worker's antecedents and will extract the loan amount from his parents. Employers can always track boys back to their homes. Also, employers ensure that a runaway does not readily find employment in the industry.

## **CASE STUDIES**

These case studies are based on interviews with two batches of *zardozi* workers rescued in November-December 2006 from workshops in Delhi. The boys were at that time housed in Mukti Ashram, a shelter on the outskirts of the city, which is run by the Bachpan Bachao Andolan (Save Childhood Campaign). The interviews were hurried,

with several boys crowded round the one being interviewed. They all chipped in with information. Time was limited as the boys were kept in the shelter for a short period, taken to various hospitals to undergo tests to establish their age, and finally put on a train to their home state of Bihar. Some interviews had to be conducted on the bus that took them to the railway station.

The testimonies of these children reveal the predominance of rural poverty and the debt-cycle, and the cycle of bondage pursuing them even till Delhi, hundreds of miles away from home. The exploitative nature of work in the zardozi industry is amply evident in the recruitment process, the dehumanising living and working conditions, the meagre 'wage' given and the conditions of dependence and bondage.

## **CHILDREN UNDER 14**

***The boys chosen for the case studies do not know their exact ages. Many of the boys rescued seemed to be as young as nine or ten years. Photographs show how small they are. The following are case studies of a few who seemed to be 12-14 years old. Since the youngest boys were less articulate, most of the interviews were conducted with older boys and adolescents who could readily provide more information. Several older boys deliberately exaggerated their ages in the hope that they would be 'set free' from the rescue home and allowed to resume work and start earning again.***

### **1. Mohammed Rizaullah, village Bhalai Tharwa, Madhubani District, Bihar**

Rizaullah says he is 12 years old. A short, fair, light eyed child, he looks a couple of years younger and belongs to village Bhalai Tharwa in Madhubani District of Bihar. He is one of four brothers and three sisters.

He came to Delhi a year before by train, with his *phuphaji* (uncle) who is a cook in a zari *karkhana*. He was apprenticed in the *karkhana* located at 19-20 Aram Park, Gali no 4, Geeta Colony in Laxmi Nagar, in the crowded trans-Jamuna area of Delhi on the upper floor of a five-storied building. It belonged to the *thekedar* or owner Azmat.

Here Rizaullah began to learn the painstaking work of zardozi, stitching sequins and beads onto cloth. The work involved bending over a piece of cloth stretched on a long, low frame and embroidering it with gold thread and sequins, sitting alongside other workers. He had to learn both '*sui ka kaam*' (work with the needle) and '*aari ka kaam*' (work with a tool similar to a crewel work needle).

The workday began at 8 a.m. without any breakfast. At noon there was a half hour lunch break. The work carried on till about 8 p.m. when there was another half hour break for dinner. After dinner, the boys worked till midnight.

This meant an average work day of 15 hours.

For his pains Rizaullah, like the other boy apprentices, who are known as '*chelas*' was allowed to sleep in the *karkhana*, got two meals a day and was paid Rs 50 a week. He had to buy his own *nashta* (breakfast or other snack). Sunday was a holiday and no

dinner was provided. The boys usually bought dinner for Rs 15 per head. That left Rs 35 for the week's snacks or other needs. If a boy bought some channa-bhatura for Rs 6, for breakfast he could only afford breakfast for five out of seven days in the week. The other two days he went without.

There was a three-day holiday for Eid. On the day of Eid itself the *thekedar* gave each boy a set of clothing and Rs 100 with which he had to feed himself for those three days.

An apprentice's parents have to give a guarantee or assurance that he will work for one or even two years. A boy who does not work properly or makes mistakes in the embroidery is abused and slapped or beaten up by the *thekedar*.

Asked whether parents at home don't hit them for mistakes, Rizaullah and the other boys rescued with him said, yes, that happens. But, they pointed out the difference: "Parents may slap a child or hit him but they don't beat him up badly, they don't break his arms or legs."

For Rizaullah and his colleagues, the only relief from arduous labour was the weekly off. Sundays was a day for relaxing and for going out to see the city. The boys played cricket or went to the Itwari bazaar or other places. It was clear that they found the bustling city an exciting place to visit. Sunday was the one bright spot in a bleak, overworked existence.

## **2. Aas Mohammed, village Gorbanki, Basupeti in Madhubani District, Bihar**

Aas Mohammed, a small, thin child, says he is 12 years old and hails from village Gorbanki, Basupeti in the Madhubani district of Bihar. He was rescued from a workshop in Aram Park, Geeta Colony. His father works as a rickshaw puller in Roshanara Road in Old Delhi. He has a rented room and Aas's brother lives with him and goes out to work in a sewing unit where he labours for 12 hours a day.

Aas Mohammed complains that the zari work causes eye strain and his eyes water frequently. (This is a common complaint among the boys.) He says he initially worked for eight months and then went home for his sister's wedding. He had lately returned to the *karkhana* to which he was apprenticed for Rs 50 a week, working from 8 a.m. to midnight and sometimes even later.

## **3. Kamlesh, 12 years, son of Kishori Lal, Satmaccha village, Dumra P.S., Sitamarhi District, Bihar**

Kamlesh had studied till class two in the village school. He was working as an apprentice (*chela*) for the last nine months in Delhi. He worked at the *karkhana* in Bhajanpura from 9 a.m. till midnight, with two breaks in between at 12 noon and at 7 p.m. for food. He was given two free meals and Rs 20 a week. For lunch and dinner he got two *tandoori rotis* and a *sabji*, and occasionally *dal*. Kamlesh complained that the *sabji* was always full of potatoes and the *dal* was nothing but water.

Once, when Kamlesh fell sick, the employer brought him some medicine, but did not give him any time off to rest and recover. As a *chela*, Kamlesh was bonded to his employer and not free to change employers or go back home.

The only hope for a *chela* like Kamlesh was to finish the apprenticeship and become a *karigar*, a process which might take from 10 months to 18 months. *Karigars* are better paid and have more freedom including the freedom to leave the job or change employers.

#### **4. Guddu, 12 years, Mehsaul village, Sitamarhi District, Dumra P.S., Bihar**

Guddu worked in Anwar Ul's zardozi workshop in Bhajanpura. Anwar Seth himself brought Guddu to Delhi. No advance was paid to his parents.

Guddu's father Mohammad Mohib and his brother are helpers in a transport company back home. They do not have any agricultural land. Guddu started as an apprentice and worked for a year. He said that there was frequent torture and harassment of the *chelas*, as they were the youngest and most vulnerable of the workers in the workshop. Guddu faced constant rebukes and abuses from the owner on the smallest of pretexts. He was beaten up often, at times with sticks. The stick had a permanent presence in the workplace, as the owner constantly moved with it, and took it home every night after the day's work was finished. The torture went further. When there was any laxity or fault in the work, the workers were burnt with matchsticks.

Guddu had no friends in Delhi apart from his cousin Shahid. He missed his family and wanted to go home. His father, learning about the ill treatment he received, once came to take him home, but was turned back by the owner who claimed that he had not yet recovered the 'investment' he had made on Guddu.

After a year Guddu went home for a brief period. He returned to Delhi to work as a *karigar*. Slogging for 14 hours a day, he earned Rs.600/700 per week (Rs 2400-2800 a month, savings 1200-1600), but had not actually been paid the money. He got only Rs 50 a week for expenses. According to Guddu, when Anwar Ul next comes to his village, his dues will be cleared, after deductions such as the amount spent on food. Guddu mentions that he had never taken any advance or loan from the employer.

#### **5. Mohammad Shahid, 12 years, Janakpur Road, Pupra P.S., Sitamarhi District, Bihar.**

Shahid had been in Delhi for a year, slogging as a *chela* in Anwar Ul's zardozi *karkhana* in Bhajanpura. Anwar Ul is distantly related to him, being a kind of *mamu* (uncle/mother's brother). Shahid was brought here by Guddu who is his cousin. No advance was paid to his parents. Shahid has two brothers and his father Mohammad Hadis works as a mason in Patna. The younger brother is studying while the elder brother works in a sewing unit in the village. They do not have any farm land.

Shahid got two meals and Rs.50 per week. He ruefully remarked that all of it was spent in meagre daily necessities like *nashtha* and food on Sunday. Since the weekly allowance was so small, he often went hungry on Sundays when he had to buy his own meals. He

also complained that the workers did not receive any medical attention even when they were seriously ill. The work day was 14 hours long and the working conditions difficult and unpleasant.

#### **6. Mohammad Ershad, 13 years, Kardaoli village, Darbhanga District, Bihar**

Ershad had been in Delhi for five months. He had studied for one year in the village madrassa. Ershad's father stays in Calcutta and works in a jute mill. His mother lives in the village with his sister, two older brothers and their wives. The family owns one bigha of land, which is cultivated by his brothers. The land is frequently inundated by floods. One of Ershad's brothers was already working in the zardozi industry in Delhi. The *maulvi* told his parents to send Ershad to Delhi. Between them the two brothers are able to pool their resources and save money for the family. They take Rs.600 every week from the *Seth* for miscellaneous expenditure and save around Rs.1000-1500 every week. The money is deposited with the *Seth* who keeps the accounts in his log-book. The brothers send home Rs 4000-5000 whenever they can. If there is a demand from home, they send a money order. They will take the rest of the money when they go home.

It is evident that Ershad has been saved from the same kind of exploitation and ill treatment as some of the younger boys because of the presence of an older brother to protect him.

#### **7. Ansar UI, 14 years, Etharwa village, Madhubani, Bihar**

Ansar comes from a large family of parents, three brothers and three sisters. His father grows vegetables and sells them in the local market. He was never sent to school. A year and a half ago his brother in law, who also works in the zardozi industry, brought him to Delhi. He has not been home since. Ansar has an elder brother who works in Saudi Arabia and comes home every three years. Ansar complains that being an apprentice he had to work from 8 a.m. till as late as 1 a.m. at night. The *Seth* of the *karkhana* in Khureji where he worked would occasionally beat up him up if he made a mistake in the work. Scolding was a regular occurrence. Ansar was paid only Rs.50 per week and bought breakfast with it. He said he was often hungry and once a week had to miss a meal as he had no money left. He could not afford to send money home. He was lonely as he had no friends in the workshop.

### **ADOLESCENTS**

#### **8. Mohammad Izaz, 15 years, Mushahar, Sitamarhi district, Bihar**

Izaz worked in a zardozi *karkhana* in Mumbai for two years before coming to Delhi. His uncle's son, who was already working there, had taken him to Mumbai. His parents were promised that they would receive Rs.2000 to 3000 each month from their son's income. In Bombay, Izaz used to earn around Rs.4000 a month after joining as a *karigar*. He liked to work in Mumbai, Izaz says, but during the monsoon there were floods in the city and the *karkhana* was shut down. The cousins then came to Delhi in search of employment. Here the working conditions were pathetic, said Izaz and the earnings

lower. He had to work a minimum of nine to ten hours every day in the *karkhana* in Bhajanpura and earned around Rs.3000, from which Rs.1200 was deducted for food. The rest was deposited with the owner of the factory. Accounts were settled when they went home for Eid. The cousins would take home a lump sum of Rs.10,000 to 12,000 and stay in the village for two-three months before returning to the city.

#### **9. Mohammad Sanjoor, 18 years, Etharwa village, Madhubani, Bihar**

Sanjoor had been in Delhi for the past two years. Till his rescue he worked in a zardozi factory in Khureji, Gali No.4. By then he had worked in two or three factories. Sanjoor studied till the third standard in the local school and learnt Urdu and Hindi, but had to leave school. His parents live in the village with three of his four brothers. The family has half a katha of land, which is not sufficient and his father has to work as an agricultural labourer. The family is in debt, which is a major reason why two of the boys were sent to Delhi to earn. Their father took a loan of Rs.15,000-20,000 one year back. Sanjoor's brother works in a cloth factory in Delhi.

Sanjoor says that floods in his village are frequent and disastrous and are the major reason that compels boys like him to migrate in search of work. The village lies on the border with Nepal and is surrounded by rivers and rivulets originating from the hills. The flood water inundates the fields and homes every year. During this time the marooned villagers are solely dependent for supplies on two boats run by the government as nobody in the village is prosperous enough to own a boat. There is a ferry to cross over to Nepal.

Initially Sanjoor was happy to come to Delhi with the local *thekedar*. It was an opportunity to earn and "to see Delhi". However, the work hours were long, an average of 13-14 hours, with breaks for meals. He woke up at 9 a.m., and work started from 10 a.m. He had the liberty to work at his own pace, but if there was more work, he had to work faster. Sanjoor said he called home every week and went back for Eid, marriages and other religious ceremonies, every five or six months on average.

Sanjoor said that he earned Rs 200-300 daily and sent most of it home, retaining enough for bare survival. He said that he was paid regularly. He was at liberty to quit work anytime. He said he would not tolerate misbehaviour, manhandling or highhandedness by a supervisor or owner.

#### **10. Mohammed Sakir, 15, village Mehtarpatti, Madhubani District, Bihar**

Mohammed Sakir is about 15 years old. He went to the village school for three years. He is the eldest of six siblings. His father is a migrant worker based in Dehradun where he sells *chatais* (mats) by roaming from one market to the other. His mother and siblings are back in the village.

Sakir was apprenticed to Abbas four years ago. Like any *chela*, he spent two years learning zardozi work and was paid Rs 50 a week. After two years, Sakir graduated to being a *karigar* and began to earn between Rs 2000-2500 per month. He had to pay for his own food, but was able to save Rs 1000-1500 a month. He would send the money home by draft every three months. As a *karigar* Sakir earned much more and had more

freedom than a *chela*. He could leave the *karkhana* and switch to another if he wanted to do so. He could also choose to work fewer days and take days off if he was sick.

“In two years I sent home Rs 18,000-19,000 or so. My family used the money to pay back loans we had taken to build a house. We still owe between Rs 40,000 to 45,000.”

Sakir was worried that he would not be able to retrieve the Rs 3600 that the *karkhana* owner in Aram Park, Geeta colony still owes him. He also complained that because of the raid he had lost all his clothes. He claimed that five sets of clothes were with the dhobi and four sets had been left in the *karkhana*. He was left with only the clothes he was wearing and had nothing to change into.

Asked what he would do next, Sakir said he would prefer to go back to the village and do farming. “At home, even when the work is hard, you don’t feel that it is work. In the village, you work but you don’t slog through the night. You are able to get a good night’s sleep.”

#### **11. Mohammad Akbar, (claims to be 19 years), Narkatiyaganj, P.S. Shikarpur, Betia District, Paschimi Champaran, Bihar**

Akbar had been working in M.H. Fashions a workshop owned by Anwar Ul in Subhash Vihar, Bhajanpura for the past five months.

He had been in Delhi for two years, of which the first ten months were spent as a *chela*. He was brought to Delhi by his cousin brother, who was working in a zardozi workshop as a *karigar*. During the apprenticeship period Akbar was given food and lodging and paid Rs.50 every week. The work started at 10 a.m. and went on till midnight, and even later if demand was at a peak. There were two breaks of an hour each: one for lunch and the other for dinner. Food was cooked in the workshop itself by hired employees.

After the initial period of his ‘training’, Akbar worked in different factories. How much he earned is not clear. The workshop owner usually gave him Rs 100 a week for sundry expenses and deducted the cost of food. Akbar said he managed to save Rs.1,000 a month.

Akbar had to buy his own breakfast and usually spent three to five rupees on it, out of his weekly allowance. On Sundays, when the workshop was closed, he had to buy his own lunch and dinner. Sunday was the only day when the workers had some free time to go out, watch movies, play cricket, etc.

Last year Akbar took a loan of Rs.20,000 for his sister’s marriage. Even though there was no apparent interest involved, Akbar calculates that he had to pay upwards of Rs.30,000 to the owner through his work. It took him more than a year to pay off the loan. He still has other unpaid loans, which he has taken from the employer, but he does not know the exact amount of the debt. He has not been paid his wages for the last five to six months, nor have the accounts for this period been settled. This will be done, Akbar says, the next time Anwar Ul goes to his village. Anwar Ul’s home is in Sitamarhi, a five-six hour journey from Akbar’s village. During Ramzan or Eid, when the employer goes home, he makes it a point to visit his employees’ parents and do the accounts in their presence.



When asked whether interest would be charged on his debts since he had stopped working after the raid, Akbar replied that the police had forcefully removed him from work and he had not voluntarily abandoned it. Therefore the question of paying interest would not arise. When asked what he would do when he returned to the village, he said that he would look for work as an agricultural labourer, since his family does not have any land of their own.

## **12. Mohd. Arsad Ali, 17, village Bhalai Tharwa, Madhubani District, Bihar**

Tall, fair, brown eyed Mohd. Arsad Ali says he is 17 years old. His father's name, he volunteers, is Abdul Wahid. Unlike most of the other boys, Arsad Ali says that he paid for his apprenticeship. His father had worked in Delhi and with his earnings paid a "*kurakhi*" of Rs 4200 for Arsad to learn zardozi at *thekedar* Azmat's *karkhana* in Aram Park, Geeta Colony. Arsad became a *chela* for six months, getting paid Rs 50 a week. After learning the work he became a *karigar*.

Arsad went home for three months and returned to the *karkhana* on May 1, 2006. As a *karigar* he worked 15 hours a day and earned Rs 3000-3500 a month. He managed to save Rs 2,000-2,500 a month. However, he complained that the *thekedar* would not pay him on time. The older *karigars* were paid, but he was not. When he asked for money he was beaten up. Arsad said the *thekedar* Azmat owed him Rs 8335. He also said that the *thekedar* did not pay him despite having plenty of money. "He took home Rs 1.5 lakh to his village, but he would not pay my dues."

Arsad, unlike many of the other children, seemed extremely tense and worried about the future. "My family is poor. We don't own land and have to work in other people's fields. We paid money so that I could learn this skill, but if the government does not let me work, what will I do?"

"Tell me Didi, what should I do now?" he asked this writer.

I had no answer for Arsad.

## **CASE STUDY**

### **PARENTS**

In December 2006, five fathers from village Jamua in Champaran District of Bihar came to Delhi to take back their sons who had been sent to work in a zardozi unit. One of them, Sambhu Baitha, said that while he was away working as a casual labourer in Punjab, his elder brother had sent his own son and Sambhu's son to Delhi. The agent had given Rs 1,000 as advance for each boy. The agent had promised them that within a few months the children would become trained workers and would be able to earn and send home Rs 3,000-4,000 per month.

Asked why they sent small children to a distant city with an agent, another parent, Ram Mangesa stretched out his hands helplessly and said, "We are poor people. We have no

land of our own. We take land on *bataidari* or we work as casual labourers on other people's land. We are poor and the agent gave us *laalach* (enticement) of an advance and said that the boys will earn good money."

When the boys did not return after two years and no money was sent home either, these men finally came to Delhi to rescue their sons (for details see chapter on Rescue).

The abysmal poverty of many parents and the bleak homes where the children come from is hinted at in the following excerpt from an article by Rahul Ramangundam that appeared on the website India Together in January 2007. "Shakila Bano 40, has four daughters and two sons. One son is working in Delhi, in zari industry. Her husband works in Hyderabad and visits occasionally. None of Shakila's children have gone to school. She lives in a thatched roadside hut in Bajpatti, along with scores of poor landless families who prefer such strips of high ground to take refuge when the annual floods come visiting. Here they have their cattle tied, children playing... a place where shelter and faeces intermingle...in dusty waste."

## Chapter IV

### THE DYNAMICS OF RAID, RESCUE, RESTORATION

In the past two years at least 899 children, almost all boys varying in age from 9 to 18 years have been rescued from zardozi units by the Delhi Administration, which was pushed to taking action by the NGOs.

It is the NGOs who usually identify units employing child labour, although there are cases where the Labour Department takes the initiative. The NGOs inform or file a complaint with the Labour Department or the Divisional Commissioner's office. NGOs complain that officials tend to be indifferent to complaints and it takes persistence to get them to organise a raid.

If the case seems to be a violation of the Bonded Labour Act it falls under the direct jurisdiction of the Divisional Commissioner and is handled by the Deputy Commissioner in charge of the particular district. In the case of the Child Labour Act being violated, the jurisdiction is that of the Labour Department and the case is directly handled by the Deputy Labour Officer of the concerned district. The two departments usually act in tandem, with the aid of the police.

#### THE RAID

A team of officials accompanied by the police, NGO activists and often the Press, with cameras in action, conducts the raid, on a tip off or complaint. The area has in some cases been surreptitiously inspected in advance by NGOs or Inspectors of the Labour Department. Exit routes are blocked by the police. The children are hastily rounded up before local protests materialise and bundled into a waiting bus and driven off under escort. They may be taken to the police station where a complaint is registered and details of the children recorded. The children may then be lodged in an NGO run home or state run children's home.

If the child is rescued under the Bonded Labour Act, the raid is normally conducted by the Sub Divisional Magistrate (SDM) of the concerned district who has to file an FIR with the police against the employers. Subsequently the SDM has to issue a 'Release Certificate' to the child under the rules of the Act. It is this vital document that entitles the child to the rehabilitation package under the Act.

Under the Juvenile Justice Act a child is not supposed to be taken to the police station. The child is usually therefore sent to an NGO shelter. The child has then to be produced before a Child Welfare Committee (CWC) and may be sent back to the NGO shelter or to a government run children's home.

By then the parents of the child have usually come to claim him. There is often a dispute between the CWC and the Labour Department at this point. The Department wants the child to be kept in a shelter until it has completed its legal formalities and instituted a case against the employer. The CWC insists that no child can be kept beyond a few days if his parents have come to Delhi to take him home. One informant said that at a

meeting a state labour department official suggested that it be mandatory to keep a rescued child in a shelter for one month but outraged CWC officials rejected the idea on the spot.

### **Parents to the Rescue**

In December 2006, five fathers of village Jamua in Champaran District of Bihar came to Delhi to find their sons. Sambhu Baitha, said he and his companions were all lower caste landless labourers who had sent off their sons to work at zari units in Delhi two years back. The agent had given Rs 1000 as advance for each boy. The agent had promised that within a few months the children would become trained workers and would be able to earn and send home Rs 3000-4000 per month.

Sambhu's son Triloki, now aged 10, had worked in the zari *karkhana* owned by Sikander for around two years, but no money had been sent home. Sambhu eventually rang up Sikander and asked that his son be sent back to the village. Sikander refused to do so, saying that the boy first had to repay the Rs 1000 advanced to the family. The other fathers were also told the same.

The five men decided to pool their meagre resources and come to Delhi to recover their sons. They went to the address that the agent had given to them, but learnt that they had been given a wrong address. They then contacted a fellow villager based in Delhi who helped them trace Sikander. When they went to the *karkhana*, Sikander refused to return their sons. He claimed that since he had fed the boys for two years they owed him money for their food. He demanded Rs 5000 per child.

The desperate fathers then approached the Labour Commissioner's office in Shamnath Marg. There someone directed them to the Kalkaji office of the Bachpan Bachao Andolan (BBA). BBA intervened, contacted officials and the police and prevailed upon them to organise a raid in Bhajanpura where finally 50 children were rescued on December 27, 2006. Among them were Sambhu's son Triloki, aged 10 and his nephew Dharmender age 10.

The raid also enabled Ram Agyasa and Boothru get their sons Bholasa, age 12 and Dasrath, age 11 respectively released. Similarly Ram Mangesa got his son back.

Their fellow villager Gorakh Majhi was not so lucky. His son, 8 year old Sanoj Majhi, was not recovered during the raid. The contractor, it seems, had sent little Sanoj to work elsewhere. Sanoj remains untraced.

It had taken the men twenty days of sheer persistence, going from place to place in Delhi, to have their sons traced and rescued. They finally returned to Patna with the 50 rescued children, in an overcrowded train bogey hastily organised by officials of the Bihar Government.

## **RESTORATION**

### **The Process**

After the rescue, begins the process of restoration. Under the Bonded Labour Act, the source state is largely responsible for restoration and migrant children are handed over to officials of the source state. In Delhi, the Resident Commissioner of Bihar or other states is expected to take charge of sending the children home by train to Patna. There, state officials of the Social Welfare Department arrange to have each child escorted back to his village or contact his parents and hand him over to them. A thousand rupees in cash is supposed to be provided to each rescued child as immediate relief. The Act has a provision that migrants can be given the option of choosing to be rehabilitated in either the state they come from or in the state in which they are working.

If the case is to be filed under the Child Labour Act the rescued children are sent to a government hospital for age testing. After the medical examination, the children are to be produced before the Child Welfare Committee of the area, which is expected to hear them and rule on their future. Usually, the child is sent home to the parents, under escort.

### **The Reality**

In the case of children, the Bonded Labour Act's provision that they can opt to be rehabilitated in either the state they come from or in the state in which they are working is largely illusory. The child, who is often a migrant from another state, is usually sent back home to the parents. This reduces the liability of the rescuing state officials who can conveniently hand over responsibility to the source state.

The first hurdle may be the unwillingness or delay by the area SDM to issue the crucial Release Certificate without which no rehabilitation by government is possible. Sometimes children have simply been sent off to the source state, with the promise that the certificate will follow.

There is often a time lag between the rescue and return of children to their homes. For instance, Ashok Agarwal of Social Jurist, at whose initiative nine children were rescued from Meethapur village in Badarpur in October 2006, learnt from the Children's Home in Lajpat Nagar where they were kept that on average it takes three months to send a child home. He wrote to the Resident Commissioner of Bihar requesting him to immediately repatriate five boys and to the High Commissioner of Nepal. He also took the issue to court.

In some states Child Welfare Committees have linked up with voluntary organisations who take over the responsibility of tracking and contacting the child's parents so that they come to claim the child. This strategy usually works faster than the slow governmental procedures.

The requirement of a certificate from a government medical officer indicating the age of a child, to establish his eligibility for rescue under the Child Labour Act, can be a major hurdle, particularly if a large number of children are rescued at the same time and sent for testing. In November 2006, for instance, when 66 boys were rescued from a single large building in Aram Park, the staff of Bachpan Bachao Andolan, which had housed

the boys in their Mukti Ashram, had a hard time taking them from one government hospital to another to get the tests done and age certificates issued. They were initially fobbed off by the hospital they went to, sent to another and finally managed to get the tests done only after the area SDM who had conducted the raid, intervened. Under the Bonded Labour Act there is no need to establish the child's age as the Act covers both adults and children in bondage.

In many cases 'parents' and 'guardians' of the rescued children surface within hours and begin knocking at the gates of rescue homes to demand restoration of their children. Often, these are employers or their representatives claiming to be the parents. The rescuing agencies have to be vigilant while granting an interview with the child, to ensure that the child is not intimidated into acknowledging an employer as a guardian.

In some cases employers try to threaten the staff of the shelter and their safety also has to be ensured.

Occasionally, the child's real parents come to claim him, but once they are informed that the government will give them a relief package they refuse to take the child back until the compensation money is given to them!

## **The Child**

The raid is often a traumatic experience for the child who is suddenly swooped down upon by a set of strange officials and policemen. He does not know what his crime is. The child is grabbed and pushed quickly into a waiting bus or van, along with other boys. Many children try to run away or hide. Employers try to hide small children in cupboards or staircases or encourage them to run off once they are alerted to a raid in the neighbourhood. In one case, some small kids were nearly smothered under a pile of quilts.

The child then finds himself driven to a strange place and faced with a barrage of questions from officials (and often media persons wielding cameras) who are trying to take down details of his name, age, parentage, origin etc., for their records. As many children dress minimally while working, the child may have left the workshop in his underclothes, and is not allowed time to change. He may be barefoot and may not be wearing a sweater.

During a large raid children are often kept waiting and go hungry for hours together. For instance, the boys rescued on November 14, 2006 in East Delhi said they were taken to the Geeta Colony police station where they were kept for several hours and were not given anything to eat except two bananas each. They were then given dinner at the Mukti Ashram run by the Bachpan Bachao Andolan at ten o'clock at night.

The child rescued in a raid leaves behind all that is familiar including all his belongings. He has no money and nothing but the few clothes he is wearing. He has no soap to wash, no toothbrush, no proper clothes. All this adds to his feelings of disorientation. He is told that the government says he can no longer work and he will be sent home. He does not quite understand this. He is happy at the thought of going home and glad to be

rid of the employer's tyranny and the long hours of work, but he will be returning empty-handed to the village.

The child may be traumatised by ill-treatment and slavery-like conditions at his place of employment. He may be fearful.

If the child is well treated in the shelter, it helps to alleviate his distress. In Mukti Ashram, for instance, all the children said that conditions were good, they had been given bedding to sleep on, food to eat, and they could roam around the open, green area and watch television. However, they seemed confused as to why there had been a police raid and why they had been brought to the Ashram. They were anxious and restless. Several said, "We have been here four days already, why are they not sending us home?"

Swami Agnivesh of the Bandhua Mukti Morcha recalled the experience of keeping rescued children in their Behelpa ashram for 15-20 days. He said that in the beginning the children were scared, but once they had been provided sundry items for their daily needs and told to eat and play games they blossomed and looked happier.

If the child who has left all his things behind is given clothes, footwear and some toiletries he feels better able to cope with his new situation. A telephone call home (many boys have phone numbers of neighbours or the village shop) can be reassuring for the child, although it may send the parents into panic. A sick child may need medical attention and medicines. A child, who is used to working hard all day is suddenly left idle, with no structured routine to fit into, may begin to feel restless.

The child and his companions need to be spoken to at length, informed of the reasons for their rescue and the ban on child labour, and reassured that they will soon be home. They need to be counselled on future options, including the possibility of resuming school, perhaps even joining a government-run residential school. Children also need information on their rights under the law and the kind of rehabilitation measures that they and their families are entitled to. They need to be empowered to resist being recycled as child labour.

If the younger children need reassurance that they will soon be safely back home, the older boys need more counselling on schooling and work options, including the information that there are several types of work that they can still do legally. Older boys, who are beginning to value their work and make some money, worry about the loss of work. They also worry about the earnings that had accrued to them and were in the keeping of the employer that may now be lost to them. They worry about how their families will survive and pay back debts if they can no longer earn. These anxieties and dilemmas need to be dealt with, so that the child is prepared to return home and make an informed choice about his future.

Sensitive handling of rescued children is essential. It is difficult to provide children the attention and counselling required if they are rescued in large numbers. They then tend to be treated as cattle, herded together and dumped in a shelter until their cases can be dealt with or they can summarily be put on a train to their home state. To minimise

trauma during raid and rescue operations the target group should ideally be small and manageable. The mass raid style of operations needs to be reconsidered.

## **ENFORCEMENT – The Official Approach**

### **Delhi's Administrative Hierarchy**

The Divisional Commissioner who is also the District Magistrate of Delhi is at the apex of the revenue hierarchy. Implementation of the Bonded Labour Act is one of the Divisional Commissioner's tasks.

Delhi has nine districts: North, Central, New Delhi, East, West, South, North-East, North-West, South-West districts. Each district is headed by a Deputy Commissioner, who has under him an Additional District Magistrate, Sub Divisional Magistrates, Tehsildars and Sub-Registrar. The District Administration carries out diverse functions including magisterial matters. Deputy Commissioners, Additional District Magistrates and Sub Divisional Magistrates exercise powers of Executive Magistrates. In this role they are responsible for operating preventive Sections of the Code of Criminal Procedure.

On February 19, 2001 the Government of Delhi had issued a notification in the Delhi Gazette appointing nine Vigilance Committees under the Bonded Labour Act, one for each district of Delhi. The Vigilance Committees are headed by the Deputy Commissioners and their members comprise officials, politicians and social workers. Sadly, these Vigilance Committees, despite the enormous powers vested in them by the Act, are completely inactive. The environmentalist Dr. Iqbal Malik, a NGO member of the South District Vigilance Committee, when contacted said she was unaware of her nomination to such a committee and could not recall having ever been invited to a meeting! Swami Agnivesh who is a member of another Vigilance Committee is of the opinion that these committees are non-functional.

In July 2005, a task force headed by the Divisional Commissioner was constituted to survey, identify and rehabilitate children. The task force is also supposed to ensure minimum wages to those working in the unorganised sector, besides clamping down on placement agencies, which procure and supply children especially girls for domestic help and thus abet trafficking.

Attempts to meet the Divisional Commissioner (DC) of Delhi failed. When attempts at telephonic contact yielded no result, a visit was made to her office. Her staff insisted that she was not available and that in any case bonded labour did not come under her purview. Informed that the official website states that bonded labour comes under the DC's jurisdiction, they seemed puzzled and finally suggested that one of the SDMs in the adjacent office be spoken to, as he was experienced and would know about it. The SDM in turn suggested contacting another SDM.

Eventually, the concerned SDM-II (Hq) Mr S.K. Khosla, was contacted. He was helpful, but was candid about the fact that he would not be able to provide much information as he had only been in that post for three weeks. He called for a clerk to bring the relevant material and give a briefing. The lady in question turned out to be very well informed on



the issue, since she had been handling the matter for a long time. She said that no data on the numbers of bonded labour rescued in Delhi was available; it had probably never been compiled. The NHRC had sent periodic letters on the issue, with a proforma to be filled with details on identification, rescue and rehabilitation, but no report had gone to them for quite some time. The SDM said that if a query was sent in writing he may be able to furnish the data, but it would have to be compiled and the process would take a long time. He advised the researcher that he/she contact each of the nine District Commissioners' offices for the data, as that would be a faster method of getting it!

## **The Labour Department**

The task of implementing the Child Labour Act has been entrusted to the Labour Department of Delhi. The Department is headed by the Secretary (Labour), who is assisted by the Labour Commissioner, the Joint Labour Commissioners, Deputy Labour Commissioners, Assistant Labour Commissioners, Chief Inspector of Factories and other supporting staff. The Department is organised into nine districts. Each district is headed by a Deputy Labour Commissioner who is assisted by Assistant Labour Commissioners, Labour Officers and Inspectors. The Labour Department's primary job is the enforcement of labour laws, settlement of industrial disputes by conciliation and ensuring the welfare of workers through various measures. The Labour Department is increasingly involved in campaigning and creating public opinion against child labour in Delhi. It has set up a Task Force on Labour, consisting of various administrative agencies and civil society organisations, to check child labour.

Labour Officials granted the following interviews and were obviously better informed of the legal and other issues arising from adult and child bondage.

### **Interview with Vikram Dev Dutt, Labour Commissioner, Delhi**

Mr. Dev Dutt clarified that the primary nodal agency for bonded labour in Delhi is the Divisional Commissioner of Delhi. Yet, he said, there is no watertight compartmentalisation in the government's approach to the problem and the Labour Department works closely with the Divisional Commissioner's office, particularly at the field level.

Mr. Dev Dutt said the issue of child labour has been a major focus of the Labour Department for the past year. The ban on child labour in domestic work and *dhabas* was initially notified in July 2006. There was a three-month period since the initial notification after which the ban came into effect in October 2006. This period was used to sensitise people to the issue. The Department is currently conducting a campaign to create awareness against child labour, through the use of publicity materials like posters, radio spots and audiovisual material. The Labour Department is for the first time putting up a stall in the state Government's Bhagidari Mela to sensitise people on the issue of child labour.

He said the focus of the raid and rescue operations has been the zari units as they employ large numbers of children. After the raids, employers are charged under the Child Labour Act. They are also booked under the Bonded Labour Act, which has stringent provisions. Since October 2006, 425 children have been rescued. Most of the children rescued were from Bihar and were sent back to their homes in coordination with the Bihar Government.

Children who belong to Delhi are being rehabilitated through Transitional Education Centres that are being run by NGOs. The idea is that they pursue bridge courses and then enter the formal education or vocational education stream. This is a Government of India scheme. The Department is finding that the rental amount sanctioned for each centre is Rs 1000, which is inadequate. It plans to supplement this amount with its own funds.

Asked if he could provide data on the numbers employed in the zardozi industry or details of the number of units and their location, the Labour Commissioner said that the government does not have such data. He said that the Labour Department is not equipped to do a field survey of the zari units, but thinks that NGOs could take up such a survey.

### **Interview with Mr A.R. Verma, Deputy Labour Commissioner, North East District**

Mr. Verma clarified that he had not conducted the December 2006 raid on zari units in the Bhajanpura area. The raid had been conducted by the SDM of the area, as the Bonded Labour Act is the subject of the Deputy Commissioner's Office and not the Labour Department. However, as an officer of the Labour Welfare Centre he had facilitated the raid to see if there was any violation of the Child Labour Act, which falls under the purview of the Labour Department. A joint team of 10 to 15 people including policemen, and staff from the SDM's office and the Labour Department had taken part in the raid.

Mr. Verma said that previous raids in November and December 2006 had revealed violations of both the Bonded Labour Act and the Child Labour Act. His office had prepared the 'challan' for the first raid and was in the process of preparing the 'challan' for the second one. The challans he said would be filed before the competent court, in this case a regular Metropolitan Magistrate. However, he did not show copies of the challan or provide any details about the persons charge-sheeted.

He expressed doubts as to whether a person can be charged under two different Acts, viz. Bonded Labour Act and Child Labour Act, at the same time and for the same offence. He said this would be up to the court.

Mr. Verma said that for the purposes of prosecution he considers the principal employer to be the person who directly manages/supervises the *karkhana* where production is undertaken and it is this person who will be prosecuted, even if the *karkhana* is owned by or supplies some *Seth* in Chandni Chowk or some exporter elsewhere.

Asked whether a medical examination was necessary to establish age, he said it was not required under the Bonded Labour Act, but was needed under the Child Labour Act. During the Dec 2006 raid, 50 children were rescued. Of these 27-28 were minors below the age of 14 years. Children below 14 years would be prosecuted under the Child Labour Act. In the case of those aged 14-18 years, he said, the Department does not prosecute them under the Child Labour Act. It is easy for older children and for those over 18 to turn hostile in court, so they are not used as witnesses.

Mr. Verma expressed unhappiness at the fact that the laws are weak and the courts invariably hand out minimal punishment to employers. He said that courts never send employers to jail and at best impose a fine of Rs 10,000 for the violation of the Child Labour Act. Under Delhi's Shops and Establishments Act the fine for child labour is a maximum of Rs 250. The rate has not been revised since 1954. Employers continue to take the risk of hiring children as they make a substantial profit from child labour and can afford to pay the fines. He said that if the punishment involved going to jail for even a day, the offence would be taken more seriously.

Mr. Verma said that after a raid the police are also asked to book the landlord under the Delhi Police Act for violation of the clause on tenant verification. This is a move to put pressure on landlords, so that they do not rent out premises to units employing child labour.

Asked if the children were in fact bonded workers, he said they were, because frequently parents had taken an advance for sending the child to the unit; the child was not paid anything except food and a token allowance; the child was not free to go out or leave employment; and even on off days when the child went outside he was watched like a hawk to ensure he did not run away. If an older worker were to give an affidavit that he is bonded, this too would be accepted.

Asked what would happen to the prosecution of employers now that the children had been rescued and packed off to their home state, Mr. Verma said that the children were not needed for the case. The raid had been conducted by the SDM of the area and the SDM is the witness of their release. The SDM is a magistrate and it is on his direction that the SHO files an FIR. The SDM then releases the workers and furnishes their release certificates under the Bonded Labour Act. The bonded labourer does not need to be produced before the Child Welfare Committee.

On the question of whether the children would get any back wages for the years that they had worked, he said issues of back wages, overtime payments etc., would all be taken up in one challan and charges would be filed for different offences. It would be for the court to decide which charges were maintainable.

On the conducting of raids, Mr. Verma said that his Department conducts raids when they get information from a reliable source. Surveys are meaningless, he said, as there is invariably a time lag between any survey and the raid; and employers change the place of work whenever they scent trouble.

He sometimes sends inspectors to areas like Chawri Bazar, Dariba Kalan and Ghonda where they watch the wholesale shops which sell the *salma-sitara*, silk thread and other

materials that are used for zardozi work. They follow bulk buyers, in order to locate their units. His department also depends on private sources of information, parents, NGOs etc.

He said inspections and raids usually evoke the neighbourhood's hostility. The zari industry is Muslim dominated, which makes it particularly difficult for labour inspectors to enter and inspect premises. Often employers put up a '*purdah*' on the door of a room and deny male inspectors entry. In a raid in Khajuri Khas, he said, many children had been told by employers to jump the wall and hide in the madarssa next door. The raiding team did not dare to enter the madarssa.

After the recent raids, he said, employers are shifting from the trans-Jamuna area to Loni and the Uttar Pradesh border area. The zardozi industry is a light industry, the workshop rooms are rented and the equipment is little more than a couple of wooden frames that can easily be transported anywhere.

Mr. Verma expressed some doubts about the strategy of rescue without rehabilitation and said the government first needs to make provision to educate the rescued child.

### **Interview with Mr. R.K. Kalia of the National Human Rights Commission, Research and Investigation Wing**

The NHRC was empowered by the Supreme Court in 1997 to monitor implementation of the Bonded Labour Act and all the states were told to submit status reports on identification, release and rehabilitation every six months.

Mr. Kalia said that the Government of Delhi had never cared to file any reports on the status of bonded labour in Delhi. The NHRC had periodically written to them, reminding them that reports are to be submitted in the proforma sent to them. However, no reports or proformas have been forthcoming.

He said that the Bachpan Bachao Andolan had drawn the attention of NHRC to some anomalies in Delhi on the status of child labour. Apparently, the Delhi Shops and Establishments Act mentions age 12 as the cut-off below which no one can be employed.

Taking note of this and other issues, the NHRC had written to the Delhi Government, which had in its reply (written by Vijay Mohan, Secretary, Labour) committed itself to increasing the age to 14 years, in consonance with the Child Labour Act. It had also stated that both the Factories Act and the Shops and Establishments Act apply to the entire territory of the National Capital Territory of Delhi.

The Delhi Government had admitted that it had stopped the process of registration of shops and establishments under the Delhi Shops and Establishments Act. It said it intended to revive registration, but certain amendments to the rules were first required. It said that the process had been initiated and that a Notification to the public inviting objections if any would be issued in January 2007.

Mr. Kalia said the majority of shops and establishments in Delhi are simply not registered. This makes counting them difficult and counting the number of workers employed impossible.

## **PROSECUTION**

The Labour Department's primary function is the prosecution of offending employers, so that a climate is created for the observance of the rule of law. However, one rarely hears of the prosecution and punishment of employers of bonded labour and child labour in Delhi.

No record was made available by the Labour Department either.

Swami Agnivesh of the Bandhua Mukti Morcha says that in cases of bondage, officials like DMs and SDMs have all the powers necessary for rescue, rehabilitation and prosecution, but they are susceptible to all kinds of pressures. These officials keep on delaying rescue attempts despite complaints and find ways of letting off the employer. They say it is merely a minimum wage matter rather than one of bondage. He believes that if the responsibility had been given to a judicial officer under the Bonded Labour Act, it would have been more effective.

It is also true that the laws and procedures required make successful prosecution difficult and legal delays add to the problem. One procedural problem that has been dealt with by the Supreme Court in the case of Bandhua Mukti Morcha vs. Union of India is the issue of proving bondage. The court ruled that as per the law of evidence it is difficult for the bonded labourer to prove bondage and therefore no such proof should be asked for. More such rulings on procedures and evidentiary requirements are needed.

Another problem is that even if an employer is convicted, the punishment prescribed is minimal rather than exemplary. In most cases a fine is considered adequate and imprisonment is not resorted to. The fines prescribed by the law are generally too low to be a deterrent. The employer can afford to pay up and continue.

In the case of rescued bonded children, even when an FIR is registered by a SDM or any other official, and testimonies of children taken on the spot, the process of issuing a challan takes days. A case also has to be made for the recovery of the child's back wages and belongings. A detailed calculation of wages may be required. This has to be ensured in the short period when the child is in a shelter during which time he is also being taken to hospital to establish his age, produced before a Child Welfare Committee etc.

Once the child has been packed off to the home state, it is not possible to get details for the charge sheet. Moreover, there is every chance that the employer or his agent will pursue the child to the village and persuade him and the parents not to pursue the case, using money or threats to do so.

The fact that the child is back home in a distant village also makes it extremely difficult to ensure successful prosecution, as the child would have to be recalled to Delhi to testify in court. This is time consuming and expensive, particularly as the child has to be

escorted by an adult. The child's physical safety has to be ensured, as he could be kidnapped or beaten by the employer. Summary trials, at least in the case of migrant labour, need to be considered as an option.

If a case reaches the trial stage and a child is summoned to testify, he is usually fearful of the entire legal process. Legal aid and counselling and a child sensitive courtroom environment are pre-requisites if a child is to successfully testify in court. He must be protected from aggressive and hostile cross examination and intimidation by the employer. He must have a support person present during court appearances.

The NGO drafted "Delhi State Protocol for Rescue, Restoration and Rehabilitation of Children Rescued from Domestic Work/Hotel and Eateries and other Hazardous Occupations" makes useful suggestions on prosecution including:

The Prosecution should ensure that following the preliminary protection granted to the child, in addition to and independent of the statement recorded by the police, a statement be recorded also under Section 164 of the Code of Criminal Procedure.

The Prosecution should ensure that the accused is immediately arrested and his property attached to ensure the payment of financial liability to be decided by the court. The charge sheet should be filed at the earliest, preferably within 15 days.

The Prosecutors shall maintain a data base of all children rescued and follow up their cases so that they do not lapse. The data base must record all cases contested, their results, orders of the courts executed or not executed along with reasons for the same and whether some other child has/d been brought as replacement by the accused for the child rescued. Authorities like the DJ, DC, SP, CWC and Voluntary Organisations etc. should be kept informed. The Prosecutors should also publish a shame list of violators of child rights.

These are all recommendations and issues that require the attention of the police, the prosecuting agency, the administration and the courts.

### The Politics of Raids

Junned Khan, who initiated an education programme for children working in zardozi units in Delhi, for the NGO Pratham, provided thought-provoking information on the politics of raids and the complications caused by media publicity. His experience raises several questions on the entire raid and rescue process.

Khan had started the education project by hiring 100 teachers who went from workshop to workshop persuading employers to let them teach the children for one to two hours daily. The teachers identified 450 *karkhanas* in the city. The project ran successfully for nearly two years.

In mid 2005 ILO (International Labour Organisation) representatives in Delhi and a senior Labour Department official requested Pratham to facilitate a visit by Mr. Mark Mittlehouser, Under Secretary, United States Department of Labour, to the embroidery factories. During the visit they saw hundreds of children working there.

Shortly after that, the Labour Department raided the Noor-e-Elahi area of East Delhi and rescued 180 children. The raids were conducted in some of the *karkhanas* where Pratham was taking classes, which created problems for the teachers and the NGO. In September-October 2005, NDTV began a series on child labour in the *karkhanas* in Delhi and once again the places where Pratham worked were focused on. Fearing trouble, some owners whisked away the children to distant places in Uttar Pradesh. They hired trucks, put the boys in them and disappeared overnight. The NGO feared that many of the children who had been shifted would become untraceable.

Pressure began to mount from the Labour Department, political and bureaucratic sources, as well as media, for the rescue of the child workers. Although Khan believed that the alternative method of persuading employers to free children was preferable, he gave in to the pressure and agreed to cooperate with a rescue effort planned by the Labour Department. In June 2005, Pratham Mumbai was part of a big raid to rescue child workers from *zardozi* units in Mumbai.

In Delhi, a detailed rescue plan was prepared with the help of Pratham teachers as they could identify the workshops where children were employed. The teachers secretly marked the doors of workshops in advance, so that the raiding parties could easily identify them. Sixty staffers of the Labour Department, male staff of Pratham, officials of the Delhi administration and nearly 300 men of the Delhi Police Armed Constabulary were deployed. They gathered at the IT Park in the trans-Yamuna area and planned the rescue operation.

Khan said he was surprised that although this was supposed to be a secret operation, an OB van and a camera wielding reporter from NDTV was at the park, along with the Labour Department officials. He expressed his unhappiness about the leak to the channel. "As a result of this leakage we failed to rescue many children. We had aimed at rescuing 2000-2500 children. However, only 487 boys could be rescued. We kept wondering where the rest vanished. This apparently happened because of the leak. We also noticed the heavy presence of local policemen in the areas even before the whole rescue team could arrive at the scene. The rescue team was in 15 buses. The rescue operation lasted for several hours, from 9 a.m. in the morning to 3 p.m. in the afternoon. The 487 rescued kids were brought to the IT Park in the buses," he recounted.

The problem was where to house them. The Labour Department approached some NGOs but they all refused. No one has the capacity to house such a large number and feeding them is very expensive.

Earlier, the Labour Commissioner had sent an Inspector and a Pratham staffer to the Managing Director of HUDCO to ask for permission to house the children for one week in the empty August Kranti Bhawan near Bhikaji Cama Place in South Delhi. He agreed to the request. The 487 children were sent to August Kranti Bhawan with Pratham staff members.

The next problem was to arrange bedding and food. "Somehow, food was organised by one of our team members Pooja Narain. The Labour Department eventually agreed to pay for food, if Pratham would give the money immediately," said Khan.

There were very few toilets in the building. The biggest problem was who would stay overnight with the children and ensure their security.

“A senior officer of the Labour Department had promised to provide Department staff for 24 hours duty. The Labour Department had also promised to provide a doctor and cleaning staff. Problems arose because the Labour Department went back on their promise and did not provide anyone to help us. There was no cleaning staff and the doctor came for a short while.”

Meanwhile the Labour Department released some of the older boys who were not minors.

For the next six days the Pratham staff took care of the remaining 427 children. “We faced tremendous problems cleaning the toilets ourselves, feeding them three times a day, cleaning the place after meals, sending sick children to hospital, sending staff members who were falling sick to hospital, facing the frenzy of parents and anti-social elements collecting outside the shelter and shouting slogans against us, facing the media frenzy, facing the unhealthy attitude of the Labour Department officials who showed up at intervals during day time, facing forced interventions from ILO and some other international organisations,” complains Khan.

Meanwhile, the officials were busy congratulating themselves and giving interviews to the Press. The boys’ stories were making headlines all over the world.

“At the same time,” says Khan, “my staff and I were barred from making any statement to the Press. For nearly six days, we were cut off from the outer world. Our team began feeling like we were bonded children ourselves. Imagine how the rescued kids must have been feeling!”

A majority of them were wearing just their inner garments because they had not had the time to pick up their belongings. Many who were on long term medical treatment had left behind their medicines and prescriptions.

“When we requested a senior member of Pratham’s Governing Board, who had come to Delhi, to sanction clothes for the boys, he refused. It was cold and several of the boys got sick. After all, these were underfed, weak children. For five days the administration made no alternative arrangements for them.

“Finally, in disgust, I put some of the sick boys in a bus and took them to the Child Welfare Committee in Lajpat Nagar to ask that they be rehabilitated. After that, arrangements were made to keep them in various government run children’s homes and send them back to Bihar.

“Meanwhile, there was a showdown between me, the Pratham Governing Board member and a senior officer of the Labour Department. I had informed a reporter from the Hindustan Times of the terrible conditions that the children had been kept in, without proper arrangement for food, clothing and medical care. She passed on the information to the official who complained to the Board Member. All these people together barged



into the August Kranti Bhawan and charged at me and my team members. The Pratham Board member insulted me and my team members and threatened to fire us.”

“I called out all our staff of 50 people who were supervising the children. All of us together decided to immediately leave Pratham. As soon as the children came to know what was happening, they started rioting. The boys surrounded the reporter, the Pratham Board member and the Labour Department officer. The children were shouting, running up and down the place, throwing utensils and tearing apart the bedding. Then the lights went out. Some of my staff warned me that if the boys ran out of the building onto the busy main road, there could be accidents. I decided to control the situation. We went back inside, called out to the boys and calmed them”.

“Though the officer from the Labour Department and the Pratham Board member apologised, after the whole situation was sorted out I left Pratham. Several of my former team members also left Pratham. That was the end of Pratham’s child labour project in Delhi”.

“The Labour Department did not bother to charge sheet or prosecute any of the *karkhana* owners. No one was punished,” claims Khan.

Unfortunately, it was not possible to get the Labour Department’s version of the entire experience, but the problems highlighted require examination.

The experience of Junned Khan and the Pratham team raises many issues about advance planning for the entire raid and rescue style of freeing the bonded children, the onus of responsibility when NGOs work in tandem with government departments, the question of providing a decent, clean and safe temporary shelter for rescued children, the question of financial liability for housing and feeding children and for providing them with toiletries and clothes while they are in a shelter.

After the raid, even NGOs like Bachpan Bachao Andolan who are far better equipped to house rescued children in their Mukti Ashram in Burari, seem anxious to quickly send children back to their home states. The NGO finds it’s financial and personnel resources strained when bureaucratic delays require it to feed and care for children for several days at a stretch, while the government takes steps to issue them official documents, draw up charge sheets and make arrangements to send them home.

Questions also arise about the use and misuse of media. Why, for instance, were the 427 boys not kept in state run homes in the first place, if no proper shelter had been arranged for them? Was one factor the presence of media, which was able to easily access the children in a temporary shelter, whereas the strict rules of government shelters would not have permitted such access and the resultant headlines and photo opportunities?

It is strange that neither Delhi’s Labour Department nor Pratham seemed to have learnt any lessons from the much publicised June raids in Mumbai where, despite political pressure and interest in organizing highly publicized raids, not enough children were rescued and those who were rescued were kept in railway waiting rooms and shelters from which half of them disappeared.

If state governments are determined to rescue more children through raids, these issues must first be addressed and adequate planning ensured, to avoid the chaos that raids cause and the accompanying trauma to innocent children.

## THE PROBLEM OF STATISTICS

The Delhi Government's Department of Labour did not make available any data on the number of children rescued from bondage in zardozi units. Nor did they make available any data on the actual number of child workers in the industry. Officials granted interviews, but did not give a single document or data sheet. Persistent attempts to get the information failed.

Data on the number of raids conducted and children rescued, based on NGO reports and news stories in the media, indicates that 899 children were rescued in nine raids spanning the two-year period January 2005-January 2007.

In October 2006 the Resident Commissioner of Bihar wrote to Ashok Agarwal of Social Jurist that he had arranged for the repatriation of several children to Bihar. "I would like to inform you that very recently on 14.01.06 (32) and on 12.06.06 (73) and again on 18.09.06 (49) children have been received and sent back to the State," said his letter. These figures unfortunately do not tally with those obtained from newspaper and NGO sources.

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BOX

### **Raids on Zari Units in Delhi, January 2005-January 2007**

#### **2005**

##### **June 6, 2005**

29 children rescued from Janakpuri. According to the Haq Report there were 32 children, all from the Sitamarhi district of Bihar.

##### **July 21, 2005**

98 children rescued after complaint from INTUC Child Labour Cell, Bihar. They were housed by Prayas and later sent to Bihar.

##### **Oct 7, 2005**

130 children rescued in Pijanji, Kotla Mubarakpur (Times of India reported 184 rescued). They were rescued with the help of the Bachpan Bachao Andolan.

##### **Nov 21, 2005**

425 children rescued from Zafrabad. They were housed by the NGO Pratham in a government building. Later, the Child Welfare Committee sent them to five homes in Delhi. Ultimately they were given to their parents.

= 682 children

## **2006**

### **Sept 7, 2006**

53 boys rescued from Kilokri near Defence Colony. They were all from Bihar and were rescued with the help of the Bandhua Mukti Morcha.

### **Oct 6, 2006**

9 children rescued from Meethapur village with the help of Social Jurist.

### **Nov 14, 2006**

66 boys rescued from Aram Park, West Laxmi Nagar area with the help of the Bachpan Bachao Andolan. Of these, 29 were below 14 years and 37 ages 14-18 years.

### **December 27, 2006**

50 boys rescued from Bhajanpura with the help of the Bachpan Bachao Andolan. 39 were **below 14 years and 11 between 14-18 years of age.**

= 178 boys

## **2007**

### **Jan 22, 2007**

39 boys from Mobarakpur Dabas, North West Delhi (BBA)  
29 were rescued under the BLA and 15 under the CLA.

= 39 boys.

Total: 899 children rescued between January 2005 - January 2007

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## **The Media Response**

Raids often create media headlines. Reporting can be sensitive and supportive or intrusive and exploitative. Children faced with cameras can feel cornered. Officials and NGOs tend to use media publicity for their own purposes. However, there is enough

reporting in both print and electronic media, which has a positive impact and provides valuable feedback and analysis on the issues involved. Some articles from the media are reproduced here.

The Indian EXPRESS

# EXPRESS Newsline

New Delhi 110016 | India | E-MAIL: delhinewsline@expressindia.com | Phone: 20321111 | Fax: 20311815

NEW DELHI | TUESDAY | JUNE 7, 2005

## 29 kids rescued from zari export workshop

**AIMAN MUSTAFA**  
NEW DELHI, JUNE 6

**T**WENTY-NINE children being forced to work in a zari workshop were rescued today in a raid in Janakpuri, west Delhi.

The raid was organised by the police, Labour Department and an NGO. The police learned about the workshop in Raghunagar after a seven-year-old ran away.

The boy said, "We weren't beaten usually, but after I had a fight with one of the other children, *maslaji* beat me. So I ran away and met a hotel owner who asked me if I would work for him and gave me food. Later, when I was taken to the police I told them



We worked for 20 hours. For this, we got paid Rs 10 per week and Rs 20 a week for 'senior' workers — 12-year-old Shamshad

what we were doing."

"We worked for about 20 hours, from 9 am to 3 pm and after our lunch we would work till 3 in the night. For this we got paid Rs 10 per week and Rs 20 per week for senior workers," said 11-year-old Shamshad, who was rescued in the raid.

Most of the children are from Sitamarhi district in Bihar and have been employed for the better part of a year. The workshop mainly produced zari work for export.

Kailash Satyarthi, the director of NGO Bachpan Bachao Andolan said, "We coordinated between the various agencies so that the house could be raided... It's important that the children should be rehabilitated as soon as possible and given good education."

Rustom Ansari, who was also rescued from the workshop, said, "My father is very old and my mother is not alive. I want to study and don't want to go back."

"Though my father sent me to school initially, I wasn't interested in studying, so he had to finally send me to Delhi," said Shamshad.

N.K. Kanooja, the Assistant Labour Commissioner said, "We are going to book the owners Saghir (*maslaji*) and Mohammad Shabbir under the bonded labour laws which have a maximum imprisonment of up to three years is possible." When asked about the buyer of the finished zari work, he said, "We don't know that as of now."

## The Times of India, New Delhi Saturday, October 8, 2005 184 child labourers rescued

By Shreya Ray/TNN

New Delhi: A raid conducted by the Labour department, police and NGO Bachpan Bachao Andolan (BBA) at a zari unit in Bapu Park, Kotla Mubarakpur, resulted in the rescue of 184 child labourers. The area, which has several such units, is estimated to house about 2,000 child bonded labourers. However, by the time the first unit was raided, the rest of the children, along with the managers of the units, had fled.

Most of these children, aged 8-12 years, hail from Midnapur and Howrah districts of West Bengal. The group entered the unit to find several rooms full of boys, engrossed in the intricate zari work. To start with, all the children had rehearsed answers ready and displayed staunch support for their *sethjis* (managers).

Ten-year-old Lal Chand, who was



**CHILDHOOD'S BACK:** Some of the child labourers rescued from a zari unit in south Delhi's Bapu Park.

brought by an 'uncle,' said: "I don't miss home. I thought it would be better to work rather than just stay at home." But as the interrogation intensified, the mask of bravado started to crumble and the tears began to flow.

Working hours range from 12-15 hours daily, depending on whether you

have completed your target or not. If you haven't completed your target, then you're entitled to a sound thrashing and working 'overtime'. Ill health or injury, work must go on. Wages differ from Rs 1,500 a month to Rs 70-100 a week, to nothing, depending on experience. And this amount must take care of meals, clothing and some money to send home.

Working in such poor conditions also has debilitating effects on their health. "Their eyesight weakens drastically and they also develop problems in their legs," said a BBA member.

ACP Anil Shukla said: "We are yet to ascertain whether they were bonded labourers or not. Working for the zari industry — which is banned — also involves a different course of action. So there are 3-4 acts under which we are contemplating action."

The children have currently been taken to a shelter in Jehangirpuri.

# Freed child labourers try to get on with life

TIMES NEWS NETWORK

**New Delhi:** About 30 children rescued from a *zari* workshop by an NGO, Bachpan Bachao Andolan, on Monday night have been sent to rehabilitation homes.

The shifting was carried out under the supervision of the sub-divisional magistrate and the labour department. The process of sanctioning rehabilitation benefits to the children, who belonged to Sitamarhi district in Bihar, is under way.

According to Kailash Satyarthi, chairperson of the NGO, "The parents have been informed and they would reach Delhi by Thursday. Since these children have been declared bonded labour, they can avail rehabilitation benefits and stay in Prayas observation homes in Jehangirpuri for six months."

Meanwhile, the rescued children appeared both happy and melancholic. Happy, because they would finally bid adieu to the subhuman existence they were subjected to. Sad, because they might be back to their



**CAPITAL EXPLOITATION:** Children at a Delhi factory that was raided.

village with no meals and electricity.

Explaining the procedures factory contractors adopt for trafficking children into Delhi and Mumbai from poverty-stricken areas, Satyarthi said the employers keep in touch with locals who know the vil-

lagers personally. Taking advantage of their illiteracy and ignorance, the parents are lured into sending their children to bigger cities "to study and earn". Upon reaching the city however, they are made to work 15 hours at a stretch and not paid even a single penny.

Masina Khatoon, a 10-year-old among the rescued lot, said she used to cook meals for everyone there. The beastly behaviour meted out to them is evident from the fact that about 30 children worked, slept and ate in a small room. They usually worked from 9 am to midnight, but didn't get paid anything apart from accommodation and meals.

Munna Ansari, a 16-year-old, said, "I worked for 12 hours a day. As my father does not work, I am the sole earning member of the family." Saddam Hussain, 10, who has studied up to class I, said, "I used to work as an apprentice with a tailor, who beat me everyday. I came to this place, but it turned out to be no better."

Most of these 30 children came to Delhi as either they were the only earning members or could not continue school.

"I was forced to take up a job since there was no teacher in our village. But here I had to work 16 hours a day and was beaten when I made the smallest of mistakes," said 13-year-old Dabba.

# जरी फैक्टरी से 129 बंधुआ बाल मजदूर मुक्त

सहारा न्यूज ब्यूरो  
नयी दिल्ली, 7 अक्टूबर | दक्षिण दिल्ली के कोटला मुबारकपुर इलाके की एक जरी फैक्टरी से बचपन बचाओ आंदोलन द्वारा की गयी छापामार कार्रवाई में 129 बंधुआ बाल मजदूरों को आज मुक्त करवाया गया। ये सभी बंधुआ बाल मजदूर पश्चिम बंगाल एवं बिहार के रहने वाले हैं तथा इनकी उम्र 8 से 14 वर्ष के बीच है।

इस कार्रवाई में मुक्त हुए 12 वर्षीय शमूल विमन्याथ ने बताया कि उसे 6 वर्ष पूर्व पश्चिम बंगाल के हावड़ा जिले से एक दलाल के माफत एक जरी फैक्टरी में काम करने के लिए यह कहकर लाया गया था कि उसे खूब सारा पैसा मिलेगा और भरपेट भोजन मिलेगा। परंतु सुबह 9 बजे से आधी रात तक काम करने के एवज में उसको मात्र 50 रुपये माहवार मिलता

था। पिछले 6 वर्षों में उसे सिर्फ एक बार ही अपने माता-पिता से मिलने जाने दिया गया। उसका बड़ा भाई भी जरी फैक्टरी में काम करता है।

शमूल विमन्याथ की तरह ही 12 वर्षीय जुल्फीकार आलम को भी काम रिखाने और पढ़ाने का लालच देकर

## ■ सभी बच्चे पश्चिम बंगाल व बिहार के

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# 130 kids freed from zari units

KAVITA CHOWDHURY  
NEW DELHI, OCTOBER 7

AT THREE in the afternoon, it's pitch dark in the zari embroidery unit in Pijanji, Kotla Mubarakpur. Around 30 children are huddled over wooden frames, in the light of a few candles. Around 130 of their counterparts from four such units were rescued today but in the rest of Kotla, it's business as usual.

When the *Newsline* team stepped into these units, posing as "boutique buyers", suspicion hung in the air.

Most of these children, the oldest among them not into their teens, are from villages along the Bengal-Bihar border. There are almost 1,000 of them in 500 units in the area, between 30 to 40 of them packed into 12 feet-by-30 feet rooms with no window. From 9 am to midnight, they embroider lehengas, kurtas and saris, with or without light. And after midnight, the frames are put away so they can sleep on the floor.

The youngest is eight years old. He is ordered to duck under the frame as soon as we start clicking photographs. The



**ZARI TRAP**  
For these Kotla kids it's just another day



children don't know who they work for, their *seethi*. They are generally supervised by older

boys, *kaarigaars*. The only wage they get during their "learning period" of more than two years is a meagre Rs 100 per week. Says Umesh, (name changed), all of 10 years: "We eat after work at one in the night. In the afternoon, the *maalik* feeds us. We try and save whatever we can to send home."

"We initiate action when we get a complaint," says DCP (south) Praveer Ranjan. "We are empowered to take action on our own, but you have to realise that we have to coordinate with other

agencies so that we have a place to keep these children."

The NGO 'Bachpan Bachao Andolan' under whose initiative the raid was carried out along with the labour department and local police, say the owners make money both ways, on labour and the product. "It's cheaper for these factory owners to employ these kids. Where they would have to pay a Rs 120 to an adult *kaarigar*, they get away by paying Rs 20-25 to a kid," says a volunteer. And while the children earn not more than Rs 100, every piece of what they make sells not less for a few hundreds.

The case which was lodged after the raid conducted today, was under the provisions of the Child Labour Act and the Juvenile Justice Act. The NGO is pressing for the Bonded Labour Act to be invoked against the owner.

Rahul, 12, however, doesn't think he's a bonded labourer. He hasn't seen his mother and younger sister for more than a year now but is defiant: "Nobody can stop me from going home whenever I want, once I become a *kaarigar*."

## जरी फैक्टरी से 129 बंधुआ बाल मजदूर मुक्त

सहारा न्यूज ब्यूरो  
नयी दिल्ली, 7 अक्टूबर। दक्षिण दिल्ली के कोटला मुबारकपुर इलाके की एक जरी फैक्टरी से बचपन बचाओ आंदोलन द्वारा की गयी छापामार कार्रवाई में 129 बंधुआ बाल मजदूरों को आज मुक्त करवाया गया। ये सभी बंधुआ बाल मजदूर पश्चिम बंगाल एवं बिहार के रहने वाले हैं तथा इनकी उम्र 8 से 14 वर्ष के बीच है।

इस कार्रवाई में मुक्त हुए 12 वर्षीय शमूल विमनाथ ने बताया कि उसे 6 वर्ष पूर्व पश्चिम बंगाल के हावड़ा जिले से एक दलाल के माफत एक जरी फैक्टरी में काम करने के लिए यह कहकर लाया गया था कि उसे खूब सारा पैसा मिलेगा और भरपेट भोजन मिलेगा। परंतु सबह 9 बजे से आधी रात तक काम करने के एवज में उसको मात्र 50 रुपये माहवार मिलता

था। पिछले 6 वर्षों में उसे सिर्फ एक बार ही अपने माता-पिता से मिलने जाने दिया गया। उसका बड़ा भाई भी जरी फैक्टरी में काम करता है।

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Tuesday, 22 November 2005

Child workers refuse to quit jobs



By Geeta Pandey  
BBC News, Delhi

**Aid workers say some children rescued from working illegally in the Indian capital, Delhi, are refusing to leave their jobs to go back home.**

Indian authorities rescued nearly 500 children, aged between five and 14 years, in one of their biggest raids across the Delhi on Monday. The raids were carried out by the labour department and the Delhi police.

Employing children below the age of 14 is illegal in India. But millions of children are employed as child labourers in homes and factories. Most of the 500 rescued children worked in textile factories, doing intricate embroidery work.

### Unhealthy conditions

Many parents say crippling poverty forces them to send their children, sometimes as young as five or six, to work in people's homes or even factories. Most of these children are made to work in unhealthy conditions for very long hours and paid poorly.



Poverty forces parents to send their young children to work

"Normally they work in small rooms, poorly ventilated and badly lit. And most work for more than 10 hours a day," says M Rajan, the managing trustee of Pratham, the NGO which collected the data on these children.



In south Delhi's commercial district of Bhikaji Cama place - where a temporary shelter has been set up by the NGO for the rescued children - some 60 boys occupy a large hall.

Every inch of the floor space is covered in mattresses. Some of the boys are sleeping, while others sit huddled in groups. There are nine such halls, which act as shelters, in this complex. Mr Rajan says the children will be kept here for a week. They will be produced in the court in a day or two, and then arrangements will be made to send them back home.

Most children are unhappy and confused at being rescued

### Uncertain future

Most children in this room appear unhappy and confused, even though they had been rescued from their employers. At least a dozen hands go up when Pratham volunteers ask them who wants to go back to work. Many say they are concerned about their clothes and belongings, left behind at the factories where they worked.

Pratham volunteers say some of the children have even tried to escape from the shelter.

Mohammad Ramzani tells me he is 16 years old. But he looks no more than nine. He came to Delhi two months ago and worked in a handicrafts firm. He worked eight hours every day and at the end of the month, his manager sent 300 rupees (nearly \$6.5) to his mother in Katihar, in Bihar state.



"I do not really like working, but I have no choice," says Ramzani. Between sobs, he tells me he is the sole bread winner in his family. His mother and his younger brother are dependent on his earnings.

### No choice

Also from the state of Bihar is 13-year old Mohammad Tabrez Alam, who has been working in Delhi for a year and a half now.

"We used to start work at nine in the morning. Most days we worked till 12 or 1 in the night," he said. And for his pains, Tabrez was paid a pocket money of 50 rupees (just over \$1) a week, and at the end of the month, his employer sent 800 rupees (roughly \$17) to his parents.

Mohammad Ramzani earned roughly \$6.5 a month

Alam has never been to school and can neither read nor write. He does not have many plans for the future



"I will take up any work I can find. There is not much to do back home so I will have to go somewhere else to find work," he says.

Perhaps that explains why forcibly rescuing children from factories does not work. Most such children have nothing to go back to. Their parents are unable to provide for them, and many return to work once the dust settles.

Mr Rajan says it is the failure of the government to implement social welfare schemes which helps child labour to thrive in India.

"It is one thing to formulate programmes at the national level, but there has to be a system which ensures that the local governments implement these schemes."

Mr Rajan agrees that most of the children will eventually return to work. But he says he is hopeful that at least some will go back to school.



Tabrez Alam wants go back to work

## 700 child labourers rescued from Delhi Zari factories



New Delhi, Nov.21 (ANI): At least 700 children were rescued on Monday morning in the biggest ever raid conducted by the Department of Labour, Government of Delhi and the activists of Pratham Delhi Child Labour Programme, a non-government organisation.

The raid was made possible with the help of the Pratham Delhi Child Labour Programme team. It was led by the social activist, Junned Khan and many of his colleagues. They were accompanied by nearly 200 personnel of Delhi Police.

The raids were conducted on the different locations (Chauhan Bangar, Ghonda, Noor-elahi, Arvind Mohalla, Gautampuri and Usmanpur) of East Delhi's Shahdra area.

These children were kept under sub-human conditions and made to work for 15 to 18 hours a day during peak seasons. They are reported to have been made to work under the pretext of making them learn the art of embroidery.

Most of the rescued children were illegally trafficked from Bihar to work in the flourishing embroidery industry in the Capital.

According to the Child Labour (prevention and regulation) Act 1986 the employment of children below the age of 14 years in Zari factories is prohibited.

Earlier, on many occasions similar raids were carried out but not much children could be rescued due to lack of proper information about the factories or locations.

To establish contacts with these children the activists of Pratham won their confidence by visiting the Zari factories every day to teach and help them in their work. (ANI)

### **Infochange:**

November 21, 2005

### **Nearly 500 child labourers rescued from zari units in Delhi**

In a major drive against child labour in the Indian capital, nearly 500 minors working in inhuman conditions at embroidery units in east Delhi were rescued in raids conducted at these establishments. However, due to a media leak about the raids, an additional 1,500 child workers that the teams hoped to rescue could not be reached.

On the afternoon of November 21, a joint team of the state labour department, Delhi police and the civil society organization, Pratham, swooped down on 50 zari-manufacturing units in the city. Four teams carried out simultaneous raids in the Gonda, Noor-e-Ilahi, Arvind Mohalla and Usmanpur areas.

They found hundreds of minor children, some below the age of 10, housed in "pathetic" conditions, Delhi Industries Minister Mangat Ram Singhal told reporters.

The children, most of them from Bihar's Sitamarhi and Darbhanga districts, had been forced to work in poorly ventilated units under hazardous conditions. They lived in congested, filthy rooms, said Singhal. In some cases, between 10 and 15 children were housed in a single room.

As news of the raids spread, the unit owners tipped off one another and fled the scene, threatening the children with dire consequences if they revealed anything about them. To ensure that they remained untraced, the employers locked several of the children in abandoned houses, underground workshops, even on the roof of an abandoned government building.

Some were sent to schools in the area to mingle with the students, said Junned Khan, head of the Pratham Child Labour Team that spearheaded the operation. Ravi Kant of the CSO Shakti Vahini said: "A zari unit was operating from the first floor of a school building. The unit owner had school identity cards issued to the children to show them as students. In another unit we found that several children had been hidden under heaps of quilts, while scores were sent to parks in the area to evade detection."

During the five-hour operation, the team rescued 485 minors who were taken to the Housing and Urban Development Corporation's August Kranti Bhavan, where arrangements were made to house them.

Rahimullah, rescued from a Gonda embroidery unit, said he was from Motihari district in Bihar and had been working in Delhi for several months. "There were other boys who were brought here along with me. Now that the police have rescued me, I wish to join my family," he said. However, he refused to identify the "trafficker" who had brought him here.

Iftikar of Kishanganj in Bihar said his employer did not beat him as he was a trained *karigar* (artisan). "But he would beat up the trainees and even lock them up in rooms if they did not cooperate. We would get two meals a day and work for over 10 hours," he said, asking when he would be sent back home.

Joint Labour Commissioner Piyush Sharma said the Union labour ministry had contacted its Bihar counterpart regarding the children's repatriation. "The rehabilitation will be carried out in coordination with Pratham," he said.

Though the raids -- the biggest such drive against child labour that New Delhi has ever witnessed -- were aimed at rescuing nearly 2,000 children working in such units, the authorities were only able to rescue close to 500 child labourers, as news of the raids was leaked to the media, tipping off other employers of child labour. Singhal said an inquiry would be ordered into the leak.

Source: *The Hindu*, November 22, 2005  
*Deccan Herald*, November 22, 2005

## Chapter V

### REHABILITATION

#### THE CONTEXT OF REHABILITATION

##### Life Back Home in the Village

A question that arises is why are small children sent to work thousands of miles from home to cities like Delhi? Are parents aware of how hard conditions are in the zardozi industry? Why are some children who go home on a visit sent back to the same awful conditions of work? The obvious answers of course are rural poverty and unemployment. Both are major problems in Bihar, the source state from which these children are trafficked for labour—and to which they are forced back when the state 'rescues' them and 'restores' them to the assumed safety of their parents' homes.

##### Stagnant Development

"Nearly 40 percent of Bihar's population lies below the poverty line, the highest in India. Its poverty gap, which measures the depth of poverty, is also far above the national average," observes the World Bank publication "Bihar: Towards a Development Strategy".

In the five years ending 2001-02 average growth in Bihar has been less than four per cent, placing it at the bottom of major Indian states, along with Orissa. 80 per cent of the state's population is dependent on agriculture, but agriculture saw a decline in the early 1990s of two per cent per annum. From 1994-95 agriculture grew at less than one per cent per annum.

With land reform remaining unimplemented, in 1999-2000 some 75 per cent of the rural poor were landless or nearly landless. Yet, employment opportunities outside agriculture are severely limited. In these circumstances, says the 'UP-Bihar Living Conditions Survey, 1998', "outmigration is a crucial survival strategy for the rural poor of Bihar. In fact both the Census and the NSS report that Bihar has the highest rate of gross inter-state outmigration in India." The survey also notes that 95 per cent of migrants are male and that outmigration is highest among the poorest (and richest) quintiles of the population.

Poverty apart, the lack of basic facilities also encourages migration. Literacy levels are poor, with only 48 per cent in Bihar being literate compared to the Indian average of 65 per cent literacy. The net primary enrolment in 1999-2000 was 52 for Bihar compared to 77 for India. The World Bank reports says, "Bihar is the only Indian state where primary enrolment has fallen. Between 1993-94 and 1999-2000 the fall was 2%."

Migration (of families or of child workers) is a major undocumented reason for poor enrolment and high dropout. Another major reason is the deteriorating state of the schools, thanks to low investment in education, high teacher absenteeism and poor education administration. The fact that the state's pupil: teacher ratio was an incredible 90:1 is an indicator of the poor state of primary education in the state. Poor schooling leads to a high dropout rate even at the primary stage. Many dropouts end up as child

labourers. According to the Census 2001 Bihar had 0.10 crore child labourers (ages 5-14 years).

The NHRC's Annual Report for 2004-05 observes, "There has been no systematic survey after 1997 and no detection of child labour in the State."

Poor governance and the state government's declining fiscal position have contributed to the withdrawal of investment in facilities such as roads, schools, hospitals and health centres. Only 10 per cent of households have electricity compared to 55 per cent in India as a whole. The Public Distribution System is among the worst in the country. Child mortality and malnutrition levels are also among the worst in the country. The incidence of tuberculosis is 989 per 100,000 while the Indian average is 544 per 100,000.

Conditions in West Bengal, from where boys are similarly trafficked to zari workshops in different parts of the country including Delhi, are not much better for the average rural family. The economic status of its Muslim population, as the Sachar Committee report recently pointed out, is poor.

### **Family Dilemmas**

Parents who cannot afford to feed, clothe and educate their children find it easy to give in to the temptation to send their small sons off to learn a lucrative trade. The advances offered by agents who traffic the children for labour are an immediate inducement, particularly for parents who are in debt. Many parents are taken in by the agents' false promises and claims that the boys will receive an education and also training in a profession. Some parents are aware that children in the industry are overworked and ill treated, but choose to overlook it. Others may only learn about the difficult work environment when a boy completes his apprenticeship and returns home after a year or two. By then he has acquired a marketable skill and the promise of a steady income inflow is too strong to resist. The boy is persuaded to return to the industry.

It needs to be pointed out that the majority of workers in Delhi's zardozi sweatshops are from the economically disadvantaged Muslim minority community. Zardozi is traditionally a cottage industry practiced by artisans of the Muslim community, so it seems culturally acceptable for Muslim children to be trained in zardozi.

However, the children in Delhi's zari units are not from zardozi artisans' families. Not one of those interviewed had either parent working in zardozi. The majority belonged to landless peasant households or households with marginal land holdings, anything from half a katha to one bigha. Several of those interviewed said their fathers were agricultural workers on other people's fields. One father was a vegetable vendor, another was a mason. Some fathers were migrant workers, including a jute mill worker in Calcutta, a rickshaw puller in Delhi and a mat vendor in Dehradun. Several boys reported that they had brothers working in the fields or working in Delhi in garment units and even in zardozi units. (None of the boys volunteered any information about the occupations of their mothers and sisters.)

This form of large scale employment in urban zardozi units, drawing upon the labour of rustic boys from agricultural labour families of Bihar and Bengal, seems to be a relatively recent phenomenon and an offshoot of the post-1970s boom in the garment trade. A

similar phenomenon was reported from Mumbai where small zardozi units are reported to employ thousands of child labourers.

The slender shoulders of these boys bear heavy burdens. Often, the responsibility of sustaining the family is thrust upon them. They generally come from large families with several mouths to feed. In a few cases the boys reported that the family was in debt and repayment of the debt was the primary reason for sending them out to work. One boy had paid off loans taken by the family for building a house in the village. Another boy was paying a loan taken from the *karkhana* owner for his sister's marriage.

Most of the boys had no schooling or one to three years of schooling in the village. A combination of parental poverty, landlessness, apathy and indifference to education as well as the shoddy state of village schools and madarssas in states like Bihar seems to contribute to this pattern of no or low levels of schooling.

The fact that the children largely belong to the Muslim community makes them less likely to have access to schooling. Census 2001 found that, on an average, a child in India goes to school for four years, but the Muslim child is able to attend school for only three years and four months.

A small number of Bihari boys in zardozi units are Hindus. Predictably, they belong to the most backward castes (such as *majhis* or fisherfolk), who are again among the poorest and most disadvantaged communities in the state. The fathers of five boys who recently came to Delhi in search of their sons were from the most backward castes.

A small number of children caught in the raids are from Nepal, where underdevelopment, unemployment and rural poverty are as endemic as they are in the poorest Indian states. Many of these children come from the districts of Nepal that border Bihar. The open border and Indo-Nepalese agreements permit adult migration into India for labour, education, residence etc. The open border policy unfortunately also permits trafficking on a large scale, including trafficking of minor girls and women to the brothels of India as well as trafficking of children for labour.

The carpet industry of north India already has a tradition of bringing in children and women from Nepal to slave on the looms. This relatively new trend in the zardozi industry needs to be watched and nipped in the bud.

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BOX

## **Sitamarhi's Lost Children**

*Writer-activist Rahul Ramagundam provides an insightful glimpse of life and work in the child labour prone district of Sitamarhi. Here are excerpts from his story "Sitamarhi's Lost Children" published on the India Together website, January 3, 2007:*

"Sitamarhi is the northernmost district of Bihar bordering Nepal. It has a high rate of migration of children in search of work. All over Sitamarhi, children can be seen working

in dhabas, hotels and restaurants in violation of recent statutory promulgation against such employment....

“While some twelve percent of its population belongs to scheduled castes (SCs), a substantial chunk is Muslim. Some of the blocks such as Sonbarsa have a predominance of Muslims. Most Muslims, like the resource-less SCs, are themselves Dalit Muslims, a new emerging demographical category that is gradually becoming an important political construct. The migration of children is mostly from the dalit Hindu and Muslim population groups. The children are leaving their rural hamlets in hordes, and at a very early age, sometimes as early as five, to work and get skilled through a rite of passage that is as brutal as it is a dehumanizing experience”.

“Most of these children are employed in the urban zari industry, located mostly in Delhi, Mumbai, and even, ironically, Bangalore, India's hub of IT industries. Poverty, lack of schooling, tempting offers by unscrupulous contractors in an opportunity scarce region and a set tradition of export of the child labour along with a lax law enforcing agencies combine to make the children a commodity to be exploited. Sitamarhi is a rural district with usual skewed distribution of land that is common in Bihar. Most dalits, both Muslims and Hindus, do not have landed resources. It is also a district prone to annual flooding and for four to six months, some areas of the district remain water-logged....”

“The zari work does not require child labour’, says Mohammad Saddam Hussain, 12. ‘The zari work’, he says, ‘is so tedious that no adult shall take it up if he is not trained early in childhood.’ In Hussain's analysis, therefore, high instances of child labour in zari workshops is not due to the poverty of families who send their young, pre-teen sons to work in the city-based zari-embroidery workshops. It is a need of the zari industry to catch young boys in order to turn them into unresisting, submissive adult labour.”

“... these children are paid meagrely and the psychological and physical scars they receive are permanent and irremediable. Most of the time they work and sleep in heaps on the floor of the workshops. They are made to work even while they suffer from fever or wounds. Due to adverse living and sedentary work conditions, they suffer from skin diseases and sometimes irreparable harm to their eyes. Their bone-joints become loose in the absence of physical activity and because of constant squatting on floor for hours together. They are India's lost children.”

**Source:** *India Together Website, 3 January 2007*

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BOX

### **The Teenager's Option**

An officer of the Labour Department recounted this story about a teenaged boy rescued during a raid on a zardozi unit.

The boy was told that he could no longer work in the zardozi unit as he was under age. He was asked what he would do once he got back to Bihar.

The boy promptly said, "I will join the MCC".

The boy explained quite seriously that the MCC are 'Maowadis' or naxalites who are active in his home district. Boys who join them get food and their families are given some money.

The officer is still wondering if he did the right thing by rescuing children from work, however exploited that work may have been.

He says, "Maybe 90 percent of the boys do go home. Maybe their parents learn a lesson and don't send them back to work. But the chance that ten percent may go astray bothers me. Supposing they become Ugrawadis?"

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### **The Judicial Response**

Given the abysmal poverty of the families from which child workers come, the Supreme Court had a decade ago issued detailed guidelines on the rehabilitation of the rescued child labourer, to create conditions conducive to keeping the child at home instead of sending the child back to work. Offending employers were expected to pay for the rehabilitation of their child workers. The state was also ordered to contribute. A corpus fund to be called the Child Labour Rehabilitation-cum-Welfare Fund was thus to be created and the parents paid an income from the fund.

### **Historic Judgement on Child Labour**

The Supreme Court of India had delivered a historic judgement on the issue of child labour on 10th December 1996. A three-member bench of the Court delivered its verdict on the petition of M.C.Mehta (No. 465 of 1986) and specified the government interventions required for rehabilitation of the rescued child. The major points of the verdict are:

- An alternative source of income shall have to be provided to the family of the child labourer.
- Employers of child labour shall have to pay a compensation of Rs. 20,000 as per the provisions of the Child Labour (Prohibition and Regulation) Act, 1986, for every child employed. This would be deposited in the Child Labour Rehabilitation-cum-Welfare Fund.
- The state shall have to provide employment to an adult in the family in lieu of the child working in a factory or mine or any other hazardous work.
- In the absence of an alternative employment, the parents/guardians have to be paid the income earned on the Corpus Fund, the suggested amount being fixed at Rs. 25,000 for each child. The payment will cease if the child is not being sent



- for education. In the case of non-hazardous employment, the employer will bear the cost of education.
- The state's contribution/grant is fixed at Rs. 5,000 for each child employed in a factory or mine or any other hazardous employment. The sum shall be deposited in the aforesaid Fund.

## **The Apathy of the State**

### **The National Response**

The Union Ministry of Labour's response to the problem of child labour has been the enactment of the Child Labour Act...and the initiation of several programmes to withdraw children from labour and send them to school. Among these schemes is the International Programme on the Elimination of Child Labour, launched by the ILO in December 1991. India was the first country to join it in 1992 and the programme was extended repeatedly until its conclusion in September 2006.

The National Child Labour Project (NCLP) Scheme, another major programme for withdrawing children working in hazardous occupations and rehabilitating them through special schools, was launched in 1994. Under it schools are set up in child labour prone districts for children rescued from labour. These schools act as bridge schools and prepare the child for the formal education stream. The schools provide a monthly stipend of Rs 100, a midday meal and both education and some vocational training. During the Tenth Plan the NCLP was extended to 250 districts and the outlay jumped to Rs.667 crore. According to the Annual Report of the Ministry of Labour for 2005-06, 6232 special schools have been sanctioned up to 2005-2007 to cover 3.16 lakh children. Since the inception of the scheme, 3.38 lakh children have so far been mainstreamed. However, given the fact that India has 1.26 crore working children (5-14 years), this total of 6.54 lakh children withdrawn from labour and put into schools is hardly anything to boast of. Uttar Pradesh alone has three times that number of child workers.

The efficacy of the NCLP can also be judged from the fact that it is supposed to have covered 24 districts of Bihar under the Tenth Plan period, yet child labour including migrant child labour continues to be endemic in the state.

A third ongoing scheme, the US\$ 40 million Indo-US Project on Child Labour (INDUS) is similarly meant to withdraw children from labour in several states.

### **Delhi Government's Response**

The Labour Department of Delhi has drawn up a Scheme for Rehabilitation of Child Labour, allocating the grand sum of Rs 15 lakh for it under the Annual Plan for 2006-07. The scheme includes identifying child labourers, providing vocational education, paying a stipend to children, arrangement of "accommodation and educational facilities through the NGOs set up for the relief and rehabilitation of the child labour" and (strangely enough) "Placement of such children in appropriate jobs or help them for self-employment."

Given the small budget allocated for the scheme (holiday homes run by the Department got a larger allocation of Rs 20 lakhs) and the scale of the problem, the scheme seems unlikely to make a dent in the problem of child labour in Delhi. The budget is supposed to be augmented by fines realized from employers, but how much will be collected through this route remains to be seen. Under this scheme the Department may not be able to foot the bill for feeding, temporarily housing and taking care of large numbers of rescued children – an issue of contention with NGOs after earlier raids.

It seems that the INDUS Project, funded liberally by the US Department of Labour, has been extended to Delhi, but the Labour Department's website is curiously silent on this issue.

The Labour Commissioner of Delhi mentioned, in his interview, that the government was running transitional education centres for children, to help them transit from labour to mainstream education, with the help of NGOs. However, no detailed information about these could be obtained.

### **Public Interest Litigation on Rehabilitation**

In general, state governments are reluctant to rescue and rehabilitate child victims. No adequate national plan of rehabilitation is in place. Implementation of the legal provisions and of the Supreme Court's directives is tardy.

In 2005 the Social Jurist had filed a PIL in the Delhi High Court raising issues of return and rehabilitation of child labourers rescued in Delhi. It referred to the rescue of 425 children in November 2005 from zardozi factories. It mentioned that the rescued children belonged to Bihar, Uttar Pradesh and West Bengal and a few were from Nepal. 20 per cent of the children were earlier rescued from zardozi factories in other states. It was also found that 20 per cent of the children were aged five to eight years, 40 per cent were aged eight to 12 years and the rest were aged 12 to 14 years.

Social Jurist complained that the child labourers were simply handed over to relatives or parents by the Child Welfare Committee, without ensuring that they would not be recycled as child labourers. The entire objective of rescuing child labourers was defeated, because the government has no system in place to ensure schooling for these children and rehabilitation for their parents.

The High Court directed the Resident Commissioner of Bihar to appear before the court. On 1.11.2006, the Hon'ble Delhi High Court was informed that nine children who were rescued in October 2006 from zari factories in Meetapur village had been kept indefinitely in a government run children's home. Neither the Government of Delhi nor the state of Bihar had shown any concern about the repatriating, schooling or rehabilitation of these children. Social Jurist wrote to the Resident Commissioner of Bihar who wrote back that he would repatriate the children once he was approached by the concerned SDM with the children's release certificates.

The High Court observed that no mechanism for returning children to their home states was in place. It took note of the Delhi Labour Department's submission that a mechanism for return and rehabilitation was being jointly worked out by concerned state governments. It ordered the Labour Department of Delhi to repatriate the children to the state capitals of the states of origin. (For details see Box)

BOX

IN THE HIGH COURT OF DELHI AT NEW DELHI  
W. P. (C) NO. 22932 OF 2005

IN THE MATTER OF:

**SOCIAL JURIST**  
A CIVIL RIGHTS GROUP  
....PETITIONER

**VERSUS**

GOVT. OF NCT OF DELHI .....RESPONDENT

ORDER

01.11.2006

Present : Mr. Ashok Agarwal for the Petitioner  
Mr. Amiet Andley for Respondent no.1  
Mr. Nishakant Pandey for respondent/State of Bihar

W. P. (C) No. 22932/2005

Nobody is present on behalf of State of Jharkhand. Counsel appearing for State of Bihar says that he will inform Mr. B. B. Singh, Counsel for State of Jharkhand. Notice be also issued to the Standing Counsel of State of Jharkhand, returnable for the date fixed.

Mr. Piyush Sharma, Joint Labour Commissioner-cum-Joint Secretary (Labour), Govt. of NCT of Delhi is present in Court.

It is a classic case of apathy where children have been rescued but no effective mechanism has been put in place for the rescued children to send them back to their parents in their respective states. Mr. Piyush Sharma says that a meeting was held by the representatives of the Govt. of NCT, Govt. of Jharkhand, Govt. of Bihar and Govt. of West Bengal and now modalities have been worked out on issuance of a certificate by the Labour Department of Govt. of NCT under the Abolition of Child Labour Act or Bonded Labour Act. The respective States will take the custody of the children and will repatriate to their parent States.

No mechanism in terms of the order passed by the Supreme Court in M. C. Mehta's case with regard to taking Rs.20,000/- from employers of such children has been put to motion. The net result is that when the children are rescued they are put in the children home and thereafter nobody is taking any care of them. Therefore, we direct that without waiting for the certificate of the SDM till the mechanism as agreed at the Ranchi Meeting is put into force the respective children must be sent back to their parent States by the Labour Department of Govt. of NCT. The Labour Department of Govt. of NCT is also authorised to realise a sum of Rs.20,000/- from the employers of such children and that money can be used for the rehabilitation of the children. Compliance Report in this regard to be filed before the next date of hearing.

We direct the Govt. of NCT to repatriate these children to their respective State Capitals and thereafter it will be the obligation of the respective State Govts. to take the children to their respective homes.

We are sure that what was decided at the Ranchi meeting between the State representatives shall be put into motion within the next six weeks.

Let compliance report in this regard be filed before the next date of hearing.

Renotify on 10.1.2007

Sd/-  
Acting Chief Justice  
Sd/-  
Kailash Gambhir, J.

November 01, 2006

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### Absence of a Rescue and Rehabilitation Plan

The above High Court order exposed the state governments' apathy to the rescue and rehabilitation of adults and children in bondage. It referred to the Supreme Court's orders in the M.C. Mehta case and directed the Labour Department, Delhi to realize Rs. 20,000 from the employer and use it for the child's rehabilitation.

The minutes of the meeting referred to in the High Court order, held between officers of Delhi, Bihar, Jharkhand and West Bengal at Ranchi in September, 2006 for the rehabilitation of child labour, reflects how ill-prepared the state governments were for implementing the laws on child labour and bonded labour. Despite the fact that the Union Labour Ministry's notification of two more types of employment (dhabas and domestic work) in the schedule of hazardous employment wherein child labour is prohibited, was to come into force on October 10, 2006, there was no action plan in place for enforcement. Nor was there a plan for rescue, restoration and rehabilitation. No effort had been made to coordinate joint enforcement by the states.

The meeting proposed an action plan and a 22-point agenda on rehabilitation. The receiving state of Bihar said it was essential to send a release certificate with the returning child to enable rehabilitation. It was decided that it was preferable to release children under the Child Labour Act for several reasons; including a higher rehabilitation amount and a lower financial burden on the government than releasing them under the Bonded Labour Act. Release under the Juvenile Justice (Care & Protection of Children) Act, 2001 was not recommended as it does not provide any rehabilitation amount to the children's families. It was also recommended that children's wages "even if it was a notional amount" should be recovered from the employer and sent to the children. Strangely enough, no mention was made of payment according to the official minimum wage. (For details see Box)

BOX

**Government of NCT of Delhi**

**Labour Department**  
**5 Shamnath Marg, Delhi – 110054**

Sub: Minutes of the Meeting of Officers of Delhi, Bihar, Jharkhand and West Bengal held at Ranchi on 22 September, 2006 for the rehabilitation of child labour.

The meeting held in the chamber of Secretary - Social Welfare, Jharkhand was attended by the following.

1. Ms. Mridula Sinha, Secretary Social Welfare, Govt. of Jharkhand, Project House, Ranchi, Jharkhand.
2. Sh. S. M. Mazumdar, Labour Commissioner-cum-Secretary Labour, Govt. of Delhi, 5, Shamnath Marg, Delhi – 110054, Telefax:011-23962823, Mobile No. 9818400817, e-mai-secylab\_delhi@nic.in
3. Sh. S. Nandi, Dy. Labour Commissioner, Officer of Labour Commissioner, West Bengal, N. S. Building (11<sup>th</sup> Floor), 1-K. S. Roy Road, Kolkata-700001, Tel:033-22488150, Fax:033-22484755.
4. Sh. Shah Nawaj Ahmed Khan, Dy. Labour Commissioner, Govt. of Jharkhand, Tel No. 2490284.
5. Sh. K. K. Mahto, Labour Commissioner, Govt. of Bihar. (Postal Address) Tele fax No.0812-222159.
6. Sh. J. N. Sharma, Addl. Secretary, Labour Employment & Training Department, Govt of Bihar.
7. Sh. Piyush Sharma, Joint Labour Commissioner-cum-Joint Secretary, Govt of Delhi, 5 Sham Nath Marg, Delhi – 110054, Telefax-011-23977832, Mob: 09810370304, e-mail: labjlc3.delhi@nic.in

Introducing the subject, Labour Commissioner-cum-Secretary Labour, Govt. of Delhi mentioned that most of the children working in hazardous occupations, as defined in the Child Labour (Prohibition and Regulation) Act, 1986 are migrants living with their employers in Delhi. Children working in the zari embroidery industry mostly belong to the northern districts of Bihar and its adjoining districts in West Bengal and Nepal.

The meeting was informed that the Hon'ble High Court of Delhi is seized of a PIL relating to rehabilitation of such children. The PIL has been filed by a NGO namely Social Jurist. The Resident Commissioner of Bihar had been issued a notice and he had appeared on the last date of hearing i.e. 13 September, 2006 and filed an affidavit. The Hon'ble High Court of Delhi has now issued a notice to the Resident Commissioner of Jharkhand Government also.

Notice to the Government of Jharkhand was issued in the light of notification dated 10<sup>th</sup> July, 2006 issued by the Government of India including domestic work and work in dhabas etc. in the Schedule appended to the Child Labour (Prohibition and Regulation) Act, 1986. It was estimated that a large number of domestic servants working in Delhi originate from Jharkhand.

It was mentioned that based on professional opinion expressed by persons working with children, it was felt that home is the best place for the rehabilitation of a child. Accordingly, the Government of Delhi would be sending those children, whose parents/guardians reside in the aforesaid States, back to the parents/guardians for rehabilitation. The Ministry of Labour, Government of India has also supported this move and is organizing a meeting with the respective State Governments and the Government of Delhi, Maharashtra and Karnataka. However, this opportunity was also being used since officials from the three States sending child labour were present.

A brief suggested action plan was presented to the meeting along with a 22 point agenda to be followed by the agency involved in the rehabilitation of such children. The action plan was discussed and broadly accepted. Copies of the action plan and the 22 point agenda is Annexure and may be read as part of these minutes.

The Secretary Social Welfare, Government of Jharkhand suggested that the Government of Delhi give full details, including the addresses of the children to them. All the home States were assured by the representative of Delhi that full particulars of the child would be obtained and communicated to the respective State Governments before the children are sent from Delhi. The Secretary Social Welfare, Government of Jharkhand mentioned that the children would initially be kept in their shelter homes and would later be sent to their respective homes.

The Secretary Social Welfare, Government of Jharkhand also suggested that enquiries be made from the children in Delhi and if it is found that the children were taken to Delhi illegally then appropriate strict action be taken against those persons who have taken such children to Delhi.

It was decided that Nodal Officers would be appointed by each Government so as to ensure effective and quick coordination between various State Governments. This in turn would ensure that the children are not subjected to any trauma in the process of rehabilitation and restoration.

The following were appointed as Nodal Officers:

- (i) Delhi – Piyush Sharma, Joint Labour Commissioner -cum-Joint Secretary, 5 Shamnath Marg, Delhi-110054, Telefax-011-23977832, mob: 09810370304, e-mail: labjle3.delhi@nic.in
- (ii) Bihar – Sh. R. P. Mandal, Deputy Labour Commissioner (Hq.), Tel: 0612-2221559.
- (iii) Jharkhand – (a) Sh. M. P. Sinha, Department of Social Welfare, Project House, Ranchi, Jharkhand.  
(b) Sh. Rajkumar Chowdhary, Labour Commissioner.
- (iv) West Bengal (to be completed by the respective State Governments)

Labour Commissioner, Government of Bihar mentioned that in the absence of release certificates it becomes difficult for them to pay the rehabilitation amount to the families of the children. He suggested that release certificates under the Bonded Labour System (Abolition) Act, 1976 be sent at the time of sending the children. Action under the Juvenile Justice (Care & Protection of Children) Act, 2001 does not empower the State Governments to give any rehabilitation fund to the families of the children.

JLC, Delhi explained that the offence of employing a child is committed by an individual employer but the liability under the Bonded Labour System (Abolition) Act, 1976 for rehabilitation amount is passed on to the public exchequer. The rehabilitation amount under the Child Labour (Prohibition & Regulation) Act, 1986 is more and the larger part of the liability is on the person committing the offence. The Government is also required to contribute by way of either arranging for a job for the family of the child labour or by paying Rs.5000/- to the child labour welfare fund. In this view of the matter it was felt that the provisions of the Child Labour (P&R) Act, 1986 are better. The meeting agreed with this proposal.

The Jharkhand representatives also suggested that the exercise be done in the phased manner so that they are able to create an infrastructure and give adequate attention to the children coming back. It was also suggested that the wages of the child labour, even if it was a notional amount, should be retrieved from the employer and be sent.

All present in the meeting expressed their resolve to fight the menace of child labour in a united manner. The meeting ended with vote of thanks to the Chair.

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**BACK AT HOME**

Once back in the village, under the Bonded Labour Act, the child (or rescued adult) has to be given a sum of Rs 1,000 by the government to meet his/her immediate requirements. Later some alternate livelihood package is to be made available to the rescued bonded labour, the value of which is fixed at Rs 19,000. This can mean providing a pair of buffaloes, goats, or any tool or machine that can generate income and will prevent further bondage.

However, all rehabilitation measures require constant follow-up to evaluate their success, deal with problems and ensure skill enhancement to use the means of livelihood made available. In the administration there is no mechanism in place to ensure continual follow-up. NGOs too generally withdraw after rescue operations are successful and the children are back home with their parents. This is a weak link in the chain of rescue and rehabilitation and there are reports that children rescued from bondage have been sold back into bondage or sent back to work. For the child bonded labour, rescue actually does not seem to have much value.

According to a news report, "Haq, a Centre for Child Rights, and two NGOs from Bihar tracked down 44 of the 85 children who had been rescued in two separate raids on zari factories in Delhi in June 2005 and January 2006. The study found that some children had returned to the zari factories in Delhi, others had found work in Ludhiana, and some were employed in Mumbai." (*The Indian Express, dated Dec, 27, 2006*)

Another news report says that the children do not receive the full package of compensation and are forced into worse forms of labour. The reasons for non-payment of compensation is the lack of a proper mechanism for disbursement of funds. "*Officials of the National Child Labour Project's West Midnapore Chapter said the central funds had gathered dust and had to be sent back. "To provide the compensation, we were required to set up a vigilance committee, carry out inquiries and submit a report to the state government. But we did not know about this," said project director Rathindra Nath Sarkar.*" (*Extract from The Telegraph, 12.10.2006*)

Some states including Bihar offer convergence of anti-poverty schemes with the rehabilitation package under the Bonded Labour Act (see box, NHRC). This entitles families to a house under the Indira Awas Yojana scheme and other benefits.

The NGO, Bandhua Mukti Morcha, criticises the existing rehabilitation package saying it leads to both corruption and wastage without impacting the condition of the bonded labourer. The Bandhua Mukti Morcha suggests that the amount due to bonded labour under the Act should be deposited in a fixed deposit account opened in the name of the bonded child so that there is no corruption and the child actually benefits from interest on the money granted.

In an ironic twist, the requirement that bonded labourers be provided financial resources for rehabilitation is proving a deterrent to the rescue of bonded labourers. The central government has to pay Rs 10,000 per labourer while the state government's liability is another Rs 10,000. In other words, it costs the government Rs 20,000 to free one labourer. Freeing five labourers would cost Rs 1 lakh. Freeing 100 labourers would cost Rs 2 crore. The money involved is enough to dissuade most governments from taking action against bondage.



Under the Child Labour Act the government's financial liability is far lower at Rs 5000 per child, making it feasible to rescue larger numbers. Freeing 20 child labourers would cost the government exchequer Rs 1 lakh in compensation.

The government is also expected to recover a fine of Rs 20,000 from an employer for each child employed. This money is meant to be pooled into the Child Labour Rehabilitation-cum-Welfare Fund for each child and the parents are to be given the interest income. Some state governments have implemented this directive of the Supreme Court and fine employers, collecting a corpus for rescued children. Other states have been indifferent. Delhi, for instance, had to be directed by the High Court to implement this provision. No figures are available for fines collected from employers in Delhi or amounts paid out to parents. Delhi is not considered a child labour prone state and the NHRC has not investigated the problem here. However, the NHRC Annual Report for 2004-05 figures on Bihar indicate that, "only a nominal amount of Rs 80,000 out of a total recoverable amount of Rs 42,56,20,000 (.02%) has been realized from the offending employers. Prosecution has been totally ignored."

It needs to be pointed out that even if the Rs 20,000 under the Bonded Labour Act is delivered, in cash or kind, this may not be enough to rehabilitate the bonded worker who suffers from serious social and economic disabilities. If Rs. 25,000 is invested for a bonded child under the Child Labour Act, the interest amount (at current 8-9% rates of interest) will be about Rs 160-180 rupees per month, which is not enough to feed, clothe and educate the child.

Until long-term relief measures are delivered, NGOs suggest that families of rescued children should immediately be issued BPL cards. It may not be possible to give a family member a job, but at least two members of the family should be given employment under the NREG Scheme and one should be guaranteed work for 365 days. A convergence of benefits under anti-poverty schemes is essential for successful rehabilitation and retention of adults and children in their home villages, free from the clutches of rapacious employers and landlords.

Provision also needs to be made for creating free access to education including bridge courses, holding education camps, offering options of residential schooling, facilitating admission to schools without demands for birth certificates, transfer certificates or other documents and ensuring that the gap in schooling is not used as a reason for denial of admission to children. The NCLP schools are a good transitional option, especially as they provide some vocational training. However, it needs to be pointed out that there are simply not enough such schools.

Community mobilisation against the trafficking of children for labour is a useful strategy. Community participation in rehabilitation including the active support of panchayats and self help groups, ICDS functionaries and schoolteachers is another strategy for successful retention of rescued workers.

Ultimately, only the creation of adequate local employment for adults, a reduction in rural poverty and the universalisation of education can completely eliminate the trafficking of adults and children for labour.

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## BOX

### NHRC on Rehabilitation of Bonded Labour

*Extracts on Bihar from the National Human Rights Commission (NHRC) Annual Report, 2003-04 (emphasis added)*

“26 out of a total of 38 districts are considered as bonded labour-prone districts. The prominent ones are West Champaran, Jamaui, Mungher, Khargari, Nawadha and Begusarai. Vigilance committees have been constituted at all the district HQs. As regards Sub-divisional HQ, only 63 out of a total of 115 Sub-Divisional HQs are having these committees. **There has been no identification of bonded labourers in Bihar in recent years. However the state government has been very effective in arranging rehabilitation of the released bonded labourers received back from other states.**”

Till 31.3.2003 a total of 8357 bonded labourers had been identified and released in Bihar. 7906 of these were rehabilitated under the Centrally Sponsored Plan Scheme by that date. 15 were untraceable. A backlog of 336 were brought forward to 2003-04. During 2003-04 another 146 were identified taking the total to 482. “The Commission has noted with satisfaction that as many as 314 of these have been actually rehabilitated under the Centrally Sponsored Plan Scheme, which provides for a relief package of Rs 20,000 per labourer to be shared equally by the centre and state governments.” Of the remaining 168, the state’s share of compensation had been sanctioned for 118 and efforts were on to get the central government’s share.

“The Commission appreciates the efforts of the Bihar Government in implementing the principle of convergence to integrate the Centrally Sponsored Plan Scheme with other ongoing poverty alleviation programmes of the Department of Rural Development. It is heartening to be told that all the released bonded labourers are being provided the benefits under the Indira Awas Yojna and social security pension scheme besides the rehabilitation package of Rs 20,000 per head under the Centrally Sponsored Plan Scheme.”

*Extracts from NHRC Annual Report, 2003-04*

“A total of 350 released bonded labourers were required to be rehabilitated in the year 2004-05. This included the pending rehabilitation of 168 mentioned in the last annual report. 200 of them have been rehabilitated under the Centrally Sponsored Scheme in the period under review. It is heartening to note that the State share of Rs 15 for the rehabilitation of 150 balance cases has been included in the third Supplementary of 2004-05 State Budget. The Commission was assured that their rehabilitation would also be completed before 31-03-2005.”

**“A significant feature of rehabilitation of the released bonded labourers in Bihar is an effective implementation of the principle of convergence ensuring integration of the Centrally Sponsored Rehabilitation Scheme with other ongoing Poverty Alleviation Programmes run by the Department of Rural Development. The Commission was informed that all the released bonded labourers are being provided the benefits under the Indira Awas Yojna and Social Security Pension of Rs 100 per month besides receiving the rehabilitation package of Rs 20,000 per head**

**under the Centrally Sponsored Plan Scheme.** However perusal of information furnished in respects of districts of Purnea, Muzaffarpur, Sitamarhi and Saharsa did not substantiate this claim.”

“No information could be obtained about prosecution as all the detections were made in other States and not in Bihar.”

## National Data

The Directorate General of Labour Welfare (DGLW), Union Ministry of Labour, is the authority that administers the Centrally Sponsored Scheme for the Rehabilitation of Bonded Labour and authorises disbursements of the centre’s share of funds. Currently, the total government compensation to be paid to a bonded labour for rehabilitation is Rs 20,000. This expenditure is to be shared equally by the central and state government. DGLW provided the following data table on the total number of bonded labourers in the country who have been identified, released and rehabilitated since the inception of the scheme. The expenditure incurred so far under the scheme works out to Rs 2577.06 per head for rehabilitated workers as central assistance. The expenditure by state governments would be additional.

It needs to be pointed out that the data collected from the states is not disaggregated by sex or age, so it is not possible to find out how many of those officially released were women and children. It is important that such details be obtained from the state governments by both DGLW and NHRC.

NHRC should ask for detailed narrative reports annually from the states, apart from data.

### Number of Bonded Labourers Identified, Released and Rehabilitated under the Centrally Sponsored Plan Scheme up to 20.11.2006

Name of the State	Number of Bonded Labourers		
	Identified and released	Rehabilitated	Central assistance (Rs in lakhs)
Andhra Pradesh	37,988	31,534	850.00
Bihar	13,792	12,974	403.38
Karnataka	63,437	57,185	1578.18
Madhya Pradesh	13,125	12,200	164.49
Orissa	50,029	46,901	903.34
Rajasthan	7,488	6,331	72.42
Tamil Nadu	65,573	65,573	1661.94
Maharashtra	1,404	1,325	10.10
Uttar Pradesh	28,443	28,443	599.12
Kerala	823	710	15.56
Haryana	582	80	4.03

Gujarat	64	64	1.01
Arunachal Pradesh	3,526	2,992	568.48
Chhatisgarh	124	124	12.40
Punjab	69	69	6.90
Uttaranchal	5	5	0.50
Jharkhand	196	196	19.60
West Bengal	32	32	3.20
<b>TOTAL</b>	<b>2,86,700*</b>	<b>2,66,738</b>	<b>6874.65</b>

Source: Directorate General of Labour Welfare, Ministry of Labour

## NOTE

\*19,962 bonded labourers are not available for rehabilitation, either they have died or left the place without leaving their addresses.

\* Rehabilitation grants equal to Rs. 6847.65 lakhs has also been provided by the state governments as the state's share for rehabilitation of bonded labour.

\* In the case of Arunachal Pradesh 100 per cent central assistance amounting to Rs. 568.48 lakhs has been provided by the Ministry of Labour and Employment, as in the case of North Eastern regions 100 per cent central grants (without matching states' share) are provided for rehabilitation of bonded labour.

\* In the case of Arunachal Pradesh 100 per cent central assistance amounting to Rs. 568.48 lakhs has been provided by the Ministry of Labour and Employment, as in the case of North Eastern regions 100 per cent central grants (without matching states' share) are provided for rehabilitation of bonded labour.

## THE NGO RESPONSE

Faced with the sudden nation wide ban on child labour in domestic work, *dhabas* and similar establishments in mid 2006, NGOs began asking uncomfortable questions about how the ban would be implemented. What would happen to the large numbers of children either rescued by the government or thrown out of work by employers themselves? Since the government did not seem to have real answers or a plan in place, Delhi based NGOs, led by Butterflies and Human Rights Law Network, drafted in late 2006 a "Plan of Action for Working Children in Delhi" and the "Delhi State Protocol for Rescue, Restoration and Rehabilitation of Children Rescued from Domestic Work/Hotel and Eateries and other Hazardous Occupations."

The Protocol spells out in exhaustive detail guidelines for all stake holders such as the state government, voluntary organisations and government shelter homes, the Child Welfare Committees, the Social Welfare and Labour Departments, the police, local communities, elected representatives, religious bodies etc.

The state government is expected to develop a State Policy for the prevention of child labour and create a State Task Force on child labour comprising experts from different fields. This Task Force should interface with a special cell constituting senior officials of Delhi and source states of child labour. It should prepare a financial outlay required for rescue, transit, restoration and rehabilitation programmes. Among the guidelines for the Police Department is the setting up of Special Juvenile Police Units in every district and the assigning of Child Welfare Officers in every police station, as specified under the Juvenile Justice Care and Protection of Children Act, 2000. These officers should be given additional charge of rescue and protection of children in hazardous occupations. Among the guidelines for voluntary organisations and government shelters/children's homes is the developing of minimum standards for the establishment and management of homes /shelters.

The Plan and Protocol are a wish list and even if a quarter of the recommendations are implemented it would mean a quantum leap forward.

An uncomfortable question that frequently raises its head is, what are NGOs themselves doing to eradicate child labour? Is it enough to make a noise, hold seminars, talk to the press and organise the occasional raid to get publicity?

NGOs who campaign against child labour and bonded labour do sometimes initiate raids, informing and egging on local administrations to go to the rescue of victims. Some NGOs temporarily house rescued children. Some even take on the task of escorting trafficked children to their village homes in distant states. However, few NGOs have the capacity to deal with the far more complicated issue of the rescued child or bonded adult's long-term rehabilitation and that of their family.

Trade unions and other organisations of oppressed workers, such as dalit farm labour, demand the rescue of bonded labourers and try to provide some security and aid to rescued workers. Yet, they also have their limitations and often face the wrath of the employers and landlords in the case of rural labour.

NGO outreach is generally limited to a city or state and most NGOs cannot monitor rehabilitation in another state. Organisations who work on these issues are realising the need to network with local organisations in the source states from which labour migrates. Such link ups are still tenuous.

NGO rehabilitation rarely goes beyond the limited strategy of housing a few children in a shelter home or residential school and educating them and giving them vocational training. There are few community approaches to rehabilitation of child and bonded labour, although the M.V. Foundation has provided a successful pioneering strategy for persuading landlords to voluntarily release bonded children. 'Education for all' campaigns in villages in parts of Andhra Pradesh are used to encourage the release of children, so that they can attend summer camps and bridge schools and eventually enter mainstream schooling.

The community approach is more difficult when large numbers of children have already been trafficked for labour to distant states. Nor is such an approach in place when children are suddenly returned to the village after a government raid on their workplaces. What happens then when a child is sent back?

The NGO Haq Centre for Child Rights and two other NGOs from Bihar decided to investigate the rehabilitation story by making follow up visits to rescued children in their villages in Bihar. For their findings see Box.

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BOX

An NGO Investigation of Rehabilitation

***The following story published by the online edition of The Indian Express, dated Dec, 27, 2006 highlights the plight of rescued children.***

### **Rescued zari workers being put back to work, finds study**

**Kavita Chowdhury**

**New Delhi, December 27:** The lack of a monitoring mechanism and proper rehabilitation packages has led to a situation where a number of rescued child labourers eventually end up at the same factories they had been working at, the first ever study conducted on the subject in the capital has found.

The study, conducted by Haq, a Centre for Child Rights, and two NGOs from Bihar tracked down 44 of the 85 children who had been rescued in two separate raids on zari factories in Delhi in June 2005 and January 2006. The study found that some children had returned to the zari factories in Delhi, others had found work in Ludhiana, and some were employed in Mumbai.

Interestingly, 13 of the 22 children who were rescued in the June 2005 raid and whose cases were tracked by the study ended up being re-trafficked within a few months of their rescue. Ten children rescued in that raid could not be followed up. But all 22 children whose cases were tracked from the 53 children rescued in January this year were found to be still with their families.

The situation may be worse than it appears for authorities in Delhi had correct addresses and contacts for only 44 of the 85 children. The remaining 41 children could not be followed up or monitored and their status is unknown.

The study conducted by Haq and the Bihar NGOs has found neither the district nor state government nor local NGOs had put any monitoring mechanism in place to follow-up on and monitor the rehabilitation of the rescued children.

Every now and then, government and non-government agencies jointly rescue children who are then restored to their families by the Child Welfare Committees (CWC) in the capital, constituted under the Juvenile Justice system. The children were restored to their families within a month of their rescue. But the absence of a CWC in the home district of these rescued children - they belong mainly to Bihar, Uttar Pradesh and West Bengal - means contact with the children is broken.

And the reason why so many children rescued in the June 2005 raid were re-trafficked while their counterparts in the January 2006 raid were not is because the families of the children in the latter case were expecting some relief from the District Magistrate as their release was under the Bonded Labour Abolition Act, which provides for relief up to Rs 20,000 per child from the state.

The other reason is that members of Bandhua Mukti Morcha, the organisation that rescued these children, had paid a follow-up visit thereby ensuring there was some contact with the child.

“The findings confirm what had been long suspected that most of the raids that are conducted turn out to be ‘cosmetic exercises’ as there is no monitoring mechanism or proper rehabilitation package for these rescued children when they go back to their families,” Bharti Ali, Founder-Member of Haq, says.

The study team which visited the villages of the children it was tracking found that of the 44 tracked children, eight were living in a shelter run by a local NGO in Dumara, Sitamarhi while five were working as agricultural labour. Eight children were not attending school but were said to be taking lessons; four children were idle, two were going to school and four were attending a madarsa. Thirteen of these 44 children were re-trafficked.

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## **BOX**

### **Officials Ignorant of Procedures**

*Extract from The Telegraph, 12.10.2006:*

Frying Pan to Fire  
Children's damages gather dust

Naresh Jana

Gangarampur, Oct.11: Fourteen-year-old Rasudeb Bera had left his West Midnapore home to work in faraway Rajasthan to save his family from starvation.

Employed as a **bonded labourer in an Ajmer zari factory**, the teenager would toil from dawn, getting only four hours' sleep in a day.

In December last year, a glimpse of hope came his way when a West Midnapore police team, along with the Rajasthan administration, raided the factory and **rescued Rasudeb and 26 other children.**

The Rajasthan government gave each of them Rs 1,000, a part of the Rs 20,000 compensation under the National Child Labour Project, and the kids were brought home.

But since then they have been waiting for the remaining Rs 19,000 – 50 per cent is to be paid by the Centre and the rest by the Bengal government.

Tarun Layek, 14, who was rescued along with Rasudeb, says he has landed from the frying pan to the fire. “Had I received the Rs 19,000, I could have started a

vegetable business. I am finding it very hard to make ends meet by working as a farm labourer," he said.

Officials of the National Child Labour Project's West Midnapore chapter said the central funds had gathered dust and had to be sent back. "To provide the compensation, we were required to set up a vigilance committee, carry out inquiries and submit a report to the state government. But we did not know about this," said project director Rathindra Nath Sarkar.

He added that the panel is in place now and the compensation should reach the children by November.

Note: The above extract indicates the widespread and geographical spread of child trafficking and bondage in the zardozi sector. It also shows the inadequate official response to the problem and the need for further training and sensitization of officials to laws and procedures dealing with bondage and with child labour.

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## **The Role of Civil Society**

Civil society has played an invaluable role in the struggle against slavery and bondage, creating a climate of opinion against these evils, bringing the incidence of bondage and the issues arising from it to the attention of the government, prompting rescue of workers and filing Public Interest Litigations in the courts of law to demand justice when the state fails in its duties.

Two Delhi based NGOs, the Bachpan Bachao Andolan and the Bandhua Mukti Morcha, have led the struggle for over two decades. Their work deserves elaboration.

### **Bachpan Bachao Andolan**

The Bachpan Bachao Andolan (BBA) or Save Childhood Campaign claims that in its 25 years of existence it has released some 70,000 children from bondage in quarries, agriculture, domestic work, *dhabas* and other types of employment. It also says it has rehabilitated 15,000 children through transitional rehabilitation programmes run at three centres.

Headed by Kailash Satyarthi, it is a large Delhi based NGO with substantial resources in terms of staff and finances. It works in several Indian states and has conducted major campaigns against child labour, including long marches in India and in South Asia to highlight the issue.

BBA and its sister organisation the South Asia Coalition Against Child Servitude (SACS) "created the world's single largest coalition on child servitude as Global March Against Child Labour with over 12,000 partners (NGOs, trade unions and human rights bodies) spreading over 144 countries across the world." The BBA Chairperson heads the Global Campaign for Education.



In the 1990s BBA was instrumental in the Rugmark campaign's success to label carpets 'child labour free'.

BBA mobilizes children in communities to work against child labour and promote schooling. It has evolved the concept of Child Friendly villages that are committed to these ideas.

BBA has a large website which highlights different aspects of its mission to save children from bondage. The section on the zardozi industry, for instance, outlines the organisation's role in rescue, with newspaper clippings and photographs as testimony.

An extract from the section reads:

### **Zari Campaign by Bachpan Bachao Andolan**

In 2003, BBA first came across the problem of child labour working in the *zari* (embroidery) factories in the centre of power, the capital - New Delhi. A basic survey was conducted in potential areas the research was conducted by some professionals who during their course of visit to the identified areas found 5000-7000 embroidery units functioning in Delhi., with each unit employing around 25-30 children. Moreover, most of the children working in these embroidery units are working as slaves or bonded labour with salaries ranging from nothing at all to rupees 300 per month.

Zari workers are split into shagirds (apprentices), karigars and owners. Most of the young boys are shagirds. In addition to doing some basic embroidery, a shagird does the cleaning and washing of clothes and some cooking for the unit. For this he is paid about Rs.50 a month. Eventually he becomes a karigar.

Most of the embroidery work is carried out for the big export houses for clothes, handicrafts, etc. to be exported all over the world. It is critical to identify the links with the export houses that buy these embroidered products and to study the wage and production system used by them to know and understand the demand and supply routes.

The first ever raid was conducted in a *zari* factory in New Delhi and 7 children were rescued in September 2003. It is most appalling that Zari units which take contracts from fashion houses are involved in exploitation and employment of children, a gross violation of a child's basic human right, albeit in third parties processes. For an organisation that has for years tried to comply with labour standards and international conventions, this was absolutely deplorable.

The initial raid led to a series of complaints being filed by the BBA with the Sub Divisional Magistrate (who has the constitutional power to release the children) and also with the local Labour Commissioner's office. The second raid was organised in June 2004 releasing 17 children from Govindpuri extension in south Delhi. This raid exposed the sordid tale of children working in dismal conditions of Zari units.

Hari (name changed to protect identity), an 8-year-old boy originally from Bihar, was forced to work for 12- 13 hours everyday in 10 feet by 10 feet basement for no salary. When the lock of his factory was broken by the BBA activists and the labour department officials (he was rescued on 5th June, 2004 along with 11 other children of the same fate), he was shaven from head to toe and was working wearing only underwear. When asked why he was like that he said that it was because of the unbearable heat (New Delhi's average temp. in June is more than 42°C) and there was no fan or any other means of escaping the heat.

The story of exploitation and abuse in the heart of the nation did little to wake up the govt. However after months of regular follow up, the local govt. finally yielded and the series of raids were conducted by Bachpan Bachao Andolan, Government departments and other NGOs in Delhi and Mumbai. These raids resulted in rescuing 1805 children from Zari industry from September 2004 to June 6, 2006.

Source: [www.bba.org](http://www.bba.org)

### **Interview with Suman, Founding Member and Activist, Bachpan Bachao Andolan:**

Suman is a veteran activist of the Bachpan Bachao Andolan and manages their Mukti Ashram where select groups of boys and girls rescued from bondage are kept for six months and given some education, leadership training and vocational skills so that they can rehabilitate themselves and mobilize children of their communities against bondage and child labour.

Suman believes that, "The executive, the legislature as well as the judiciary are not committed to the eradication of bondage. All the provisions against bonded labour are nothing but paper work, with the legal provisions being flouted on every occasion. This is due to a given mindset, a stereotyped way of thinking, where all the problems are sought to be resolved from top-down measures and mechanisms.

"The children who are subjected to bondage are invariably from the socially and economically marginalized sections, such as dalits and Muslims. They constitute 99.5 per cent of the 70,000 bonded child labourers rescued by BBA during twenty years of its existence. The parents of bonded child workers are invariably illiterate and poor. Child labour reflects the failure of the school system.

"It is wrong to term 'child labour' as any form of free labour, since the relationship between the employee and the employer here is that of master and slave. The master decides everything, including the amount and nature of work, the payment, etc," she says.

The child's parents, she says, are initially given some money, or even credit by the recruiter, and the parents usually are in such utter economic distress that they are ready to accept the money as temporary relief. Recruiters often hoodwink the parents by portraying a rosy picture of the future income from their child's work, and on the basis of false promises take the child away. There is a well-knit network of recruiters who take advantage of vulnerable and insecure parents in the villages. They have links in the industrial areas of cities like Delhi where child labour is in demand. They follow leads given by adult labourers, neighbours or even parents.

Says Suman, "The children are confined forcibly. The work hours usually extend to 13-14 hours every day. They are given a pittance in the name of a wage. The daily wage in the zari industry is in the range of Rs.200-250 a day for the skilled labourer. The child labourer who has acquired the skills is given half this amount, or even a quarter if he is 'unskilled'."

Under the Bonded Labour Act, a person is bonded if there is no minimum wage, fixed working hours (a maximum of 8 hours) and the freedom to change the employer.

Suman comments on the impact on the child, “In the given working conditions and environment, the child either becomes very aggressive or becomes an introvert. The child’s development – physical, mental as well as psychological— gets retarded or skewed, making it difficult for the child to lead a normal adult life.”

She recalls examples of children rescued from families that had seen three generations of bondage and abysmal poverty. “Some children rescued from Charkhi Dadri in Haryana, for example, had never eaten mithai. They didn’t know what it was. They were suspicious of the food they were offered in the ashram and of everything else. They had no exposure to the outside world.”

She believes that, “In India, more than 50 per cent of the labourers in the unorganised sector are in a bonded situation. There is a vicious cycle of bondage that keeps generations under shackles.”

### **Interview with Sanjay Jha, Coordinator, Mukti Ashram, Bachpan Bachao Andolan**

Interviewed in the wake of the rescue of 78 boys from zardozi factories who were housed in the Bachpan Bachao Andolan’s Mukti Ashram in Burari on the outskirts of Delhi, he was busy managing the legal formalities required to restore the children to their families. For three days he and his colleagues had been taking the boys to hospital to get a doctor’s certificate that would establish their age. They had initially been refused, but ultimately managed to get the required certification. Apart from being tested for age, some children required medical attention for various problems. Several of them had skin problems, including rashes all over their bodies, because of the poor conditions they had worked and lived in.

He said that most of the children in the zardozi industry are from rural districts of Bihar and are brought by middlemen to Delhi. Their parents are promised that the boys will be trained in the craft and will earn good money. In practice, small boys are apprenticed for a year or two and earn nothing during this time. They are at best given pocket money and food for working 10-15 hours. Older boys are called *karigars* and paid a wage.

The majority of those in the group just rescued were from the two districts of Darbhanga and Madhubani. Cases had been filed against seven employers, Irfan, Azmat, Abbas, Jilani, Sahil, Mohd. Rajjak Meelu and Naseem Akhtar.

He said it was not easy to manage the large number of children, as the Ashram’s staff was limited. He was anxious to send them home.

He said that the Bihar government would be responsible for sending the children by train to Patna. Andolan staff would accompany them and a Patna based staffer would meet them at the station. He and the four other staff posted in different parts of Bihar would be responsible for following up, to ensure that the children were reunited with their families. He also said that some children may eventually be sent to an NCLP school in Madhubani where the District Magistrate has agreed to admit them.

### **Interview with R.C. Chaurasia, General Secretary of the Bachpan Bachao Andolan**

Mr. Chaurasia, interviewed briefly while seeing off a group of rescued children to the railway station, said that while these child workers come from poor rural families, the situation back home is usually not that desperate. The parents can manage to feed their children. However, he said, they fall for the temptations held out by the agents.

Chaurasia said that while the Delhi government registers cases under the Bonded Labour Act and the Child Labour Act when it rescues children, the children are unlikely to get justice. "In most such cases the offenders go unpunished. In any case the punishments are slight and do not deter employers who benefit enormously from the labour of these children."

Chaurasia also said that the children would not be able to get the back wages due to them. "We have no proof of their employment, of the period that they worked, of the wages that were paid or unpaid. How do we file cases to demand back wages? In any case the boys are sent back to Bihar and will not be able to return to give evidence or fight a case."

The children's only hope, he said, is to get the compensation equivalent to Rs 20,000 that is due to them under the Bonded Labour Act from the government.

### **Bandhua Mukti Morcha (Bonded Labour Liberation Front)**

The Bandhua Mukti Morcha (BMM), founded in 1981, has been a pioneer in the challenging and still unfinished task of freeing India of the practice of bonded labour. Working at the grassroots level to organise and free bonded labourers in mines, at construction sites, in brick kilns and in agriculture, the organisation has also been instrumental in advocacy for legal and policy change. BMM has initiated several important Public Interest Litigations on the subject of bonded labour.

In *Bandhua Mukti Morcha vs. Union of India (1982)* the Supreme Court issued directions for the release and rehabilitation of bonded labourers engaged in mining operations. The judgment delivered by then Chief Justice P.N. Bhagwati in Writ Petition No. 2135, noted, "this system, under which one person can be bonded to provide labour for another for years and years until an alleged debt is supposed to be wiped out, which never seems to happen during the lifetime of the bonded labourer, is totally incompatible with the new egalitarian socio-economic order which we have promised to build and it is not only an affront to basic human dignity but also constitutes a gross and revolting violation of constitutional values."

This judgement broadened the definition of bonded labour to encompass forced labour. It said, "whenever it is shown that a labourer is made to provide forced labour, the court would raise a presumption....that the labourer is a bonded labourer entitled to the benefit of the provisions of the Act."

The Court also notably said, "it would be cruel to insist that a bonded labourer in order to derive the benefits of this social welfare legislation, should have to go through formal process of trial...That would be a totally futile process because it is obvious that a bonded labourer can never stand up to the rigidity and formalism of the legal process..."

Some legal researchers say the above judgement contributed to a climate of opinion against child labour leading to the passing of the Child Labour (Prohibition and Regulation) Act in 1986. Other cases on bonded labour brought to the Supreme Court by BMM have also extended the interpretation of the Constitution in areas of [human rights](#).

In 1997, the Supreme Court ordered state governments in the *Bandhua Mukti Morcha et al. vs. the Union of India and others*, and ordered states to "evolve steps" to provide all freed children compulsory education, conduct regular health check-ups, provide nutritious food and so on.

BMM has over the years made many complaints and persuaded state governments to raid workplaces of bonded labour including bonded children. It has been instrumental in the rescue of a large number of men, women and children. BMM has an ashram in Faridabad, which acts as a shelter for workers rescued from bondage. It also has an ashram near Alwar in Rajasthan.

### **Interview with Swami Agnivesh, Bandhua Mukti Morcha**

Swami Agnivesh, who founded the Bandhua Mukti Morcha, has single mindedly pursued the issue since the 1980s.

It was in 1976, during the Emergency, that Indira Gandhi had included the issue in her 20-Point Programme and had the Bonded Labour Act passed. The Act gave activists like Agnivesh legal grounds for demanding the release of bonded workers from mines, quarries, kilns and agricultural labour in several parts of the country.

Recalled Agnivesh, "In February 1982 the Bandhua Mukti Morcha went to the Supreme Court on the issue of bondage. The judgement in 'Bandhua Mukti Morcha vs. Union of India' came on December 16, 1983. In this case the question of how to prove bondage came up. How does a worker prove that he took a loan and therefore became bonded? In many cases the loan is in kind. The worker can only give testimony, say that "maine angootha lagaya" (I put my thumb impression on a document) or that he got ration or tools or even the materials to set up a *jhuggi* (hut). The worker cannot provide proof that he took an advance. So the Supreme Court took the stand that as per the law of evidence it is difficult for the bonded to prove bondage and therefore no such proof should be asked for.

"The opposite parties' lawyers said yes the workers are made to do forced labour, but there is no punishment in law for it. Then the Supreme Court said that if a worker is forced to labour, that is enough to raise the presumption of bondage, unless the employer can prove otherwise."

Swami Agnivesh is of the opinion that in the case of all migrant workers bondage can be assumed because even if no loan has been taken, one can be sure that the worker has taken an advance in the form of at least the fares for travel by train or bus. "The problem of bondage is real but our colleagues do not want to call it bondage," he said.

Swami Agnivesh recalled how the Supreme Court had made him a Court Commissioner to look into bonded labour in 16 states. There had been a detailed investigation and report filed before the Court. Administrative indifference was apparent. "A state like

Haryana actually filed an affidavit claiming that there was no bonded labour in the state. To counter this, the Commissioners produced release certificates issued to bonded labourers by the Haryana government itself!"

In cases of bondage, he said, District Magistrates and SDMs have all the powers necessary for rescue, rehabilitation and prosecution but they are susceptible to different kinds of local political pressures. Had the Act given the responsibility to a judicial officer, it would have been more effective, he believes. "DMs and SDMs keep on delaying rescue despite complaints and find ways of letting off the employer, by claiming for instance that the complaint is merely a minimum wage dispute rather than one of bondage," he said.

Swami Agnivesh's experience is that the Delhi Shops and Establishments Act merely fines violations and the fines are small. In the case of child labour, children are let off under the Juvenile Justice Act and go back to work in the same shops and establishments.

"We have demanded that prosecution for child labour should be under the Bonded Labour Act. We have had children in Delhi rescued three times in 2006 – in January, May and September."

Raids, he said, are basically a shortcut to create awareness and fear of law. The police, the local administration, the SDMs, all need to be sensitized. "The media is not interested in the minimum wage issue, but the minute you call it bondage they become interested. "

On the impact of rescue he commented, "We kept some rescued children in our Behelpa ashram for 15-20 days. At first the children were scared of us. When we gave them clothes, shoes, soap, oil etc they began to trust us. We told them to eat and play games. Then they began to look happy, look so different. They were later sent back to their villages with the police. Messages were sent to the parents in the villages. The local media also picked up the issue."

Each child was given Rs 1000 in cash on the train, by the Delhi government, as per the Bonded Labour Act. Another Rs 19,000 is supposed to be given to them by the source state (with half contributed by the centre) in the form of income generating assets for rehabilitation. "That is where corruption comes in, when officials buy poor quality assets such as goats or cattle. We say it is better to give money in the form of a fixed deposit in the name of the child, which will yield some interest."

Swami Agnivesh is firmly of the opinion that the basic principle of bondage should be forced labour defined as non-payment of minimum wage. He said that according to the Delhi 2006 survey done by the Bandhua Mukti Morcha, 90 per cent of workers do not get the legal minimum wage. The migrant workers, who are essentially distress migrants, get no legal protections. Benefits under the Migrant Workers Act do not accrue to a single migrant worker. Women do not get the equal wages that they are entitled to under the Equal Remuneration Act. They do not get any benefits under the Maternity Benefit Act. Between 70-80 per cent of the migrant workers belong to the most deprived SC and ST communities. He said it is important for Delhi's 30 lakh workers to get at least the minimum wage. This should be the minimum norm for employment. Those who do not get the minimum wage should be considered bonded labour.

## **ABOUT BANDHUA MUKTI MORCHA (BLLF)**

### **Slavery of a Kind**

Slavery persists in our age in various forms. The **bonded labour** system is one of them. **Child labour** is another kind of bonded labour. **Both arise out of socio-economic and historical reasons.** India, the largest democratic country in the world, has 65 million bonded child labourers, and 300 million adult labourers living a life of bondage and contemporary forms of slavery, according to our estimates. This is despite Constitutional guarantees and prohibitive laws like the Bonded Labour System (Abolition) Act 1976, the Child Labour (Prohibition and Regulation Act) 1986 and International Conventions on the subject. **Child labour (5 years to 14 years of age)** is rampant not only in agriculture but also in industries such as those **manufacturing matches, locks, carpets, stone quarries, brick kilns, tanneries and diamond cutting and polishing units.** These children are denied their fundamental right to childhood, to education, to play and to dream like a normal child. They have to labour for more than 8 hours every day. Legal and human rights battles on their behalf have been successfully fought in the Supreme Court of India. Parliament too has been approached. United Nations Human Rights Commission, ILO and UNICEF have been sensitised. Yet, the 20 year-old struggle is only a beginning. A lot more remains to be done.

### **Bonded Labour Liberation Front(Bandhua Mukti Morcha)**

**Bandhua Mukti Morcha (BMM) was formed in 1981** to wage a battle against the pernicious bonded labour system in India. Administrative and political will to carry out the Constitutional mandate and enforce prohibitive laws of the land failed to produce any results. Against all odds, **Bandhua Mukti Morcha has achieved the release of over 1,24,000 bonded Indians from the shackles of slavery.** A large number of them have been rehabilitated. From the carpet industry alone, about a thousand children have been rescued and restored to their parents. Their rehabilitation has been monitored effectively. **BMM has started a campaign for the provision of non-formal, full time education for these children, along with the supply of nutrition to each and also some food security to their poor families.**

As a result of BMM's efforts, leaders of the leading political parties have expressed their concern on the issue of child labour and often made a mention of it in their election manifestos in Parliamentary elections. **Bandhua Mukti Morcha has been campaigning for a national minimum wage equivalent to first-day salary of a class IV employee in Government service.** Its revision is to be done on cost price index as is done for government employees. The state governments may fix the minimum wage according to the local conditions but not below the national minimum wage.

### **Citizens' Commission**

Bandhua Mukti Morcha has been making a demand for a National Commission on Bonded Labour with judicial and financial powers. Yet, successive governments have failed to do so. **Bandhua Mukti Morcha has, therefore, constituted a Citizens' Commission on Bonded and Child Labour, with eminent persons of political, social and judicial integrity as members.** They include former Judges of the Supreme Court of India, eminent artists, journalists, lawyers and social activists.

*Source: www.swamiagnivesh.com*

## ACHIEVEMENTS and SHORTCOMINGS

The two leading NGOs who pioneered work against bondage and have campaigned vigorously against the practice for over two decades, contributing enormously to the creation of a public debate on the issue, have major achievements to their credit. However, the scale of the problem of bondage, emanating from the larger landscape of poverty in India, is so enormous that any achievements can at best be termed limited.

Several criticisms have also been levelled against these NGOs, principally the argument that they push state governments to undertake raids and rescue of bonded workers, including children, and garner publicity and funding in the process without ensuring adequate rehabilitation for the rescued workers.

These criticisms have some validity. Far more needs to be done by these NGOs in terms of follow up of rescue operations, whether it is ensuring the economic rehabilitation of those rescued or the follow up of cases to ensure prosecution of offending employers. Both these tasks essentially belong to the state, but the state is clearly both unwilling and unable to rehabilitate on the one hand and prosecute on the other. The constant vigilance of civil society is essential if the state is to play an active part in bringing an end to bondage in India today.



## **CONCLUSION**

This investigation in bondage of workers in the construction and garments sectors in the National Capital Territory of Delhi throws up multiple issues of social and economic justice, labour rights, child rights, the role of the state and the judiciary as well as the role of civil society.

The investigation of the construction industry did not show up any large scale bondage, although further investigation and a broad definition of bondage could perhaps uncover hidden types of bondage relationships.

The study is therefore essentially focused on a sub-sector of the ready made garments industry in Delhi, the zardozi industry.

The zardozi industry in Delhi depends substantially on the exploited work of migrant children trafficked into bondage to the zardozi workshops. In the complete absence of data and documentation of the industry, it is impossible to measure the size of the industry and the size of its workforce which includes adults, adolescent children and children under 14. Rough estimates suggest a workforce of 40,000, slaving in 2000 small workshops, each employing an average of 20 persons.

The investigation revealed many gaps in official policy and performance. A series of recommendations emerged from the exercise.

### **Recommendations**

- The Delhi Government has de facto acknowledged that bondage exists in the zardozi units of the city, by undertaking several raid and rescue operations. The government needs to officially acknowledge the problem of bondage in its territory and put the facts and figures on the table.
- The National Human Rights Commission should demand an explanation for the Delhi government's consistent refusal to file reports on the occurrence of bondage, its incidence, the numbers identified, rescued and rehabilitated as well as the numbers prosecuted, the nature of charges and the number of convictions if any. Details of the sum recovered in fines from offending employers also need to be furnished by the Delhi government, as well as the expenditures on rehabilitation, if any.
- A detailed Plan of Action must be drawn up by the Delhi Government to curb child labour in its territory.
- Financial allocations must be made and procedures and logistics put in place for the entire process of raid, rescue, restoration and rehabilitation.
- The Divisional Commissioner of Delhi needs to take her task of eradicating bondage seriously and operationalise the District Vigilance Committees which seem to have been in hibernation since their inception.

- The Delhi Government needs to survey all establishments, and provide data on the existence of child bondage in all types of establishments, shops, factories, workshops, hotels, restaurants, teashops and dhabas.
- The Delhi Government needs to resume registration of establishments and amend the Delhi Shops and Establishments Act to raise the minimum age of employment to 14 years.
- The Delhi Government should enact a law to enable registration and monitoring of placement agencies that traffic children for domestic labour.
- The links between the sweatshop and the global garments trade need more in depth investigation, to establish the legal and moral responsibility of the principal employers of child labour. Vigorous police investigation and prosecution of workshop owners and others higher up the production and supply chain can expose many of these links.
- Close networking with governments of source states is required to curb trafficking of children and restoration and rehabilitation of those rescued.

Similar recommendations can be made for NGOs and civil society but it must be remembered that the primary role remains that of the government. NGOs have already drafted an extremely detailed Plan of Action and Protocol (discussed in previous chapters of this report) with a set of recommendations for the entire range of stakeholders and therefore this report does not see the need to reinvent the wheel.

Finally, a word of warning. A vigorous campaign against bonded labour and child labour in Delhi may eradicate bondage in the territory, but could drive it out to neighbouring states and towns where similar vigilance is lacking. In the case of zardozi, which is a highly portable industry, this may already be happening.

The problem needs to be simultaneously tackled in the source states through a many-pronged campaign to conscientise parents and communities that permit trafficking for labour. Access to livelihood and education for children and their communities, including promotion of rural employment, enforcement of minimum wages, land reform and land distribution to the poorest, as well as free school education, are necessary if bondage and exploitation is to end.

Unless families and communities are provided real livelihood options in their own villages, the bonded child rescued from one city sweatshop will soon end up in another.

## APPENDIX

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