

Report of Shri Chaman Lal, Special Rapporteur on his visit to Kanpur, Allahabad, Mirzapur and Varanasi from 11-15 March 2003.

I visited Kanpur, Allahabad, Mirzapur and Varanasi from 11-15 March 2003 to review the Child Labour and Bonded Labour situation in UP with focus on the districts of the carpet belt. The review meeting was held in the chamber of Mrs. Zohra Chatterjee, Labour Commissioner, UP and was attended by Shri M.N. Siddqui, Director Factories (UP), Shri Pankaj Kumar, Additional Labour Commissioner Incharge Child Labour and Bonded Labour and other senior officers of the Labour Department. The following picture of Child Labour and Bonded Labour situation in the State emerged from this meeting.

CHILD LABOUR

A total of 301 children were identified and withdrawn from hazardous work during the period 1.4.02 to 31.1.2003. 912 children were detected working in non-hazardous occupations/processes during this period. With this, the total number of children identified and withdrawn from hazardous work since the directions of the Supreme Court issued on 10.12.1996 comes to 28,770. The number of children identified in non-hazardous category is 32,606.

As regards the districts of the carpet belt viz. Varanasi, Bhadoi, Mirzapur, Sonebhadra, Jonepur and Allahabad, the figures of detection of children from hazardous and non-hazardous categories for the period 1.4.02 to 31.1.03 are 119 and 65 respectively.

While the total detections in the State were 1040 in hazardous and 2819 in non-hazardous category respectively in 2001-2002 those for the 10

months of the year 2002-03 are 301 and 912 respectively. A definite decline in detection of Child Labour can clearly be seen.

In as many as 41 out of a total of 70 Districts detection in hazardous category has been zero. These include districts like Muzafarnagar, Barriely, Mathura, Etah, Aligarh, Azamgarh, Hardoi, Kanpur city, Kanpur Rural, Etawah which are known to be Child Labour prone Districts. Detection has fallen sharply in Meerut (74 to 7), Jhansi (30 to 7), Ghaziabad (12 to 3). The Labour Department has tried to explain this by saying that the emphasis of the Department has been more on the non-invasive surveys carried out in six districts - Moradabad, Jalesar (Etah) Mirzapur, Khurja (Bulandshahar), Aligarh and Jonepur - for detecting working children and arranging their educational rehabilitation. These surveys have been conducted by taking the employers into confidence and allaying their fear of prosecution. The results of these surveys offer a more realistic and purposeful assessment of the magnitude of the problem and help in evolving an effective strategy for educational rehabilitation of the affected children. The results of the non-invasive surveys conducted in Moradabad, Aligarh, Jalesar (Distt. Etah) and Mirzapur were mentioned in the last review report. However the figures of working children detected through these surveys have now been finalised and are as follows:

Moradabad	- 5998
Aligarh	- 8756
Jalesar	- 1526
Mirzapur	- 33383
Khurja	- 2223
Jonepur	- 3502

The figures of Mirzapur need to be verified. The number of children to be targeted for educational rehabilitation in this district should not be so high.

Non-invasive surveys have also been carried out in District Meerut under DPEP and District Saharanpur with UNICEF assistance in the current year and the findings are being finalised. The purpose of these surveys is to carry out a census of 'out of school' children and identify among them the working children who would be targeted especially for educational rehabilitation. Although this exercise is useful in assessing the magnitude of the problem of Child Labour in the State, actual detection of children in the hazardous occupations/processes seems to have been relegated to the background by the Enforcement Department. This observation was duly appreciated by the Labour Commissioner who promised special drive for detection from April onwards.

Educational Rehabilitation of Detected Children

Out of a total of 61376 children, 28,770 of hazardous and 32,606 of non-hazardous category identified since 1996-97, 52751 i.e. 85.9% are shown to have been admitted to schools. Of the remaining 8625 children, 5610 belong to migrant families. As such, only 3015 children remain to be admitted. The Labour Commissioner, UP was requested to furnish exact information in respect of 1040 children of hazardous category detected in 2001-2002 and 912 in the current year up to 31.1.2003. This lot should be especially targeted for educational rehabilitation. Retention of these

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children in schools after their admission through the joint efforts of Labour and Education Department is also to be monitored.

Economic Rehabilitation of families

The number of affected families in respect of the total detection of 28770 (hazardous) till 31.1.2003 is 22329. Of these, only 4572 i.e. 20.47% have actually been provided rehabilitation in accordance with the directions of the Supreme Court. Of the remaining, 6337 families have been shown as already rehabilitated, 3933 have expressed unwillingness for any rehabilitatory assistance and 4605 families are migrant workers. This leaves a huge balance of 2882 families which have not been provided the promised relief. The Labour Commissioner is requested to write to the District Magistrates about their obligation to arrange wage-employment for one member of each family. In the event of their failure, the State Govt will be required to deposit Rs. 5000/- per detected child labour to the Child Labour Rehabilitation-cum-Welfare Fund.

PROSECUTION

7382 prosecutions have been launched against 9981 employers since the first survey of 1996-97 ordered by the Supreme Court. 6730 RCs have been issued for recovering an amount of Rs. 30,23,40,000. 1416 RCs have been stayed by Courts. 1079 have been quashed/returned. An amount of Rs. 94,00,970 has been collected so far. However, this figure needs correction in view of a discrepancy amounting to Rs. 5 lakh detected in District Bhadoi during this visit. The Labour Commissioner, UP will please

reconcile the figures. The drive for realization of the amount against the pending RCs has also suffered a decline during the past two years. The Labour Commissioner, UP has been requested to furnish year-wise figures of recovery from the year 2000-01 onwards.

Considering the backlog of 2817 cases of pre-December 1996 period, a total of 10,199 cases were under prosecution as of 31.1.2003. Of these, only 1729 have been decided – 304 in conviction and 1425 in acquittal. 8470 cases are still pending. The conviction rate (17.5%) has shown a progressive decline over the past few years. The Labour Commissioner has been requested to provide year-wise statement of prosecutions from 2000-01 onwards.

Child Labour Rehabilitation-cum-Welfare Fund

Child Labour Elimination Societies have been constituted in all the 70 districts of the State. The State Government has provided Rs. 100 lakh as its contribution for the Child Labour Rehabilitation –cum-Welfare Fund. An interest of 24,87,569 has been earned on this till 31 January 2003. However, the information furnished during the last review held in May 2002 showed an interest earning of Rs. 36.28 lakhs as of 31.3.2002. This calls for reconciliation. What is really objectionable is that this huge corpus meant for the welfare of the released child labourers has remained almost totally unutilised. As per the statement received from the Labour Commissioner, only a sum of Rs. 1,60,763 has been spent so far although Rules for operating this fund were notified by this Government in November 2000.

Awareness Generation

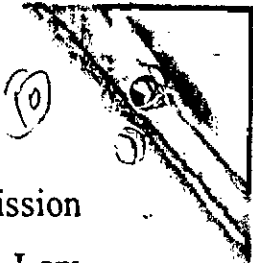
A number of Workshops, Seminars and other Awareness Generation Programmes on Child Labour were arranged in UP in 1999-2000 and 2000-01. This activity suffered a setback in 2001-02 mainly because of rapid transfers of Labour Commissioners. It was decided in the last review to resume this activity when the present incumbent Ms. Zohra Chatterjee had assumed the charge. However, she was transferred within a few weeks with the result that the matter remained neglected thereafter. The Department has now indicated the following activities as part of 'Action Plan' for the next financial year:

- i) Special drive for detection of children working in hazardous occupations/processes. On the Commission's recommendations, the Government of UP has relaxed its order banning the inspection of factories by the officers of the Labour Department without obtaining specific permission from the District Magistrate. Such inspections/raids can be arranged as before for the purpose of detecting child labourers.
- ii) Implementation of the directions of the Supreme Court in respect of the children working in non-hazardous jobs. Labour Commissioner has been requested to discuss the matter threadbare with senior field officers and evolve a suitable Action Plan for regulating the working hours and arranging education of such children at employers cost.
- iii) Non-invasive surveys in at least two more districts of the State.

- iv) Strict implementation of the Minimum Wages Act in Child Labour prone districts.
- v) Expansion of the Non-formal schooling facilities for the children of migrant labourers at the Brick-kiln sites with financial assistance from the Brick-kiln Manufacturer Association. This has been one of the commendable achievements of the UP Labour Department.

INDO-US DOL PROJECT

The joint statement of enhanced US Cooperation on Elimination of Child Labour signed by the Ministry of Labour, Government of India and US Department of Labour (INDO-US DOL) has identified 12 hazardous sectors as priority areas for elimination of child labour. The list includes beedi-making, Brassware, Leather-work, Glass-bangles making, Lock-making, silk and carpet weaving. MP, Maharashtra, Tamil Nadu and UP have been selected for location of projects under this agreement. The project envisages complete elimination of child labour in the identified Districts on a priority basis through a multi-sectoral package of services which include the identification, withdrawal and educational rehabilitation with emphasis on vocational training of child labourer and economic advancement of their families. 5 Districts of UP namely Ferozabad, Allahabad, Moradabad and Kanpur city have been included in this project. The State Level Committee had, in its meeting, on 5.8.02 decided that the Labour Department UP will, with the help of DPEP and UNICEF, arrange for non-invasive survey in these Districts. Institutions/Agencies to be associated with survey have been identified. I felt no hesitation in pointing out to the Labour Commissioner



that the progress made in UP seems to be slower than what the Commission had observed in the review situation in MP made a few months back. I am sure the Labour Commissioner will ascertain the reasons of slow progress and get the scheme accelerated.

NCLP Schools

The National Child Labour Project is in operation in 11 Districts of UP including Varanasi, Bhadoi, Mirzapur and Allahabad of the carpet belt. A total of 470 schools were sanctioned including 20 each for Bhadoi and Mirzapur and 40 each for Varanasi and Allahabad. At present, only 462 schools are in operation. 5 of Ferozabad and 3 of Mirzapur have been closed for reasons which require detailed examination. Out of a total capacity of 26,500 students, only 24,421 are presently receiving education in these schools. 238 schools are being run by the NGOs and 224 by the Project Society itself. It is a matter of concern that NGO sector is totally excluded from this activity in Districts Saharanpur, Moradabad and Mirzapur. The schools in Allahabad (40) Bulandshahr (40) Kanpur (40) Bhadoi (20) and Varanasi (40) are being run entirely by the NGOs. Two schools in Aligarh out of a total of 40; 34 in Ferozabad out of a total of 65 and 22 in Azamgarh out of a total of 40 are with the NGOs. In Mirzapur, the NCLP schools (20) have been with NGOs for 3 years. However, since July 2002, NGOs have been totally removed from this activity and the schools (now 17 instead of 20) are being run by the Administration in the most inefficient manner as has been explained in detail in the report on Mirzapur.

Drop-out rate has been found very high in Moradabad (10%) Aligarh (5-10%) and Bulandshahar (3%). Payment of salary to staff in Mirzapur (paid only up to May 2002) and Bhadoi (up to July 2002) does not present a good picture of the execution of this project. In Allahabad stipends have not been paid after March 2002, in Mirzapur after May 2002 and Bhadoi after July 2002.

BONDED LABOUR

Vigilance Committees have been constituted in all the 70 districts. Absence of Vigilance Committees was pointed out in 11 out of a total of 299 Sub Divisional HQs in the last review report. As per the statement received from the Labour Department, Vigilance Committees are now in position in 287 out of a total of 296 Sub Divisions (the number of Sub Divisions shown earlier as 299 was found to be incorrect. The actual number now intimated 296). Proposals for constitution of Sub Divisional Committees at six places are pending approval from the Government. Proposals are still awaited from the District Magistrates in respect of Sub Divisions Gautam Budh Nagar Cantt. and Jevar of Distt. G.B. Nagar and Varanasi Cantt. of District Varanasi. It is unfortunate that this matter has been pending for the last two years despite observations made by the Member (Dr. Justice K. Ramaswamy) and the undersigned.

There has been no repeat no detection of bonded labour by the Vigilance Committees anywhere in the State so far. Whatever detections have been made, can be credited to the initiatives of the NGOs and the complaints forwarded by the Commission.

A total of 165 bonded labourers were identified and released in 2002-03 (up to 31 January 2003). With this the total number of bonded labourers identified and released since the survey of 1996-97 ordered by the Supreme Court comes to 2225 bonded labourers. 1426 of these including 163 of the current year are migrant workers. It has been observed in every review that the migrant bonded labourers are hurriedly despatched to their native Districts without even initiating mandatory action for their rehabilitation. In many cases, even the release orders were not issued and the DMs of the native Districts were seldom informed. After NHRC's intervention, things have improved, but only slightly. The rehabilitation of migrant labourers is still not being effectively monitored by any agency. Union Labour Ministry is aware of this. This is being brought to the notice of the Supreme Court.

799, out of a total of 2225, released labourers belong to UP and were required to be rehabilitated in UP itself. 13 of these have either died or become untraceable or have refused to take any rehabilitatory assistance. 31 bonded labourers of UP released in other States were received back and are required to be rehabilitated in UP. The current status of the 817 cases of rehabilitation to be arranged in UP is as follows:

1. Total number of Bonded labourers to be rehabilitated	- 817
2. Number of Bonded labourers rehabilitated	-347 including 8 in 2002-03
3. Cases under processing in District Sonebhadra	- 11 (funds received)
<u>Balance</u>	<u>- 459</u>

The State Government has approached the Union Labour Ministry for release of funds to the tune of Rs. 32.85 lakh (50% of the total amount Rs. 65.70 lakh). It is learnt from the DG (Welfare), Union Labour Ministry that while utilisation certificates in respect of earlier grants have been received from the Government of UP, the confirmation regarding provision of the State's share in the State Budget is still awaited. This was duly explained to the Labour Commissioner who promised to take up the matter with the Government. I must remark that rehabilitation of Bonded labourers has been pending in UP since 1997-98 with the following break-up of 465 pending cases:

1997-98	7
1998-99	4
1999-2000	246
2000-2001	178
2001-2002	30

The Government of India had released a grant of Rs. 25 lakh in October 2001 for Awareness Generation (Rs. 10 lakh), Surveys (Rs. 10 lakhs) and Evaluatory Studies (Rs. 5 lakh) in UP. Districts Mirzapur, Allahabad, Kannauj, Meerut and G.B. Nagar have been selected for survey. Districts Chitrakoot, Mirzapur, Sonbhadra, Varanasi and Mathura have been selected for the Evaluatory Studies. No work could be started so far under these schemes because the funds transferred and deposited in the account of the State Government of UP in October 2001 have not actually made available to the Labour Department till now. This was pointed out by the Special Rapporteur in his meeting with the Principal Secretary (Labour)

at Lucknow on June 4, 2002. The Labour Commissioner Ms. Zohra Chatterjee appeared confident to get this amount released and plan its utilisation from April onwards.

An immediate grant of Rs. 1000/- as Subsistence Allowance is required to be paid to every released bonded labourer under the Centrally sponsored schemes. No provision has been made for this essential relief-measure in UP so far. The Commission has been requesting the State Government since December 1997 to allow the DMs to draw this amount under the provisions of T.R. 27 with subsequent reimbursement of the amount from the State HQ. Dr. Justice K. Ramaswamy, former Member NHRC had requested the CM, UP Ms. Mayawati and the Chief Secretary Shri D.S. Bagga separately vide his DO letters dated 13 June 2002. No action seems to have been taken by the Government of UP so far on this request. The Labour Department, the nodal agency, is not aware of any instructions issued by the Government to the DMs.

Shri D.S. Tripathi, Dy. Labour Commissioner accompanied me from Kanpur to Allahabad, Mirzapur, Bhadoi and Varanasi. I found his assistance very valuable in making the District-wise assessment of the situation of Child Labour and Bonded Labour and functioning of the NCLP schools in these Districts. Observations are recorded below District-wise:

ALLAHABAD

BONDED LABOUR

62 Bonded labourers (31 from Brick-kiln and 31 from the carpet-looms) were released in District Allahabad in 2002-03 (up to 31 January 2003). All of them were migrant workers. 3 Bonded labourers were got

released on 18.4.02. 2 belong to Garwa (Jharkhand) and 1 to District Saharasa (Bihar). They were restored to their Districts with the assistance of Bal Vikas Ashram, Karaon. Detailed intimation was sent to DM Saharasa and Garwa on 24.5.02. 31 bonded labourers were got released on 24.5.02. 29 belong to District Bilaspur and 2 to District Janjgir of Chatisgarh. They were sent to their respective Districts and the DMs concerned were requested for their rehabilitation on 4.6.02. 11 bonded labourers were got released on 30 June 02. One belongs to Nepal, 3 to Jharkhand and 7 to Bihar. The DMs of Muzafarpur and Darbhanga in Bihar and Garwa in Jharkhand were duly informed. 7 Child bonded labourers were rescued on 27.8.02. They were restored to their families with assistance of Bal Vikas Ashram and DM Araria was addressed for their rehabilitation. 10 bonded labourers- all belonging to Distt. Palamu (Jharkhand) were got released on 23.11.02. They were issued release certificates and restored to their families through Bal Vikas Ashram. Intimation was sent to DM Palamu on 30.11.02.

A total of 254 bonded labourers have been released in this District since 1997-98. 237 of them were migrant labourers. 12 of the remaining belong to Sonebhadra and one to Balrampur. Funds for the rehabilitation of 11 of them have been allotted to the District. The rehabilitation of the remaining two, one of Sonebhadra and one of Balrampur is pending. A proposal for the rehabilitation of 4 bonded labourers belonging to Allahabad sent on 22.12.01 is also pending.

All the 37 prosecutions launched in this District under the Bonded Labour Act are pending and no case was decided in 2002-03.



CHILD LABOUR

14 children were identified and withdrawn from hazardous occupations/processes and 5 from non-hazardous. With this the total number of children withdrawn from hazardous occupations/processes since the survey of 1997 ordered by the Supreme Court comes to 6,985. 5 of the 14 children were later found to be above 14 years on medical examination. Their cases were thus filed. The remaining 9 were migrant children.

6452 out of a total of 6985 children withdrawn from hazardous occupations/processes are reported to have been admitted to schools. The number of affected families are 5124. 1114 of these, (22 %) were provided some form of rehabilitation. 1257 are reported to have already been employed, 1664 reportedly refused in finding help and 516 belong to the migrant category. Still this leaves 573 eligible cases of rehabilitation. The rehabilitation of affected families in this District can not be considered satisfactory.

470 prosecutions have been launched against 473 employers involved in the detection of 6985 children from hazardous occupations/processes. 532 RCs were issued for realizing a total amount of Rs.4,90,000,00. 346 RCs have been stayed by the Court. A total amount of Rs.2,94,324 has actually been realized till 31 January 2003. This includes 1,04,150 realized in the current year. Performance of this District in this regard is fairly good efficient. A total of 610 prosecutions have been launched under Child Labour Act in this District till 31 January 2003. 140 of these belong to pre-10.12.96 period. 126 of them have been decided – 2 in conviction and 124

in acquittal with bond for good conduct. 14 are still pending. 470 prosecutions were launched after 10.12.96. Only 28 cases have been disposed of after 10.12.96 – all in acquittal. Disposal is extremely slow. Conviction rate is zero. The Additional Labour Commissioner Shri C.M.L. Maurya stated that this is because of the frequent turn over of CJMs. 4 CJMs have been changed during this period.

NCLP SCHOOLS

40 NCLP schools have been sanctioned and were started on 14.6.99 by involving 22 NGOs in their effort. A total of 2000 children are receiving non-formal education in these schools. 846 (42.3%) belong to SCs, 114 (5.7%) belong to STs, 951 (47.5%) belong to OBCs and 89 (4.45%) to the General category. The progress of mainstreaming of these children is found to be rather slow. Only 231 students have so far passed V Class examination. Presently only 221 students are in Class V, 353 in Class IV and the rest in lower classes. The period of the project (3 years) will be over in June 2003. Even if Class IV students are, after being given additional coaching, made to take Class V examination, not more than 40% of the children are likely to attain the proficiency of V Class. I found DM Devesh Chaturvedi duly concerned about this matter. This is one of the reasons why stipend has not been paid to the students after March 2002, although funds were received for the period ending September 2002. Salaries have been paid up to October 2002 and nutrition money up to December 2002. Union Labour Ministry has released the second instalment of grant covering the period up to 31 March 2003. While appreciating the DM's concern in the matter, the withholding of the stipend offered as one of the incentives to the

poor family can not be justified. He was, therefore, requested to release funds to the NGOs immediately for clearing all the outstanding dues including the stipend money.

It was learnt that some complaints were received against Vaishnavi Shiksha Samiti which is running 4 NCLP schools. No one represented it in the meeting I held with the NGOs at the Circuit House on 12 March. The DM was requested to get the schools run by the NGOs thoroughly inspected and their accounts checked by the SDM concerned.

16 of a total of 22 NGOs involved in the running of NCLP schools attended the meeting held at Circuit House on 12 March. Their interaction proved very useful in learning about their work and the problems. They were unanimous in expressing their dissatisfaction over the health cover provided to the NCLP schools by the District Administration. Most of the schools have not been visited by the M.O. concerned even once. Shri Devesh Chaturvedi, DM, was requested to ensure that a detailed medical examination including eye-check up of all the children carried out within two months. The NGOs concerned should be associated with the follow-up in respect of the children identified for any specialised medical attention/surgical intervention. The NGOs complained about delay in release of funds after grant is received from the Govt. of India. They also requested that awareness generation activities should be strengthened.

I visited four NCLP Schools of this District. Observations made are recorded below:

NCLP School Kanak Nagar

This school is being run by Harijan Vikas Evam Samajik Uthhan Samiti. Shri Chhote Lal Member of the NGO was present. The school was opened on 6.3.2000. It has 28 girls and 22 boys. The school has been rightly sited in an area inhabited by landless Kol Tribals working in stone quarries. Beneficiaries have been carefully selected and comprise 22 SCs, 18 STs and 10 OBCs including 3 Muslims. Attendance Register is not being maintained properly. Supplementary Nutrition Programme (SNP) is being run properly. Vocational training arrangements are casual and cover 4 or 5 students only. Medical cover is poor. One student Shakuntla of Class I was found suffering from poor Eye-sight. No follow-up action has been initiated. The staff has not received salary after October 2002. Stipend to the children has been paid upto March 2002 only.

NCLP School Lohgara

This school is being run by Gram Vikas Shiksha Samiti. It has 25 boys and 25 girls. 38 belong to STs, 5 to SCs, 3 to OBC and 4 to General category. The school has been rightly sited and selection of beneficiaries seems to be fair and rational. Only 4 students have so far cleared Class V Examination – 3 in 2001 and 1 in 2002. Only two students are considered fit for taking this exam this year. Progress of mainstreaming has obviously been very poor. Vocational training is being imparted in tailoring but no records could be produced in support of this claim. One student Suresh Ram is a mentally retarded child. He should not have been admitted to this school. Medical cover is poor. Supplementary Nutrition Programme is

running efficiently. Position of payment of salary to staff and stipended to students is the same as stated above in respect of NCLP school, Kanak Nagar.

NCLP School Sairvaya

This school is being run by Lok Kalyan Sansthan which has been given two schools. The school has been sited correctly in an area inhabited by the labourers working in stone-quarries with high incidence of silicosis and TB. One of the students Sheela d/o Mohan is receiving treatment for silicosis. Beneficiaries include 14 SCs and 36 OBCs students. 15 children cleared Class V examination in 2002. 26 graded as Class IV and Class V students can take this exam this year. Vocational training is being imparted to 9 children in knitting and tailoring. Medical Officer has been visiting once in 3-4 months but no health cards are being maintained.

NCLP School Bankipur

This school is being run by Shri Vishambar Nath Luxmi Narayan Samarak Shiksha Samiti. General Secretary Shri Girdhar Gopal Tripathi was present. The school started in March 2000, is rightly sited in a remote area in the interior. No Government school is available in the vicinity. It has 30 girls and 20 boys with 44 SCs and 4 OBCs and 2 of General category. Only 15 children have cleared Class V examination so far. 12 more can be put through this examination this year. Nutrition programme is running alright. Medical examination was conducted only once in October 2002 but no records were prepared. 14 girls and 8 boys are being imparted vocational

training in tailoring. It is heartening to note that the NGO is constructing a permanent building for the school. The school is presently being run in a kacha Basha.

MIRZAPUR

CHILD LABOUR

Only 4 children have been identified and withdrawn from hazardous occupations/processes in 2002-03 (up to 31 January). However, two of them were subsequently found to be above 14. Total detection of 10 months thus comes to 2 only. Despite the fact that complaints about employment of children particularly from Bihar in this District are common a knowledge, detection has been falling drastically since 2000-01. Figures of detection were fairly good for 1997-98 (13), 98-99 (20), 99-2000 (12). Only 3 children were detected in 2000-01, 1 in 2001-02 and only 2 this year.

A total of 145 children including 2 of the current year have been detected in this District since the survey of 1996-97. 38 of them were migrants, The remaining 107 are shown to have been admitted to schools. This statement given by the ALC was found to be incorrect. On his own admission, both the children detected in the current year are already class VI pass and were therefore not required to be admitted to school.

The number of affected families was reported to be 138 (the statement received from the Labour Commissioner, UP, gives this number 136). 101 families (73%) have been rehabilitated. 33 families are migrant and 2 are unwilling to take any rehabilitatory assistance. As such only 2 cases are pending for rehabilitation. Rehabilitation aspect is quite good.

77 RCs for realizing an amount of Rs. 28,40,000 have been issued against the 77 employers. 24 RCs have been stayed by Courts. An amount of Rs. 1,09,545 has been collected which includes Rs. 55,000/- collected in 2002-03. No RCs were issued this year.

As per the statement given by the ALC Mirzapur, 581 cases were filed under the Child Labour Act before 10.12.96 and only 40 including 2 in the current year after 10.12.96. 313 of pre-December 96, cases have been decided – 9 in conviction and 304 in acquittal. Of the post-December 1996 cases, only 11 have been decided till now – one in conviction and 10 in acquittal. Conviction rate is poor although the efforts are being made to improve the disposal. 30 cases were decided during the period 1.4.02 to 31 January 2003. 297 cases including 268 of pre-December 96 are pending.

BONDED LABOUR

27 Bonded labourers were released this year in District Mirzapur. 26 of them were migrant labourers. Dy. Labour Commissioner could not furnish the particulars of the reports sent to the DMs of the native Districts for their rehabilitation. Copies of the letter addressed to the DM concerned are to be marked to Union Labour Ministry as per the provisions of the Centrally Sponsored Schemes. I do not think this has been done.

With this year's detection, a total of 201 bonded labourers have been released in this District since 1996-97. 106 of them have been rehabilitated. 86 of the remaining are migrant labourers. One Ayodhya s/o Ram Swarup

of village Rampur Marwan, PS & Teh. Lalganj, District Mirzapur released in 1998-99 has died without receiving any rehabilitatory grant. 7 cases of 1997-98 and one of 2002-03 are pending rehabilitation. ALC informed that he has received rehabilitatory grant for 7 cases of 1997-98 recently and their rehabilitation is being arranged.

NCLP SCHOOLS

20 NCLP schools, with sanctioned capacity of 1000, are sanctioned for this district under the NCLP. Six NGOs were selected to run these schools which started in June 1999 and finished the project period of 3 years in May 2002. Only 949 children could take benefit of this project. 66 of them belonged to minority, 155 to ST, 297 to SC and 419 to OBC category. Selection of beneficiaries (454 boys and 495 girls) was found to be fair. 844 of these (89%) were mainstreamed and admitted to class VI. This gives a fairly good account of the performance of the NGOs which were selected for running these schools.

I was shocked to find that the NGO have been totally withdrawn from this effort against the spirit of the National Child Labour Project, and the management of schools has been taken over by the Project Society headed by the DM. Only 17 instead of 20 schools have been started for the next session, which began in July 2002. Sanction in respect of 3 schools has remained unutilised. The total number of children now in schools is 848 (538 girls and 310 boys) including 57 minorities, 228 SC and 538 OBCs. The representation of STs has come down to zero from 16.3%. The number of General category students has increased from 1.47% to 3.18% after the

Distt. Administration took over the management of these schools from the NGOs.

Another major observation relates to non-payment of salaries to staff and stipend to students. Although the Union Labour Ministry had released grants up to September 2002 and some amount from the savings of previous project period was also available, no repeat no payment has been made towards salaries or stipend for these schools till the date of my visit. Supplementary Nutrition Programme has been totally stopped. The ALC confirmed in writing that an amount of Rs. 9,92,758.46 paise is available in the bank account of the Project Society as of 14.3.03.

I did not find the DM Mr. Amrit Abhijat very much concerned about such a dismal state of affairs of the Project headed by him. I requested him to start the supply of nutrition to the children immediately. He wanted a little more time in view of the Holi and Muharram commitments and promised to resume this essential activity by 25th March 2003. He has confirmed this vide his Fax message of 22 March 2003 in reply to my DO letter dated 17.3.03 in which I had brought to his notice the observations I was making in my report to the Commission with the request that he may start action to sort out matters without waiting for the receipt of my report.

The Union Labour Ministry has released the second instalment of funds for the schools to cover the period upto 31 March 2003. The Addl. Labour Commissioner, Mirzapur promised me that all payments towards salary and stipend etc. will be cleared by 7th April 2003. Shri Pankaj Kumar, Addl. Labour Commissioner, Incharge Child Labour/Bonded Labour UP has been requested to monitor the compliance of these directions.

I explained to the DM the desirability of involving NGOs in the management of these schools. It is hoped he will soon find some suitable NGOs out of so many available in Mirzapur and entrust the activity to them. The fairest thing would be to select NGO on the basis of an objective evaluation of their performance in the last session. Those which were found slack or non-compliant in matters of guidelines issued by the Union Labour Ministry, should be discarded and others whose performance has been admittedly good, should be given additional schools. The present arrangement of running these schools under the sole authority of the ALC, Mirzapur whom I have found lacking in many respects is not at all desirable. The performance of Field Officers who are now exercising all the control over the teachers and other staff was found to be totally unsatisfactory. It is a pity that the young DM could not make his own assessment of the functioning of these schools after a drastic change was effected in their management.

I visited 4 NCLP schools. The observations are recorded below:

NCLP School Gogaon

This school was started with 50 girls on 5.7.2002 – 2 belong to minority, 47 to OBC and 1 to General category as per the statement given by the ALC. It was, however, reported at the site that there are two Brahmins, 5 Yadavs, 41 Malhas, 2 Muslims. The school has been rightly selected in a Child Labour Prone area inhabited by OBCs. Average attendance (95%) is satisfactory. There has been one case of drop-out. Vocational training

arrangements are irregular and casual. Supplementary Nutrition which is an important welfare input of the project is totally missing, although full grant has been received from the Government till September and has also been claimed for the period thereafter.

Medical examination of the students has not been conducted even once. I do not think that DM has ever bothered about this aspect. I saw Shri Jai Ram Sharma of Prema Bal Vidya Mandir present at this school. This NGO had run 7 schools in the last session and 323 out of a total of 350 children were mainstreamed into VI Class as per the statement given by the ALC who also praised the commitment of this activist. I came to know later that although the NGOs have been officially sidelined, some of them are still being allowed informally by the ALC to oversee the working of these schools. The absurdity of this arrangement can not be commented upon. The staff confirmed that they have not received any salary since the classes started in July 2002. No stipend has been paid. Even the class IV peon entitled to get Rs. 800 p.m. has been working without any remuneration.

NCLP School Naroia Bazar

The school was started on 5.7.02 with 50 children - 27 girls and 23 boys. Two boys dropped out after six months. The present class composition of the students is: OBC-29, SCs-5, minorities-11 and General-3. All the 48 children were present and average attendance is above 95%. The school has been rightly sited in an area where children are employed largely in carpet-weaving, Brick-kilns and agricultural work. SNP component is missing. Same is the case with vocational training and health care.

However, the teachers appeared very enthusiastic about their work. The standard of teaching was also found to be very good. Payment of salary and stipend is yet to begin.

NCLP School Gaipura

The school was started on 5 July 2002 with 50 children - 17 girls and 33 boys. Examination of the Attendance register showed cent percent attendance on all the days in July-September. Only from March 7, 2003 onwards, some 'A's could be seen. Obviously entries were not made as per actual presence of students. The Field Officer who is supposed to have visited the schools regularly appeared blissfully ignorant of this funny situation. The class-wise composition is 21 SCs, 24 OBCs and 5 General category.

Vocational training teacher Ajit Pratap Singh is a carpenter by trade. He has selected a few boys and started imparting them training in carpentry. This can be improved further. The owner of the house, where the school is being run, has provided Fans and made arrangements for the supply of water and toilet facilities. He has not received any rent so far. One fails to understand how such matters have escaped the notice of the DM. The house owner must be paid the prescribed rate of Rs. 1000/- immediately.

NCLP School Virohi

The school was started on 5.7.02 with 30 girls and 12 boys. The class composition is: SC-17, OBC-19 and minorities-13 and General-1.

Attendance register is not being filled carefully. The siting of the school does not appear to be need-based. The village has a primary school and also an upper primary school. Although the Lady Instructor stated that vocational training is being imparted in knitting and embroidery, she could not produce even the list of the students who are actually attending her classes. Teachers were found reclining outside on wooden planks and the students were given break for lunch. Only 23 students reported back till we were there. The lady peon Jagwati could not tell how much salary she would get after payment is started. Teachers were asked to produce their best-rated 3-4 students. They could not answer any question, nor could they read confidently from their Hindi book. Standard of teaching which was found to be very good in other schools which were visited, was pathetically poor at this place.

SONEBHADRA

CHILD LABOUR

Detection of children working in hazardous occupations/processes has been 'nil' during the current year (upto 31 January 2003). Only 9 children were identified engaged in non-hazardous occupations/processes. Detection in this district has been consistently poor from 2000-01 onwards although reports of engagement of children in carpet weaving are received.

A total of 398 children have been withdrawn from work in this district since 1996-97 survey. 372 of them were admitted to schools. The number of affected families is 353. Only 287 have been rehabilitated. After

considering the migrant status and other factors, 3 cases were found pending in the last review. No progress has been shown since then.

174 prosecutions have been launched against 216 offending employers. 149 RCs for recovering an amount of Rs. 46,60,000 have been issued. 13 RCs have been stayed by the courts. Only a sum of Rs. 1, 13,000 has been actually recovered so far. Recovery in the current year has been 'nil'.

A total of 374 prosecutions, including 200 of pre-December 1996 period, were launched in this district. 111 of them have been disposed of – one in conviction and 110 in acquittal. Although conviction rate is very poor, disposal has shown progress in 2000-01 and 2001-02. However, no case has been disposed of in the current year. Enforcement of Child Labour Act does not seem to have received adequate attention in this district.

BONDED LABOUR

There has been no detection of Bonded Labour in the current year. 12 bonded labourers released in Allahabad were to be rehabilitated in this district. Funds have been provided for rehabilitation of 11 of them. However, the office of the Labour Commissioner, UP could not confirm whether these persons have actually been rehabilitated. The statement is also silent about the 12th. 10 bonded labourers released in Rajasthan were to be rehabilitated in this district. 9 of them have received the rehabilitatory grant when last review was carried out. Rehabilitation of the 10th is still pending.

JAUNPURCHILD LABOUR

11 children were withdrawn from hazardous occupations/processes in the current year (upto 31 January 2003). It shows a marked fall from the figures of 2001-02 (125) and 2000-01 (22).

The total number of children withdrawn from hazardous occupations/processes in this district since 1996-97 is reported to be 681. Only 415 (61 %) of them have been actually admitted to schools till 31 January 2003. The ALC informed that all the 11 children detected in the current year have been admitted to schools in February 2003. However, 30 cases reported pending for educational rehabilitation in last review are still pending with no progress achieved.

The number of affected families in respect of 681 children withdrawn from hazardous occupations/processes is shown to be 520. Only 95 (18.3 %) have been actually rehabilitated. 98 families were shown awaiting rehabilitation at the time of last review. After considering the migrant status and other factors (already employed, refusal to take employment etc.), 99 families are now awaiting rehabilitation. This does not present a good picture of the rehabilitation of affected families in this district.

269 prosecutions have been launched against 363 offending employers. 265 RCs for recovering an amount of Rs.96,40,000 have been issued. 119 RCs have been stayed by courts. Only a sum of Rs.3,26,200 has been realised so far which includes only Rs.20,000 recovered this year.

403 prosecutions including 134 of pre-December 1996 period were launched. While the statement received from the Labour Commissioner shows that 388 cases are pending prosecution, the ALC has given the figure of 385 including 134 of pre-December 1996 period. No case has been decided in this year.

BONDED LABOUR

There has been no detection of Bonded Labour in this district this year. No case of rehabilitation is pending.

BHADOI

CHILD LABOUR

44 children were detected and withdrawn from hazardous occupations/processes, which shows an improvement over 26 of 2001-02 and 11 of 2000-01. With this, the total number of children withdrawn from hazardous occupations/processes in this district comes to 598. 126 of them have been admitted to schools. The rest are all migrant. The number of affected families is 596 including 503 migrant families. Of the 93 local families, 35 have been rehabilitated, 32 are already employed and 18 have refused to take employment. As such, 8 families are still awaiting rehabilitation.

222 RCs for recovering an amount of Rs. 85,60,000 from 277 employers have been issued. 116 RCs involving an amount of Rs. 44,50,000 have been stayed by courts. The recovery of Rs. 7 lakh presented in the last

review has been found to be wrong. The new ALC Sarju Ram has detected a serious discrepancy in the statement furnished by his predecessor. The amount of Rs.7 lakh includes Rs. 5 lakh allotted to the district for rehabilitation of Child Labour-cum-Welfare Fund with the interest earned on it. The actual recovery in this district till now is only Rs. 1,96,313. No recovery was made in 2002-03 till 31 January 2003.

Out of a total of 1490 prosecutions, including 1267 of pre-December 1996 period, 667 have been decided so far – 136 in conviction and 531 in acquittal. Conviction rate is 20 %. 823 cases are pending. Disposal is slow and conviction rate is almost 'nil' after 1998.

BONDED LABOUR

The statement received from the office of the Labour Commissioner, UP showing a detection of 165 bonded labourers in UP in the current year, shows 'nil' detection in respect of district Bhadoi. This is found to be incorrect. As explained by the ALC, Bhadoi, 44 bonded labourers including 41 children were rescued in this district in the current year. With this, the total number of bonded labourers identified and released in district Bhadoi since 1995-96 survey comes to 335.

8 child bonded labourers were rescued from the loom of Shri Nadim alias Papu and Mumtaj, Nai Bazar, Bhadoi on 23.4.2002. 2 bonded labourers were released from the factory of Om Parkash Mauria s/o Sita Ram Mauria, Sahabad, Bhadoi on 18.6.2002. 8 bonded labourers were released on 5.9.2002 – 4 from the loom of Papu s/o Qayum and 4 from the loom of Mumtaj, Nai Bazar, Bhadoi. 12 child bonded labourers were released from the establishment of Shamsudin s/o Israil, Nai Bazar, Bhadoi

on 4.10.2002. 3 bonded labourers were released from the carpet loom of Girja Shankar Mauria s/o Vakil Mauria, Gopiganj on 12.10.2002. The last case relates to release of 11 bonded labourers from the loom of Salim s/o Kallu Badva, Nai Basti on 23.10.2002. It is heartening to note that action for launching prosecution has also been started in all these cases in the court of CJM, Bhadoi.

All the 44 bonded labourers are migrants from Bihar. Action has been initiated for their rehabilitation through the DMs of their native districts. ALC, Bhadoi has also detected one pending case, Ram Nath s/o Dood Nath, for rehabilitation since 1997-98 and referred the matter to the Labour Commissioner, UP.

Prem Kumar

NCLP SCHOOLS

20 NCLP schools with the sanctioned strength of 1000 children were started in this district in March/April 1999. These were entrusted to six NGOs. After the conclusion of the Project period in May 2002, all the 1000 children have been mainstreamed. 613 (61 %) were admitted to class 6th and the balance 387 to class 5th. This shows a certain fall from the set objective of imparting Vth class proficiency to the admitted children. However, the results appear to be very realistic and give a good account of the performance of these schools. With fresh admissions, another lot of 1000 students – 390 boys and 610 girls - started receiving accelerated primary education since 1.6.2002 under the same arrangement of NGOs' involvement. 41.6 % of the admitted children belong to SC, 46.1 % to OBC, 10.6 % to minority community and only 1.7 % to the GD category. An interaction with the office bearers of all the 6 NGOs arranged in the

DM's chamber late in the evening of 12th March 2003 proved very useful. It was learnt that some schools are experiencing difficulties in the supply of text books to the students. The DM assured that the supply of free books to all the students will be completed by May 2003 and the Basic Education Officer was requested to collect demands from the NGOs. The CDO Bhadoi was requested to consider the eligibility of Self-Help Groups of the parents of these children formed by the NGOs for benefits under the existing schemes of rural development.

Although I could not visit any schools in this district this time, the interaction with the NGOs convinced me about the correct siting of the schools and selection of beneficiaries. I have no doubt, the Supplementary Nutrition Programme is also running efficiently as before. I could, however, sense that the arrangements for the vocational training are not upto the mark and a little more check by the Project Society is considered necessary. Most of the NGOs were seen unhappy with the medical cover provided from the PHCs. The DM was requested to arrange a detailed medical check up including eye test of all the children within next 2 months.

VARANASI

A meeting with the NGOs, number 33, associated with the running of NCLP schools was held. This was followed by a meeting with the DM, Varanasi Shri Anil Sant.

CHILD LABOUR

A total of 46 children were detected and withdrawn from hazardous occupations/processes and 19 from the non-hazardous occupations/processes in this district in the current year upto 31 January 2003. With this, the total number of children withdrawn from hazardous occupations/processes in this district since the survey of 1996-97 comes to 1395. A total of 956 children have been admitted to schools. 428 are migrant children. As such, only 11 children remain to be admitted to schools. Last year's review mentioned 6 children awaiting educational rehabilitation. The DLC confirmed that they were subsequently admitted to schools. The current balance of 11 belongs to detections of 2002-03. He assured that these children would be admitted to schools in June this year.

The number of affected families is 1286. Only 158, i.e. 12 %, have been rehabilitated so far. 432 are reported to have already been employed. After considering the migrant families and those who have either already received some benefit under rehabilitatory schemes or are unwilling, a balance of 23 families is still to be considered for rehabilitation. 28 families were shown awaiting rehabilitation at the time of the last review. DLC informed that most of them have been rehabilitated. Shri T.N. Shukla, CDO assured that the cases of all the pending families are being examined for rehabilitation under different schemes.

642 RCs for collecting a total amount of Rs.1,71,80,000 from 976 employers have been issued. This includes 16 RCs in the current year. 139 RCs have been stayed under court orders. A total of Rs.3,36,000 has been collected so far which includes Rs.80,000 collected in the current year.

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A total of 789 prosecutions have been launched under the Child Labour Act in this district including 94 of pre-December 96 period. This includes only 2 cases of current year. 302 cases have been disposed of so far - 131 in conviction and 171 in acquittal. The conviction rate (43%) is very good. It was mentioned that the CJM Mr. S.K. Tripathi had taken personal interest in speeding up the disposal of these cases. 393 cases are pending and are being pursued vigorously by the DLC.

BONDED LABOUR

It is heartening to note that as many as 76 bonded labourers were identified and got released in four cases in this district in the current year. 13 bonded labourers of district Bilaspur (Chhattisgarh) were liberated from the brick-kiln of Shri Raj Nath Yadav in village Parsupur PS Rohania on 3.4.2002. The DM Bilaspur was duly informed on 9.4.2002 about their rehabilitation. 18 bonded labourers of Malda (West Bengal) were rescued from the brick-kiln of Mandata Singh of village Partap Pati, PS Baragaon on 11.4.2002. The DM Malda was informed on 2.5.2002 for their rehabilitation. One bonded labourer of Varanasi was released from the brick-kiln of Rajinder Tiwari of village Belva PS Phoolpur on 23.4.2002. His case for rehabilitation is being processed. 44 bonded labourers of Janjgir (Chhattisgarh) were released from the brick kiln of Satish Kumar Tiwari of village Gosaipur PS Cholapur on 5.5.2002. Report has been sent to the DM, Janjgir on 14.5.2002 for their rehabilitation. The rehabilitation of 13 bonded labourers, belonging to Azamgarh, released in Varanasi in 2000-01 is still pending. This is included in the pendency of 459 intimated by the Labour Commissioner UP.

NCLP SCHOOLS

A total of 40 NCLP schools with the sanctioned strength of 2000 children are being run with the help of 33 NGOs in this district. 21 schools were started in December 2001, 5 in January, one in March, 2 in April, 10 in July and one in October 2002. It is heartening to note that 487 children including 221 of minority community have already cleared class 5th examination and 401 of them have been admitted to class 6th.

2000 children are now receiving accelerated primary education in these schools - girls (1195), outnumber boys (805). As many as 803 children are from minority community. 516 belong to SC/ST and 661 to OBC category. Only 20 children are of general category. This is a true reflection of the fact that over 90% of the child labourers belong to SC/ST and minority community.

The interaction with the NGOs, number 33, arranged by the DLC, proved very useful in assessing their sense of interest and commitment and the problems they are facing. Payment of salary and release of stipends has been going on smoothly in this district. The representatives of the NGOs expressed difficulties in the matter of medical examination of the children. DM Shri Anil Sant was requested to get all the boys subjected to a detailed medical examination including eye test. Request for the installation of a hand-pump at the NCLP schools, Sarai Mohana run by the Vedic Sewa Ashram Sansthan was also conveyed to the DM who assured early action.

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I visited 4 NCLP schools of Varanasi. Observations of the visit are given below:

1. NCLP School, Rauna Khurd

This school is being run by the Human Welfare Association. Dr. Rajni Kant, General Secretary was present. The school was started on 15.3.2002 with 44 girls and 6 boys including 25 of minority community, 17 belong to SC and 8 to OBC category. The school has been rightly sited in an area where children are openly employed in silk industry. Average attendance is over 95%. There have been 3 drop outs – one because of marriage and 2 as a result of admission to a formal school. Vocational training is being imparted in tailoring in a very systematic manner to 18 adult students. Nutrition Programme is running efficiently. Medical Examination of children is yet to be arranged. Standard of teaching ascertained from a random questioning of students in Hindi reading and arithmetic was found to be EXCELLENT. Salaries and stipend have been paid upto September 2002. Funds for the period September to March have been received only now.

2. NCLP School, Kuwar Baragaon

The school run by the Bharte Kadam Sewa Samiti was started on 1.12.2001. Shri Anand Raj, General Secretary of the Samiti was present. 32 girls and 18 boys, 48 belong to OBC and 2 to minority community have been rightly selected from an area known for employment of children in saree making and bidi industry. 19 girls and 2 boys are receiving vocational

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training in tailoring. There has been no drop-out and average attendance rate is above 95%. Medical examination has not been conducted even once. Shri Anand Raj was convinced about the need to improve the standard of teaching.

3. NCLP School, Jamapur

This school is being run by the Sarvajanic Vidayala Samiti. It was started on 1.12.2001 with 22 boys and 28 girls including 14 from the minority community. Community-wise break up could not be shown. Record keeping appears to be poor. Average attendance is around 80%. Examination of the attendance register revealed as many as 7 cases of irregular attendance. Vocational training is being imparted in food preservation, but not in a systematic manner. Standard of teaching appears alright. Medical examination has been conducted and the Medical Officer has visited the schools 3 times. Salary and stipend have been paid upto September 2002. There are 2 disabled children – one boy and one girl. The girl Sulekha could be considered for the supply of crutches.

One Ram Moorat appeared before me and complained that he was removed from the post of peon after he had worked for 14 months and a new man was inducted on 1.10.2002. He also complained that he has not been paid his full dues. Shri A.K. Rai was requested to look into this complaint.

4. NCLP School Shivpur

This school was started by Mahila Aarthik, Sanskritik evam Shaikshik Vikas Samiti on 15.12.2001 with 28 girls and 22 boys. 39 children belong

to OBC, 9 to ST and 2 to general categories. Average attendance rate is above 95 %. Vocational training is being imparted to 28 girls only in tailoring. It is heartening to note that the NGO has paid salaries from its own resources upto February 2003 although the funds released by the Society covered the period upto September 2002. Their initiative in arranging medical examination through private doctors is also commendable. The standard of teaching was found to be satisfactory.

General Remarks

The incidence of child labour has been showing steady decline in the Districts of carpet belt since the intervention of the NIIRC 1997. This view is endorsed by a number of NGOs, social activists and academicians working in this area. The employment of children in factories has almost totally stopped. However, children continue to be engaged in home establishments in carpet-weaving and silk industry. Detection-drives which had created a stir in the area in 1998 and 99 have slowed down during the past 3 years. Although good results have been achieved by carrying out non-invasive surveys and improving the admission of children to schools, enforcement efforts for identification and withdrawal of children from hazardous work need to be intensified.

Situation on the Bonded Labour front has, however, shown little improvement. Although some detections are made in some Districts from time to time, the rehabilitation of the released bonded labourers is found to be very slow. A huge backlog of over 450 cases remains to be cleared. Matters are pending mostly at the Government level. The Labour Commissioner UP has been advised to pursue these matters vigorously.

The Commission may like to call for a report from the Principal Secretary (Labour) so that matters could be placed before the Supreme Court as required by the mandate under which the Commission is overseeing the implementation of the Bonded Labour Act in the country.

Chaman Lal

(Chaman Lal)
Special Rapporteur
3.4.2003

31/4/2003