

Report on the visit of Dr. Justice K. Ramaswamy, Member, NHRC to Ranchi on 22-23 June 2002

Dr. Justice K. Ramaswamy, Member NHRC visited Ranchi on 22-23 June to review the Bonded Labour and Child Labour situation in Jharkhand. He was accompanied by Shri Chaman Lal, Special Rapporteur. Review meeting was attended by Shri G. Krishnan, Development Commissioner, Shri P.S. Cheema, Labour Secretary, Smt. Sushma Singh, Home Commissioner, Shri Sharda Charan Jha, Additional Secretary, Health and Family Welfare, Shri S.P. Sinha, Director Panchayat, Shri Radhey Sham Poddar, Secretary, Social Welfare, Shri J. Munigala, Director, Primary Education, Shri Alakh Dev Prasad, IG (Prisons), Shri Ram Kumar Kataria, Special Secretary (Home), Shri Sushil Kumar Bernwal, Director, Social Welfare, Shri M.M. Mishra, Jt. Labour Commissioner, Shri Sohail Akhtar, Joint Secretary, Labour Employment and Training and Shri P.N. Mishra, DIG, Human Rights.

Shri G. Krishnan, Development Commissioner welcomed the NHRC team and gave a brief account of the measures initiated by the State Government to tackle the problem of bonded labour as a follow up of the Workshop on Bonded Labour organised jointly by the NHRC and the Government of Jharkhand at Ranchi on July 21, 2001. Shri Chaman Lal Special Rapporteur apprised the participants of the orders issued by the Supreme Court on 11.11.97 entrusting to the NHRC the responsibility of overseeing the implementation of the Bonded Labour Act throughout the country. He also explained the mode and modality of the review being carried out by the Member Dr. Justice K. Ramaswamy by making periodical

visit to the State HQs. and holding meetings with the Secretaries of Labour, Education, Social Welfare, Health, Rural Development and other Departments connected with the enforcement of Bonded Labour and Child Labour Act and rehabilitation of released bonded labourers and rescued child labourers. This was followed by a presentation by Shri P.S. Cheema Labour Secretary on Bonded Labour and Child Labour situation in Jharkhand.

BONDED LABOUR

15 out of a total of 22 districts of Jharkhand have been identified as Bonded Labour Prone Districts. These are; Daltanganj, Garhwa, Lateihar, Dumka, Jamtra, Deoghar, Gumla, Lohardaga, Ranchi, Simdega, Sahibganj, Pakur, Hazaribagh, Girdih and Chhapra.

District Level Vigilance Committees have been constituted only in 12 out of 22 districts. Sub-Divisional Level Vigilance Committees are in place in only 15 out of a total of 33 Sub Divisions. The Chief Secretary Jharkhand had given the assurance in the workshop held on 21 July 2001 that constitution of all the Districts and Sub Divisional Level Vigilance Committees will be completed by 25 August 2001. Specific directions issued by the NHRC in this regard have not been implemented. The Development Commissioner promised that the matter will now receive urgent attention and Vigilance Committees in the remaining 10 Districts and 18 Sub Divisions will be constituted by the end of July 2002.

The Government notification empowering the Executive Magistrates u/s 21 of the Act to exercise the powers of First Class Judicial Magistrate was required to be issued for all the 22 Districts by 25 August 2001. This has been done only in 8 districts so far. The Development Commissioner assured that matter will be taken up with the High Court at personal level and the pending notifications in respect of 14 districts will be issued by the end of August 2002.

As follow-up of the Workshop, fresh surveys were conducted in all the districts but no bonded labour was detected anywhere. The Special Rapporteur remarked that it is difficult to believe the entire state of Jharkhand is free of incidence of bonded labour.

The presentation showed that a total of 5344 bonded labourers have been detected in Jharkhand till date. It could not be clarified whether these detections pertain to period before the special survey ordered by the Supreme Court in 1996-97 or represent the consolidated figures of detection since the enactment of Bonded Labour Act in 1976. The Special Rapporteur remarked that most of the Deputy Commissioners who had attended the Workshop on 21 July, had confirmed that the figures available with them relate to total detection since 1976. Neither the Labour Secretary nor any of his officers could confirm whether there has been any detection of bonded labour after 1996-97 survey. The Labour Secretary was candid enough to admit that there was no detection of bonded labour in the districts of Jharkhand during the last 4-5 years.

5342 out of a total of 5344 bonded labourers identified and released till date have been rehabilitated. There are only 2 pending cases which have been located and the District Administration has been asked to send proposal.

In a meeting held at the NHRC on 19 February 2002, a list of 40 bonded labourers of Jharkhand released in the districts of carpet belt UP during the years 1994 to 2001 was handed over to Shri P.S. Cheema, Labour Secretary Jharkhand. It was decided that efforts will be made to trace these persons and take up their rehabilitation with the Ministry of Labour, Government of India. Shri Manohar Lal, D.G. Labour Welfare/JS, Ministry of Labour who was also present in the meeting assured prompt sympathetic action on the proposal for the rehabilitation of these persons. Shri P.S. Cheema informed that another list of 76 such persons was received by him from the same NGO (South Asian Coalition on Child Servitude). He informed that a total of 76 persons have been traced and their rehabilitation is in progress. The Special Rapporteur remarked that this information must be verified. Shri R.S. Chaurasia, General Secretary, SACCS who came for the NGO meeting was also sceptical about the truth of this information. The Special Rapporteur requested the Labour Secretary and Shri Chaurasia to jointly verify this information and inform the NHRC accordingly. The Member remarked that the Commission would feel very happy if 76 of the old cases have actually been traced and their rehabilitation has been taken up.

Ministry of Labour, Government of India had, in August 2000, offered to the 13 Bonded Labour Prone States including Bihar a special

grant of Rs. 10 lakh for Awareness generation, Rs. 10 lakh for survey on Bonded Labour in 5 selected districts (to be completed in 3 years) and Rs. 5 lakh for impact and Evaluation Studies. On the request of the Commission, the Union Labour Ministry agreed to consider Jharkhand as a separate State for this grant. The matter was discussed in the workshop on 21 July and the Government of Jharkhand was requested to send necessary proposals to the Government of India. The Labour Secretary informed that an amount of Rs. 16 lakh was sanctioned in 2001-02 for conducting survey of bonded labour in the Districts of Daltanganj, Garhwa, Latehar, Dumka, Jamtra, Deoghar, Gumla and Lohardaga. The allotment could not be utilised in 2001-02. The Government of India has now been approached for revalidation of the sanction. An additional amount of Rs. 14 lakh was sanctioned for conducting survey of bonded labour in the districts of Ranchi, Simdaga, Sahibganj, Pakur, Hazaribagh, Girdih and Chhapra under Centrally sponsored plan scheme in the current year 2002-2003. No proposal has been sent to the Union Labour Ministry for drawing Rs. 10 lakh for awareness generation and Rs. 5 lakh for impact studies. The Special Rapporteur remarked that instead of taking up surveys in so many districts at the same time, the Labour Department should have taken up Awareness Generation Programmes.

CHILD LABOUR,

The Status report on implementation of Child Labour Act presented by the Labour Secretary shows that a total of 3570 children were detected in hazardous and 6375 in non-hazardous occupations/processes as a result of survey conducted in 1996 under the directions of the Supreme Court. No

information could be furnished regarding the follow-up action as per the directions of the Supreme Court which had spelt out the following steps:

1. Admission of withdrawn children to formal or non-formal schools.
2. Providing employment under the Poverty Alleviation Programme to one member each of the affected families or deposit of Rs. 5000/- per child if such employment could not be arranged by the State Government. The amount would be used for creating the child labour rehabilitation from Welfare Fund.
3. Realisation of recovery of a sum of Rs. 20,000/- per child from the offending employer.
4. Regulation of working hours and arrangements for education at the expenses of the employer for children detected from non-hazardous industries.

The status report shows that in the year 2001-02, 355 violation of Child Labour Act were detected in 2269 inspections and 28 prosecutions have been launched. The Special Rapporteur asked as to how many children have been detected from hazardous occupations? No reply could be furnished.

Only in one case of West Singhbhum and 4 cases of District Hazaribagh, a realisation of Rs. 20,000 in each case has been started. Actual recoveries are NIL. Details of prosecutions could not be furnished.

NCLP SCHOOLS

A total of 144 NCLP schools are being run in 5 Districts namely West Singhbhum, Pakur, Garhwa, Dumka and Sahibganj. Schools in Sahibganj, Garhwa and Dumka are being run by the NGOs. A total of 5700 children are receiving accelerated primary education in these schools.

General

Smt. Sushma Singh, Home Secretary informed the NHRC team about the measures initiated by the State Government to improve living conditions in jails.

Shri Sharda Charan Jha, Addl. Secretary, Health and Family Welfare mentioned some of the recent measures taken by the Government of Jharkhand to improve the primary health facilities in the rural area. The Budget allocation for supply of medicines has been increased from 85 paisa per patient to Rs. 5.12 and the daily diet money for indoor patients in Government Hospitals has been raised from Rs. 3.55 to Rs. 10.

Shri U.K. Sangma, Secretary, Welfare explained the special schemes initiated by the Government for the upliftment of 9 primitive tribes making specific mention of the literacy drive and Accident Insurance Scheme. 19 NGOs including Ramakrishan Mission have been involved in running the primary residential schools for the children of these tribes.

DIG(Human Rights) informed that the guidelines issued by the Commission on Arrest including the instructions given by the apex Court in D.K. Basu case have been circulated up to PS level and being displayed as

directed. A Human Rights Committee constituted under the orders of Jharkhand High Court comprising Secretary, State Legal Authority, Secretary, High Court Legal Service Committee and Director, Judicial Academy will be visiting all the districts and will co-opt the CJM and SP of the district concerned. The Committee will report the compliance of the Supreme Court directions in DK Basu case.

Shri Radhey Sham Poddar, Secretary, Social Welfare Department informed that presently only 152 out of a total of 212 blocks are covered under the ICDS. The Central Government has sanctioned extension of the ICDS cover to all the blocks and the new projects will be operationalised within one year.

Dr. Justice K. Ramaswamy addressed the meeting at length giving his response to all the points raised in the presentation of Labour Secretary and submission of other Secretaries. He expressed his satisfaction with the progressive measures started by the Government of Jharkhand in the field of Primary Education, Primary Health Care, Tribal Welfare and Human Rights. However, he said that he was thoroughly disappointed over the casualness with which the issues of child labour and bonded labour are being handled despite clear cut directions issued by the Commission and the Union Labour Ministry. He hoped that the commitment made by the Development Commissioner about the constitution of the Vigilance Committees, issuing of notifications u/s 21 Survey and Awareness Generation Programmes will be honoured and compliance report will be sent to the Commission. For the benefit of the officers of the Labour Department, the Member explained in detail the Supreme Court's directions regarding the survey and detection of

bonded labour and the procedure and modality of the rehabilitation of the bonded labourers. He also stressed the requirement of the age determination of the child labourers withdrawn from hazardous work in order to ensure that the cases do not fail in Court.

Meeting with the NGOs

As desired by the Member Dr. Justice K. Ramaswamy, Labour Secretary, Jharkhand organised a separate meeting with the NGOs working in the field of child labour and bonded labour. The meeting was held on Sunday the 23rd June 2002. Shri G. Krishnan, Development Commissioner also attended. 12 NGOs and a Human Rights/Social Action Activist (Shri Ranjit Kumar Roy) attended this meeting.

The Special Rapporteur in his preliminary remarks said that the Commission fully recognises the importance of the NGO sector in protecting and promoting the human rights of the vulnerable sections of society. Citing the relevant provisions of the Protection of Human Rights Act which bring the NHRC and NGOs, into partnership for the cause of Human Rights, he informed the participants about the measures initiated by the NHRC to institutionalise this relationship.

Shri G. Krishnan, Development Commissioner praised the NGOs of Jharkhand for their enthusiasm and commitment for their selfless services. He informed that Government of Jharkhand is involving the NGO sector in developmental activities in a big way particularly in the rural housing schemes, primary health care and education. He mentioned in this

connection the Tele-medicine system developed by the ISRO which is being launched shortly. He said the Government wants the NGOs to act as watchdog and monitor the development in various fields. It is proposed to give primary health care responsibility to NGOs in some selected blocks. The Government would also finance at the rate of Rs. 50/- per child per month, the primary schools opened by the NGO in rural area.

A summary of the points made by the NGOs in their presentations about their work and activities is given below:

1. In terms of incidence of bonded labour, Jharkhand constitutes the most afflicted region of Bihar which carries the stigma of being Bandhua Pradesh. A large number of workers including small children are regularly going to other States from here for working at nominal wages. The area contributes heavily to the migrant child labour working in the Districts of Carpet Belt (UP).
2. A special type of bonded labour system called DHANGAR is operating on a wide scale in Jharkhand. Under this system, the young children of the migrating labourers are left behind with some families and made to work as bonded labourers for one year. This is the only way open to their parents to protect them against starvation.
3. Young girls are also being taken from these districts of Jharkhand to Delhi for employment as domestic servants and even for immoral trafficking. There is need for a comprehensive survey to assess the magnitude of this evil.

4. Strict enforcement of the Inter-state Migrant Workers Act can effectively tackle the problem of child labour and bonded labour in this area. This law is not being used at all.
5. Young boys and girls including some 12-13 years old are being forced to join the cadres of Naxalites because of poverty and unemployment. The Government is obsessed with the law and order dimension of the problem to the neglect of its socio-economic aspects.
6. Drop-out rate of children admitted to NCLP schools needs to be checked. The mainstreaming of the children passing out from these schools needs more attention.
7. A number of Self-help Groups have been created by some NGOs in their areas. People are being persuaded to send their children to schools. Some NGOs are also imparting education to the working children.

In his address, Dr. Justice K. Ramaswamy described the NGOs as eyes and ears of the NHRC. He acknowledged the usefulness of the feedback on the ground reality the Commission has been receiving from the NGOs. He emphasised the importance of the NGOs and public spirited persons to the Commission's role as a catalyst in promoting good governance. He expressed the hope that the members of the NGOs ignited with the spirit of public service will effectively participate in democratic governance of Jharkhand. Narrating his experience of Andhra Pradesh, he stated that well motivated NGOs can successfully persuade poor people to send their children to schools and thus demolish the myth that the poor are not interested in getting their children educated. He advised the Organisers

of NCLP schools to see that the teacher interact with children regularly and inculcate in them the keenness to learn and excell. He cited an example from Andhra Pradesh where some children picked up from among rag-pickers were judged to be possessing a higher I.Q. than their counterparts studying in mainstream schools.

The meeting ended with thanks giving by the Labour Secretary who assured that the directions given by the Member NHRC will be complied with and every effort will be made to expand the scope and result of the collaborative endeavour of the Government and NGOs in eliminating the evils of bonded labour and child labour.

Cel
 1.7.02
 (Chaman Lal)
 Special Rapporteur

I respectfully agree
ANM
4/7/02