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**Report on the visit of Dr. Justice K. Ramaswami, Member, NHRC  
to Jaipur on 8-10 June, 2001**

Dr. Justice K. Ramaswami, Member, National Human Rights Commission visited Jaipur on 8 – 10 June, 2001 to review the Bonded Labour and Child Labour situation in the State. He was accompanied by Shri Chaman Lal, Special Rapporteur. The Member chaired the meeting held at the Secretariat Jaipur on 9 June, 2001 in this connection. The meeting was attended by the following:

S.No.	Name	Designation	Department
1.	Shri O.P. Behari	Addl. Chief Secy.	Rajasthan
2.	Shri R.K. Nair	Principal Secy.	Home
3.	Shri B.K. Mohanty	Secretary	Labour and Employment
4.	Shri Ram Lubhaya	Secretary	Rural Development
5.	Shri G.S. Sandhu	Secretary	Urban Dev.
6.	Shri A.K. Pandey	Principal Secy.	Women & Child Development
7.	Shri O.P. Meena	Secretary	Social Welfare and Tribal Area Dev.
8.	Shri S.N. Thanvi	Secretary	Secondary and Higher Education
9.	Shri B.S. Chauhan	IGP	Human Rights Rajasthan

10.	Dr. Pramila Sanjaya	State Officer	Project	Dte. Of WCD
11.	Shri R.K. Jain	Director		Elementary Education
12.	Shri G.P. Shukla	Director		Local Bodies
13.	Shri Vrat Sharma	Joint Commissioner	Labour	Labour
14.	Shri CBS Rathore	Dy. Commissioner	Labour	Labour
15.	Shri M.D.Kabra	Director		Rural Development

Shri Chaman Lal, Special Rapporteur welcomed the participants and explained the purpose of the review of the Bonded Labour and Child Labour situation in pursuance of the directions given by the Supreme Court vide it's order dated 11.11.1997 in writ petition (civil) No.3922 of 1985 requesting the NHRC "to get involved in the monitoring of the implementation of the Bonded Labour System (Abolition) Act 1976". The order of the Apex Court clearly states that the directions issued by the NHRC in regard to such involvement of the Commission would be promptly complied with by the authorities concerned. The Special Rapporteur informed the participants about the keenness of the Commission to evolve an appropriate institutional mechanism for periodical monitoring of implementation of the Bonded Labour Act in various States/UTs in a manner that could ensure the realization of the 'objects and reasons' of the Act.

Shri Ram Lubhaya, Secretary, Rural Development gave a comprehensive account of the Bonded Labour situation in Rajasthan with details of various measures taken by the State Government in compliance with the Supreme Court judgement dated 13.5.1994 relating to rehabilitation of the released bonded labourers.

11 Districts - Baran, Kota, Barmer, Chittorgarh, Bhilwara, Jhalawar, Ganganagar, Dongarpur, Alwar, Banswara and Jhunjhunu have been identified as Bonded Labour Prone Districts. The incidence of bonded labour is seen largely in agriculture sector and stone quarries and brick-kiln industries. The Secretary confirmed that the Vigilance Committees have been constituted at the District and Sub-Divisional level in all the 32 districts of the State. However, the Evaluation studies carried out in Chittorgarh, Banswara and Alwar Districts have revealed the need for regular monitoring of the functioning of these committees. The Secretary admitted that these committees are not meeting regularly. Fresh directions have, therefore, been issued to all the District Collectors to ensure that the District and Sub-Divisional level Vigilance Committee meet once in two months. The Divisional Commissioners have been directed to monitor the functioning of the vigilance committees. Though the State Level Committee was formed in March, 1997, it has not been meeting regularly. The last meeting of the committee was held on 31.3.1999. The Secretary informed that the next meeting is scheduled to be held in August, 2001.

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A total of 7946 bonded labourers were identified and released as of 1.1.1997 as mentioned in the affidavit filed in the Supreme Court. 6217 of these have been rehabilitated; 169 have died and 278 sent to their parent States. As many as 1240 were reportedly not available for rehabilitation at the time of filing of the affidavits. Only 42 released labourers were awaiting rehabilitation at that time. They were all rehabilitated in 1997-98.

A total of 5438 bonded labourers have been released during the period 1997-98 to 1999-2001 (68 in 1997-98, 5325 in 1998-99, 8 in 1999-2000 and 37 in 2000-2001). 4226 of these have been rehabilitated; 805 have been sent to their native States; 182 have died; 100 were awaiting rehabilitation at the end of the year 2000-2001 and 125 are reportedly untracable. The Secretary assured that the pending cases of rehabilitation relating largely to district Baran will be cleared within one month.

**Prosecution** - A total of 324 cases have been launched till date. The Secretary regretted his inability to supply annual break-up of information on prosecution. 140, out of a total 324 cases, have been rejected; 30 cases have been dropped; 92 cases have been decided by imposition of fine and 62 are pending. The Secretary admitted that this does not present a satisfactory picture of prosecution. The Additional Chief Secretary endorsed this remark and assured that the Govt. would look into the reasons for low registration of cases under the Bonded Labour Act, and poor results of prosecution.

The Secretary confirmed that the State has received financial grant from the Govt. of India for periodical surveys for identification and release of bonded labourers in the B.L. Prone Districts. The surveys are to be conducted twice a year - first in April-May and second in November-December. The District Collectors are required to send monthly progress reports, which are being scrutinized by the Secretary, Rural Development Department.

As directed by the Union Labour Ministry, Evaluation studies have been undertaken in 5 districts - Alwar, Banswara, Chittorgarh, Baran and Barmer. These are totally funded by the Government of India which has released a sum of Rs. one lakh for each study. Only 3 districts - Alwar, Banswara and Chittorgarh could be covered in 2000-2001. Barmer and Baran (the worst affected district) have not yet been taken up for want of suitable NGOs. The Secretary highlighted the following findings of the evaluation studies:

1. Absence of the system of review and after care. No definite assessment of the relapse of the released labourers into bondage can be made because of this glaring lacunae.
2. A vast majority of the bonded labourers belong to ST category.
3. A good number of released and supposedly rehabilitated bonded labourers could not be located which indicates a strong possibility of their relapse into bondage.
4. Economic rehabilitation, particularly through land allotment, needs more attention. Allotted land is found to be of poor

quality with the result that the measure brings little economic benefit to the released labourers.

5. A large majority of freed bonded labourers are migrating every year for want of employment (Chittorgarh).

The Special Rapporteur, in his observations and comments, stressed the need for proper composition of the Vigilance Committees, supervision over their functioning and monitoring of their effectiveness by the State authorities. He suggested that based on the monthly reports of the D.Cs, a quarterly report covering all aspects of the matter should be sent to the Commission. This was endorsed by the Member.

**Child Labour** - Shri B.B. Mohanty, Secretary, Labour and Employment Department briefed the Member about the Child Labour situation in the State. 8 districts of Rajasthan, namely, Alwar, Ajmer, Jaipur, Jodhpur, Kota, Rajsamand, Tonk and Udaipur have been identified as Child Labour Prone areas. The incidence of Child Labour is prominent in building and construction, stone quarry, mining, cutting & polishing of precious and semi-precious stones, carpet weaving and bidi making activities.

Following the directions of the Supreme Court issued on 10.12.1996 in writ petition No.465/86, M.C Mchta Vs. State of Tamil Nadu, a Child Labour Cell was constituted in the Labour Department on 12.3.1997. A survey conducted in 1997 (28 April to 4 May) in compliance with the directions of the Supreme Court resulted in

identification of a total of 8090 child labourers - 3026 working in hazardous and 5064 in non-hazardous occupations. A total of 14,513 Survey Teams had surveyed 52,110 hazardous 3,31,320 non-hazardous establishments in 32 districts for this purpose.

Only 2070 out of a total of 2504 children withdrawn from hazardous work were enrolled in formal and other system of education. The Secretary, Labour was requested to account for the remaining 522 children as a total of 3026 were identified working in hazardous occupations. Only 223 of the affected families were provided alternative employment. However, the State Government fulfilled its commitment of contributing Rs.5000/- per child labour for the balance i.e. 2803 of the total of 3026 withdrawn from hazardous occupations. The number of prosecutions launched - 714 in respect of 3026 children withdrawn from hazardous occupations is found to be rather very small. { 2701 notices were issued; 1612 cases have been contested by the employers; only 25 cases have been decided. Total recovery at the rate of Rs.20,000/- per child labour from the offending employers is just 60,000/- and pertains to district Ganganagar only.

It can be clearly inferred from these figures that the follow-up on the directions of the Supreme Court regarding rehabilitation of the affected families, recovery of penalty from the offending employers and their prosecution has been not very satisfactory.

The presentation made by the Secretary, Labour and Employment Department did not give the particulars of detection and

release of child labourers after the initial survey of 1997 ordered by the Supreme Court. It appears that no periodical surveys are being conducted to detect, release and rehabilitate child labourers. The ACS, in his remarks, admitted this lacuna and accepted the need for periodical surveys for detection of Child Labourers as is being done for Bonded Labourers.

6 National Child Labour Projects are operating in Rajasthan - 1 each in Jaipur, Udaipur, Ajmer, Tonk, Jodhpur and Alwar. 180 NCLP schools with capacity of 50 children each are being run by 59 NGOs in the 6 districts. The functioning of these schools is being monitored by a State-Level Child Labour Project Monitoring Committee.

In his comments, the Special Rapporteur emphasised the need for proper supervision over the functioning of the Projects in order to ensure that the schools are rightly sited in the Child Labour Prone pockets, beneficiaries are selected fairly and teachers of proper qualification and dedication are engaged. He stressed the need for special attention to be given to the components of Vocational Training and health care of the children.

The Secretary informed that District Jaipur has been covered under the recently launched ILO-IPEC Programme which aims at –

- i) Educational rehabilitation of 7200 working children – 5000 in the age group of 5-7 years, 2000 in the age group of 8-12 years and 200 in the age group of 13-16 years.



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- ii) 1200 mothers of targeted children to be organised into Saving Credit Self Help Groups and provided with income generation opportunities.

Though, the overall Child Labour situation in Rajasthan appears to be alarming and not much seems to have been done in the field of detection, withdrawal, education and rehabilitation of children, the State has undertaken a number of awareness generation activities all over the State through Mass Community Mobilization Programmes, Workshops and Teacher Training Camps etc. The involvement of Trade Unions in this endeavour is also praiseworthy achievement of the State Government.

Evaluation study by MLV Tribal Institute, Udaipur has made, inter-alia the following observations on the effectiveness of NCLP Project, Udaipur:

- i) The norms for identification and selection of beneficiaries for admission to the Project Schools have been relaxed;
- ii) The NGOs who were entrusted the responsibility to run the schools were not properly selected on the basis of their competence and experience.
- iii) Lack of coordination among the Project staff, the NGOs, beneficiaries and the families of the children.
- iv) Interruption in the supplementary Nutrition Programme because of irregular release of grants.

The Secretary, Labour Department assured that necessary remedial action on the findings of the study is being taken.

### GENERAL POINTS

The IGP, Human Rights, Rajasthan raised the question of compensation recommended by the Commission in cases of death in police custody. He stated that the recommendations of the Commission giving the State the option to recover the amount from the erring policemen are being interpreted by the Finance Department to mean that recovery must be made. He also pointed out that the delinquent official is not given any opportunity of placing his version of the incident before the Commission. The Principal Secretary, Home Department opined that the incidence of death due to torture and death due to negligence on the part of the custodial authority should not be clubbed but should be viewed differently in terms of gravity. The Member stated that the matter could be considered by the Commission to see whether an opportunity to represent should be given to the delinquent official after the inquiry report has been considered and before the recommendations are issued.

The Secretary, Women Child Development informed the meeting about the training of women belonging to the families of the released child labourers in Gem-cutting and polishing. This measure, besides resulting in release of children from hazardous work and their admission to schools, is contributing towards the economic empowerment of women. 60 such ladies are being provided 4 months' training. They start earning Rs.10/- per day after 3 months'

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training. Loans from NABAD for self-help group of such ladies are being arranged. It is also proposed to involve them in the preparation of Safe Delivery kits called 'Mamta Kits' to be issued to all the Anganwadi centres through Health Department.

The Secretary, Social Welfare raised the issue of employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. He informed that a separate Act has been drafted and introduced in the State Legislature for enactment. He informed that some 24,000 manual scavengers have been rehabilitated so far with the financial assistance (27.0 cr.) received from the Govt. of India. 14000 of them have been granted loans/subsidies and 10,000 provided training for self-employment. 12000 manual scavengers have now been identified in 147 towns. He stated that there is no financial difficulty to rehabilitate these persons collectively by forming the cooperatives. However, they are interested in settlement on individual basis and are more keen on getting cash assistance. The Secretary lamented the total absence of NGOs working in this field in the State. The Member remarked that the rehabilitation of the freed scavengers is not receiving adequate attention and the performance of the State Govt. in this vital area leaves much to be desired.

The Secretary, Social Welfare requested the Commission to support the proposal of the State Govt. to enhance suitably the amount of financial incentives for the children of manual scavengers which is too small (Rs.15/- per month) to have any motivational value. The

Member suggested that a self-contained proposal should be sent to the Commission for consideration.

### **Address by Member**

Justice K. Ramaswami, Member, NHRC addressed the meeting in detail covering various aspects of the Bonded Labour and Child Labour issues. He complemented the Secretary, Rural Development Department for presenting a comprehensive picture of the Bonded Labour situation in the State, which gives a very valuable feedback to the Commission. The Member explained the role of the NHRC which firmly believes in acting as a catalyst rather than a fault finding body. The Member attributed the existence of Bonded Labour and Child Labour in our society to poverty aggravated by illiteracy, which has made certain sections of the people most vulnerable to deprivation and oppression. He remarks that though very progressive laws have been enacted to solve these problems, their actual implementation leaves much to be desired. Emphasising the importance of monitoring, the Member requested the Addl. Chief Secretary to ensure that the State Level Committee should meet every six months if not more regularly. Periodical reviews made by this high level committee would help in sending the right messages to the district officers about the concern of the State Govt. over these social evils.

The Member, strongly felt that the trust and faith reposed by the Parliament in the DMs and the SDMs in the matter of implementation of the of Bonded Labour Act needs to be appreciated by incumbents of these posts and they should consider it their primary

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duty to work for the abolition of Bonded Labour and Child Labour practices in their respective areas with public support and involvement of the NGOs. The Member emphasised the importance of associating Panchayatraj institutions, especially village Sarpanch in identification of Bonded Labour and Child Labour. He cited the example of Karnataka which has amended the relevant Act to make Gram Panchayats accountable for reporting the incidence of Bonded Labour/Child Labour in their respective areas.

The Member pointed out the need for strict enforcement of the provisions of Inter State Migrant Workers Act by both the donor and the recipient States, which can help considerably in curbing the incidence of bonded labour. Referring to the delay in identification and release and release and rehabilitation, the Member explained that the release and rehabilitation are to be undertaken simultaneously which is sadly not being done in most States. He pointed out another common flaw in the processing of these cases which relates to the omission of issuing formal orders u/s 6 of the Act freeing the released labourer from debt and bondage. He felt that most of the district officials need to be educated on this point.

The Member urged the State Govt. to give greater attention to the monitoring of rehabilitation of released laborers to ensure that the incidence of relapse is minimized. He suggested that efforts should be made to rehabilitate the labourers collectively by constituting self-help groups or Cooperative Societies.

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The Member pointed out the need for a more serious attention to the issue of Child Labour than what could be assessed from the presentation of the Labour Secretary. The State does not seem to have carried out any survey of the child labour after 1997 ordered by the Supreme Court. He requested the Addl. Chief Secretary to instruct the DMs and officers of the Labour Department to carry out periodical surveys for identification of children working in hazardous as well as non-hazardous trade/occupations. The Supreme Court has given specific directions for release and rehabilitation of children in the category of hazardous occupation/trade and regulation of working conditions and education of children working in non-hazardous sector. The Labour Commissioner should be instructed to regularly monitor the implementation of these directions in the various Districts.

The Member requested the ACS and the Labour Secretary to ensure proper supervision over the functioning of the NCLP schools. He said, the Commission would be deputing the Special Rapporteur to inspect the working of these Projects by visiting some of the schools in each of the 6 districts where these Projects are being executed.

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(Chaman Lal)  
Special Rapporteur  
21.6.2001