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A Review of Bonded Labour and Child Labour Situation in Orissa.

As desired by the Commission, I have carried out an interim review of the Bonded Labour and Child Labour situation in Orissa in a meeting held at Bhubaneswar on 8.11.2001. The meeting was attended by Shri Srinibas Rath, Development Commissioner/Principal Secretary (Revenue), Shri Ramesh Chandra Mishra, Secretary (Labour), Shri Rabi Narayan Senapati, Secretary (Panchayati Raj) Shri Ajaya Rastogi, Special Secretary (Panchayati Raj) and Shri D.N. Mishra, Labour Commissioner Orissa.

Explaining the purpose of the review, I apprised the meeting of the Supreme Court's directions dated November 11, 1997 vide which the NHRC has been involved in the enforcement and monitoring of the Bonded Labour Act throughout the country. I also clarified that I am making an interim review which will be followed in due course by a comprehensive review by Dr. Justice K. Ramaswamy, Member NHRC.

A. BONDED LABOUR SITUATION

Shri Rabi Narayan Secretary Panchayati Raj made a presentation on the Bonded Labour situation which gave out the following facts and figures:

- i) Though BL- prone districts have not been formally identified, the evil is found to exist in all the 30 districts of the State. Vigilance Committees have been constituted at all the District HQ (30) and sub Divisional HQs (58) in the State.

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- ii) Instructions have been issued to all the Collectors to hold by-monthly meeting of the Vigilance Committees. However, the statement put up by the Secretary (PR) clearly indicated that these meetings are not being held regularly. It can be safely concluded from the information presented by the Secretary, Panchayati Raj Department that the Vigilance Committees have not been meeting regularly and there has been no supervision or monitoring of the work of the District authorities in this important field from the State HQs.
- iii) A total of 50083 bonded labourers were identified in Orissa till 1997 which included the results of the special survey ordered by the Apex Court. It is distressing to note that there has been no detection thereafter. In the year 1998, 35 bonded labourers detected in Rajasthan were repatriated to Orissa for rehabilitation. The Development Commissioner remarked that a pernicious form of bonded labour called Khambari in which a son is thrown into permanent bondage as a result of the loan taken by his father is widely prevalent in Koraput, Rayagada and Gajapati Districts. The statement presented by the Secretary, Panchayati Raj clearly showed that the District Collectors are not giving any worthwhile attention to this subject.
- iv) A total of 49027 persons out of 50083 identified as bonded labourers were released. The figure includes 35 received back from Rajasthan in 1998. It means as many as 1091 identified labourers were not released. After no convincing explanation came from the Secretary,

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Panchayati Raj, I accepted the assurance that clarification would be furnished within one month.

- v) A total of 46942 bonded labourers out of 49027 released after identification are reported to have been rehabilitated. Here also the position in respect of the remaining 2085 released labourers has to be explained.
- vi) The Union Labour Ministry has, vide the modified Centrally sponsored schemes for rehabilitation of bonded labourers, allotted to Government of Orissa a grant of Rs. 15 lakh per annum to be spent on Awareness Generation (10 lakhs) and five Evaluatory Studies (5 lakhs). Another grant of Rs. 10 lakh has been made for survey on bonded labour in five districts. This grant will be renewed after every three years. The instructions from Government of India were received some time in August 2000. Instead of formulating proposals at the State HQ. after consultation with the Collectors of Bonded Labour-Prone Districts, the Panchayati Raj Department mechanically sent the letters to all the Collectors asking them to forward proposals. The net result is that the grants offered by the Government of India have not been availed of till now. The Secretary (PR) assured that a proposal complete in all respects will be sent to the Ministry within one month.
- vii) No information was furnished about prosecution of offenders under the Bonded Labour Act. I told the Secretary (PR) that the detailed review to be undertaken by Justice Dr. K. Ramaswamy, Member NHRC would give due attention to this aspect. I was assured that full

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information regarding prosecution would be furnished within one month.

B. CHILD LABOUR

Shri Ramesh Chandra Mishra, Secretary Labour and Shri D.N. Mishra, Labour Commissioner Orissa made a presentation on the Child Labour Situation in Orissa. The presentation revealed the following:

- i) A total of 23761 children were detected as employed in hazardous establishments by the Statewide survey conducted in 1997 under the directions of the Supreme Court. 191461 children were found working in non-hazardous establishments.
- ii) A total of 17,931 out of 23761 children withdrawn from hazardous work have been admitted to Formal or Non-Formal Schools. 16,312 of these were admitted to NCLP schools.
- iii) The exact number of affected families could not be furnished. The presentation shows that only 7820 number of families of concerned children have been covered under different Poverty amelioration programmes implemented in various districts.
- iv) The number of employers of children in hazardous occupations has not been presented. Only 8 prosecutions were launched in 1997-98. Show-cause notices for recovery of Rs. 20,000 per child from the offending employer were issued in 9664 cases. However, recoveries (a total of Rs. 1,20,000) have actually been made in two cases, one

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each in Jagatsinghpur and Rayagada. I could clearly sense a lack of clarity on the part of the Labour Department about the implications of the Supreme Court Order. Recoveries have been ordered only in two cases which have ended in conviction presumably because of the erroneous belief that these are contingent on proof of the charge. The fact that this recovery is to be made as an interim measure from the offending employer without waiting for the actual conclusion of the criminal case does not seem to have been appreciated by the State Government. The Secretary, Labour Department was requested to pursue recovery of the amount in all the 9664 cases without waiting for the outcome of prosecution.

- v) No amount has been deposited by the State Government in the Child Labour Rehabilitation-cum-Welfare Fund @ Rs. 5000/- per child in respect of the affected families which could not be covered under the directions of the Supreme Court to provide job to one adult member after withdrawal of the child from work.
- vi) A total of 308 prosecutions have been launched since 1997 with the following break-up:

1997-98	- 8
1998-99	-129
1999-2000	- 27
2000-2001	-144
<u>Total:</u>	<u>308</u>

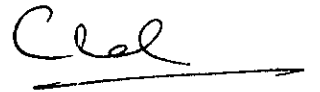
(11/18) Only 11 of these, one each of 97-98 & 98-99, 4 of 99-2000 and 5 of 2000-2001 have been disposed of till now with two convictions and 9 acquittals. Prosecution is very slow and conviction rate is rather poor.

- vii) The presentation does not give any information about detection and withdrawal of children from hazardous establishments after 1997. The Labour Secretary assured that year-wise details from 1997-98 onward will be made available at the time of the detailed review by the Member.
- viii) A total of 18 National Child Labour Projects are in operation in as many districts of Orissa. The information about the sanctioned number of schools (689) needs verification. A total of 634 schools with 35,924 enrolled child labourers are functioning under these projects. Although it was stated that all these schools were being run by NGOs, particulars of the NGOs involved could not be furnished. It is also observed that in some districts, the schools have been given to NGO @ one school per NGO thereby involving an unmanageably large number of NGOs. I doubt the correctness of the information submitted by the Labour Commissioner. I hope full information will be collected district-wise for the detailed review to be undertaken by the Member.

The Review did not present a happy picture of the manner in which the Bonded Labour and Child Labour Act are being enforced in the State inspite of very clear and firm orders passed by the Supreme Court and generous grant of financial assistance by the Central Government. It is

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hoped the situation will be better when Dr. Justice K. Ramaswamy visits the State for a comprehensive Review some time in February 2002.



(Chaman Lal) 13/11,
Special Rapporteur
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