

42/4/2006

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**A REPORT ON THE REVIEW OF BONDED LABOUR/CHILD
LABOUR SITUATION IN CHHATISGARH**

Justice Y. Bhaskar Rao, Member NHRC assisted by the Commission's Special Rapporteur Shri Chaman Lal reviewed the Bonded Labour and Child Labour situation in Chhatisgarh in a meeting held at the State Secretariat, Raipur on 14.2.2006. The meeting chaired by the Additional Chief Secretary Shri Ray, was attended by Shri V.K. Kapoor, ACS, Principal Secretary (Labour)-cum-Labour Commissioner, Shri Sunil Kujur, Secretary, Women and Child Development Deptt., Shri R.P. Jain, Home Secretary, Shri Dhruv, Joint Secretary, School Education and senior officers of the Labour Department. Project Directors of NCLP Sarguja and Rajnandgaon were also present.

After the customary Welcome Address by the Principal Secretary (Labour), the Special Rapporteur explained the purpose of the review arising from the Supreme Court's directive dated 11.11.1997 entrusting the responsibility of monitoring the implementation of the Bonded Labour Act in the country to the NHRC with powers to issue enforceable directions to various authorities. As this was the first review undertaken in the newly created State of Chhatisgarh, the Commission's role as a facilitator in promotion of good governance was particularly highlighted.

Shri V.K. Kapoor, ACS/Principal Secretary (Labour) who is also looking after the work of Labour Commissioner, Chhatisgarh made a brief presentation on the Bonded Labour and Child Labour situation in Chhatisgarh. From his presentation and the response of the Special

Rapporteur on various points brought out in the presentation, the following picture of Bonded Labour & Child Labour situation emerged:

BONDED LABOUR

1. Chhatisgarh carved out of Madhya Pradesh on 1.11.2000 with 16 Districts formed part of the States identified as bonded labour prone by the Union Labour Ministry in its submission before the Supreme Court in 1997. A number of Bonded Labour Prone Districts of M.P are now in Chhatisgarh. The Principal Secretary(Labour) was requested to identify the Bonded Labour Prone Districts and the occupations and trades where bonded labourers are generally employed in Chhatisgarh. This exercise is yet to be undertaken by the new State.
2. In an Affidavit submitted to the Supreme Court by M.P. in 1997, the number of bonded labourers identified in entire State of M.P was mentioned with details of their rehabilitation. This also included the bonded labourers identified and released in Districts which now form part of Chhatisgarh. The Principal Secretary (Labour) was requested to collect this information from M.P and update the records of identification and rehabilitation relating to that survey in so far as it concerns Chhatisgarh.
3. The ACS-cum-Principal Secretary mentioned that Vigilance Committees are in place at all the Districts and Sub Divisional HQs, but the references of Gazette Notification could not be

furnished. The Principal Secretary was requested to provide the copies of Gazette Notifications in respect of all the Districts and Sub Divisional HQs of the Vigilance Committees which have been constituted. The presentation paper vaguely mentioned that "constitution of Vigilance Committees and their regular quarterly meetings has been directed". This raises doubt about the actual constitution of these Committees. If no Vigilance Committees have been constituted in recent years by the Chhatisgarh Government, the earlier ones constituted by the MP Government might have gone defunct due to expiry of the term of non-official members which is 2 years under the B.L. Act. The Principal Secretary assured that the entire issue will be examined and the exact information will be furnished to the Commission.

4. The orders conferring powers of the Magistrate First Class and Second Class on Executive Magistrates as provided u/s 21(1) of the Bonded Labour System (Abolition) Act 1976 have been issued vide Notification No. 674/labour/2002 dated 14.3.2002. The copy of the Notification has not been furnished. Moreover, it needs to be clarified whether powers have been conferred on both the DMs and SDMs or only the SDMs.
5. Principal Secretary (Labour) could not furnish any convincing and credible information about identification of bonded labourers in Chhatisgarh since the creation of the State. However, the following information presented district-wise relates to bonded labourers detected elsewhere and sent back to Chhatisgarh for rehabilitation:

BILASPUR

No bonded labourers have been identified in this District. A total of 617 released bonded labourers have been received during the period of 2000 to 2005 – 569 from UP, 28 from Bihar and 20 from MP. Their District-wise break-up has not been furnished. Following amounts have been spent in connection with their release:

2001	- Rs. 9,873
2004	- Rs. 9,990
2005	- Rs. 35,000
Total	-Rs. 54,863

The smallness of the amount clearly shows that it is not likely to be related to the grant released from Government of India for the purpose of rehabilitation of released bonded labourers. For 617 bonded labourers received in Chhatisgarh after its creation on 1.11.2000, the required expenditure on rehabilitation would come to Rs. 123.4 lakhs @ Rs. 20,000 per labourer. It can be safely presumed that none of them has been rehabilitated under the provision of the Centrally Sponsored Scheme.

RAIPUR

It was mentioned that 74 bonded labourers received after release in other States were rehabilitated in 2005. No details have been furnished. The names of the States, where they were detected, have also not been

mentioned. Their rehabilitation under the Centrally Sponsored Scheme has not been confirmed.

DURG

15 bonded labourers were identified and released in this District in 2001. One of them was a migrant labourer. What happened to him, has not been intimated. 11 labourers are shown as rehabilitated with action for rehabilitation of 3 in progress. Details of rehabilitation of 11 have not been furnished. As regards the pending rehabilitation of 3 bonded labourers, examination of the documents submitted in the presentation revealed that Shri Robert Hiangdola, Principal Secretary-cum-Labour Commissioner had written to the DM, Durg on 14.1.2005 asking for details relating to the release and economic social status of these persons and the financial assistance given by the District. No response was received from D.M Durg despite a reminder issued on 12.5.05. Thereafter the issue does not seem to have been pursued.

12 bonded labourers were identified and released in District Durg in 2005. No information has been furnished about their rehabilitation.

JANJIGIR CHAMPA

A total of 107 bonded labourers were received in this district since 2001. In 2001, 17 released bonded labourers were received from Raisen. 44 released bonded labourers were received from UP in 2002 and 46 in 2003. No information about their rehabilitation under the Centrally Sponsored Scheme has been furnished.

JAGDALPUR

A total of 182 bonded labourers have been received in this district since 2003. 31 were received in 2003 from the Union Territory of Dadar Nagar Haveli, 21 from Devas in MP, in 2004, 15 from Bangalore (Karnataka) in 2005 and 115 from Solan (Himachal Pradesh) on 5.2.2006. No information about rehabilitation has been furnished.

It would be seen from the above that a total of 1007 released bonded labourers were required to be rehabilitated in Chhatisgarh. Of these, only 14 were identified in District Durg of Chhatisgarh. The remaining 993 were received from other States (UP, Bihar, MP, Karnataka, Himachal Pradesh and Dadar & Nagar Haveli). The Special Rapporteur subsequently found from the D.G Welfare, Union Labour Ministry that a sum of Rs. 12.4 lakh was released for rehabilitation of bonded labourers in Chhatisgarhin 2002-03. This amount is the Central share of Rs. 10,000 each for the rehabilitation of 124 bonded labourers. An equal amount was required to be provided by the State Government. The Union Labour Ministry has not received Utilisation Certificate of the amount released by them. The Principal Secretary (Labour) was not found clear about this matter. He admitted the state of unpreparedness of his Deptt. and requested for a little more time for streamlining things and presenting the case properly.

The Government of Chhatisgarh received a grant of Rs. 32 lakhs to carry out the Bonded Labour survey in all the 16 Districts. Under the revised Centrally Sponsored Scheme, the Union Labour Ministry had

offered a grant of Rs. 10 lakhs each to all the States for survey in 5 districts. Appreciating the new status of Chhatisgarh, the Government of India accepted their demand for survey in all the 16 districts. The survey was entrusted to only one NGO based at Bhillai. The net result of the survey was zero. The Principal Secretary (Labour) was requested to furnish a detailed report on the survey indicating the criteria of selection of the NGO and the methodology followed by it.

CHILD LABOUR

1997 Survey ordered by the Supreme Court led to detection of 992 children employed in hazardous and 643 in non-hazardous occupations/processes. Follow-up in respect of children detected in hazardous occupations/processes in accordance with the directions of the Supreme Court given in M.C. Mehta vs. State of Tamil Nadu on 10.12.1996 is found to be incomplete/unsatisfactory.

Only 316 out of a total of 992 children detected in hazardous occupations were admitted to Schools. This gives a low percentage of 31.8%.

The number of affected families is given as 390 with no information about Raipur (detection-68), Durg (detection-94) and Janjgir Champa (detection-9). Out of 390 families identified for rehabilitation, only 189 (48.4%) were given some benefit of "Government Schemes".

As per the directions of the Supreme Court, a sum of Rs. 1,98,40,000 was required to be realized from the offending employers @ Rs. 20,000 per child for detection of 992 children in hazardous occupations/processes. The amount actually required to be collected after considering all the relevant factors has not been indicated. However, the Principal Secretary informed that a sum of Rs. 3. 80 lakh was collected from the Employers for 19 child labourers in the District Raigarh and Rs. 20,000 for one child labourer in District Bilaspur. That is the total recovery made till date.

No information has been given about the prosecutions.

There has been no survey and no detection of child labour after the initial survey of 1997.

NATIONAL CHILD LABOUR PROJECT

Six Districts out of a total of 16 in Chhatisgarh are covered by the NCLP. Since the meeting was attended by the Project Directors and not the D.Ms, full details about the functioning of these projects could not be obtained. Based on the information furnished in the meeting, the following observations are made District-wise:

NCLP Durg

The NCLP was started on 26.12.95 with sanction of 40 Schools. At present, 40 schools with 1912 children are being run by 24 NGOs. Till 2005, only 249 children had passed V Class. As per the guidelines of the Union Labour Ministry, 6000 children should and might have benefited in

three terms of 3 years each during this period. Mainstreaming of only 249 does not present a happy picture. There is only one vacancy of Teacher (79 against 80).

NCLP Rajnandgaon

The project was started with sanction of 22 schools on 6.11.95. Currently, only 18 schools with 691 children are being run by 10 NGOs. Only 102 children could clear Class V till 2005 which shows a very poor level of mainstreaming. Vocational Instructor is available in only 6 schools out of 18.

NCLP Bilaspur

The Project was started on 5.10.95 with sanction of 25 schools. All the 25 schools with 1799 students are being run by 13 NGOs at present. Besides NCLP Bilaspur is running one school in Korba and 4 in Janjigir Champa. The enrolment of 1799 children even if the total number of schools is 30 needs to be explained as these schools have a capacity of 50 each. Employment of 31 Teachers and 32 Vocational Instructors also needs explanation.

NCLP Raigarh

The project was started on 15.10.96 with sanction of 20 schools. At present, 15 schools with 727 children are being run by 7 NGOs. Only 83 students cleared V Class examination till 2005 which shows a very poor level of mainstreaming. There is only one vacancy of Vocational Instructor.

NCLP Sarguja

The project was started on 1.12.95 with sanction of 19 Schools. At present, 18 Schools with 1194 students are being run in 18 Blocks by "Jan Bhagidari Samiti". The enrolment of 1194 children against the total capacity of 900 needs to be explained. Only 159 students cleared V Class examination till 2005. There are 10 vacancies of Teachers. Vocational Instructors are not held in any school. The important component of vocational training is therefore missing from the project.

NCLP Raipur

The project was started in August 2005 with sanction of 103 schools. At present, 98 schools holding 4730 children are being run by 42 NGOs. Two posts of Teachers and one of Vocational Instructor are lying vacant.

No information about disbursement of salaries to the staff and stipend to children could be furnished in respect of any project. The Project Directors were requested to furnish the following information:

- Break-up of enrolled children as of now as (a) boys and girls and (b) ST, SC, OBC and others.
- Up to date status of payment of wages and disbursement of stipends.
- Arrangements for providing of supplementary nutrition to the students with details of weekly schedule.

- Arrangements for the health care of enrolled children.

The Principal Secretary informed that the NCLP is being extended to District Korba and District Dantawada also. The funds for establishment for the society and survey work have been received in Korba. The Survey report received from NGO Gaumukhi Sewa Dham Devpehri on 29.7.05 gives a list of 2595 child labourers none of whom has been found working in hazardous occupations. This NGO is likely to be allotted 42 Schools in Korba town and 12 in rural area. Principal Secretary (Labour) will please examine the advisability of allotting all the schools to one NGO and ensure selection of children in accordance with the guidelines of the Ministry of Labour. The funds for survey in District Dandawada have been received in January 2006 and the survey work is in progress.

On the whole, functioning of NCLP does not appear to be satisfactory. The Principal Secretary (Labour) is requested to ensure that the following issues are addressed before the Commission undertakes the next review:

- The number of enrolled children is as per the capacity of sanctioned schools.
- Selection of beneficiaries is as per the guidelines issued by the Union Ministry of Labour.
- Staff is provided in all the schools as per the sanctioned scale.
- Vocational training is an important component. Trades/skills are to be carefully selected and vocational training instructors provided in each school.

- Providing of supplementary nutrition @ Rs. 5 per child per day is to be carefully supervised and monitoring.
- Proper health care arrangements for the children studying in NCLP Schools are to be made by the D.M. who is the Chairman of the Project Committee.
- The scheme now provides appointment of one Medical Officer for every 20 schools. This provision can also be utilized to provide effective health cover.

A.C.S. Shri V.K. Kapoor regretted the state of unpreparedness on the part of the Labour Deptt. and assured the team that things will be sorted out as advised and a paper picture would be presented when the next review is undertaken.

Justice Y. Bhaskar Rao, Member expressed his unhappiness over the lack of seriousness with which the Commission's visit was taken. Explaining the spirit of the Bonded Labour (Abolition) System Act 1976, he urged the officers of the concerning Departments to give proper attention to the rehabilitation of the released Bonded Labourers. He suggested that the Chief Secretary should call a meeting of all the District Magistrates and explain to them their obligations under the constitution and the Bonded Labour Act. Awareness Generation Programme should be undertaken with financial assistance offered by the Government of India. The Labour Department should identify Bonded Labour Prone pockets of the State and also unscrupulous employers, brokers and middlemen involved in the evil practice of bonded labour.

Justice Bhaskar Rao wanted the State Government officials to take the review meeting as a learning experience and act on the observations and suggestions made and hoped that a better picture would be presented when the next review will be undertaken after about six months.

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(Chaman Lal)
Special Rapporteur