

Report of Dr. Ashok Sahu, Thematic Special Rapporteur

(Child/Bonded/Migrant Labour), NHRC on visit to Punjab (Chandigarh, Jalandhar and Amritsar) and Union Territory of Chandigarh during 11-17 February, 2018.

### I. General

1.1 The State of Punjab mostly lies in a fertile, alluvial plane serviced by many rivers and an extensive irrigation system. The State has 22 Districts, officially divided into 5 Divisions (Jalandhar, Faridkot, Ferozepur, Patiala and Rupnagar) and geographically classified into 4 regions (Majha, Malwa, Doaba and Pothohar). According to 2011 census, the State had a population of 2.77 crore, S.Cs and OBCs accounting for 31% and 22% of the population respectively. The percentage of people below poverty line was 8.26 in Punjab as against all India average of 21.92 in 2011-12. Punjab is basically a prosperous double/triple cropped State which is called 'granary' or 'bread basket' of India, important crops being wheat, rice, cotton, sugarcane, mustard, maize, millet, barley and fruits. Punjab has a vibrant SME sector especially in apparel & hosiery, leather and sports goods industry. Tourism is also an important sector, Amritsar being an important tourist destination. Punjab is perennially a labour-deficient State, the local labour, especially in Doaba region (Hoshiarpur, Jalandhar, Kapurthala and Nawanshahr Districts), being migration-prone. While

the State receives substantial remittance in foreign currency with a large overseas population, it has problems associated with migrant labour.

### Child Labour

1.2 The problem of child labour in Punjab is not acute. According to 61<sup>st</sup> Round of National Sample Survey, 2004-05, child workforce in Punjab was estimated at only 1.01 lakh. Nevertheless, during the period 2012 to 2017, in connection with the enforcement of the Child Labour (Prohibition & Regulation) Act, 1986, about 1.14 inspections were carried out, 2690 violations were detected and prosecutions launched which resulted in imposition of Rs.1.42 crore fine. The National Child Labour Project (NCLP) is running in 3 Districts. Presently, the total number of sanctioned schools, the total number of running schools and the total number of students are 27, 27 and 1339 in Jalandhar, 40,31 and 1583 in Ludhiana and 40,39 and 1950 in Amritsar Districts respectively. The State Government has taken following measures in order to tackle the problem of child labour:

- Efforts are being made to develop a web portal for child labour.

• Punjab State Action Plan for Total Abolition of Child Labour has been prepared. It views child labour as a socio-legal problem; while there is

need for strict enforcement of laws against employment of child labour, equally important is the need for complete economic and educational

rehabilitation of the rescued child labour through effective coordination

among various Departments of the Government like Police, Labour,

Women & Child Development, Education, Health and Local Government,

apart from the Deputy Commissioner, whose responsibilities have been

delineated in the State Action Plan.

- Awareness campaigns are being launched continuously.

### **Bonded Labour**

1.3 Bonded labour is not a major problem in Punjab. Nevertheless, the State Government has identified, rescued, released and transferred 311 bonded labour to Chhattisgarh, Rajasthan, U.P. and Uttarakhand during 2006-2016 and 33 bonded labour to Bihar and U.P. during January-June, 2017. Besides, according to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Punjab was 15,443 (Jalandhar: 328 and Amritsar: 8,030). While the State Government is aware of the provisions to conduct District-wise Survey on Bonded labour under the new Scheme, no specific plan for doing so is on the anvil.

### **Migrant Labour**

1.4 So far migrant labour is concerned, the peculiar position of demand and supply of labour has made Punjab a high-wage island attracting labour into

agriculture, construction, plumbing, small scale industries and brick kilns from many States like Rajasthan, U.P., Bihar, Jharkhand, Chhattisgarh, Odisha, West Bengal and Uttarakhand etc., who have come either by themselves or through friends and relatives or middlemen. It has created a network of contractors and system of advance payment, which is prone to be abused and being actually abused from both sides. While from workers' side the system of advance payment can be viewed as a surrogate for bondage, employers feel that without this they have no access to labour supply for running any establishment – agricultural, industrial or trade. But having made the payment in advance, they are at the mercy of the workers, which is also a compromise on productivity. This tricky issue needs to be handled in a sensitive manner. Human

### Human Trafficking

1.5 Even though Anti Human Trafficking Units are functioning in Punjab, human trafficking is not a major problem while there are some cases of women being brought from other States primarily for the purpose of getting

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married. However, the trafficking situation is under watch.

1.6 Against this background, field visits were made to two NCLP Special

Schools at Aman Nagar and Bharat Singh Colony at Jalandhar and three NCLP

Special Schools at East Mohan Nagar, G.T. Road and Ram Bag at Amritsar.

Discussions were held at Chandigarh with State level officials and at District headquarters of Jalandhar and Amritsar with District level officials, whose outcomes are discussed below.

## II. Meeting at Chandigarh

2.1 The meeting at Chandigarh was attended by State Labour Commissioner and other State level officials of his Department. At the outset I pointed out that by implication of the last amendment of the Child labour Act, a child up to the age of 14 years is required to study. He/she can work only for the family in a non-hazardous occupation provided education is not adversely affected. Any future Child labour Survey needs to capture whether a child's education is being seriously affected while working for the family or not. Similarly, the forms of bondage are getting changed. While the traditional forms of bondage are declining in India, new forms of bondage, popularly being known as 'neo-bondage', are emerging. On migration front, Punjab is known as a labour-receiving and labour-despatching State. Its different facets, along with prevalence of human trafficking, if any, needs to be discussed. During interaction it was pointed out that Punjabi parents educate their children and child labour is found mostly among migrants' children. Through continuous awareness generation and administrative action, the incidence of child labour has come down substantially. Surveys in respect of child labour are conducted

twice every year for one week period each beginning 12<sup>th</sup> June and 14<sup>th</sup> November by the labour Departments with the help of other line

Departments. As per procedure, identified child labourers are produced before CWC and rehabilitation measures are taken. But absence of requisite Shelter Homes in Punjab proves to be a logistic handicap and there is need for establishing at least one Shelter Home in each District to cater to the needs of distressed children including child labour. It was suggested that presently many Departments are looking after different child-related issues, which at times makes convergence difficult. It was pointed out that when next round of Surveys take place, efforts will be made to capture educational aspect of family employment and neo-bondage. In respect of migration, especially to brick kilns, it was felt that advance payment is generally is the norm and a source of conflict. In response I stated that since brick kiln is a seasonal industry, the problem is universal. The problem can be resolved through registration and effective record keeping. On the former issue even though both Home and Destination States have started taking action, it has not rendered much result..

~~On the latter issue, however, among the States I have visited so far, the State~~

~~of Telengana (Rangareddy District) seems to be making some headway. It was suggested that if Government of Punjab considers it appropriate, they may~~

liaise with Telengana State whether their system is promoting industrial

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harmony in brick kiln industry and can be emulated in Punjab. It was also

pointed out that workers engaged in the brick kiln industry can be

treated/registered as building and construction workers and welfare benefits

accruing from the Cess Fund can be made available to them, especially by

making them portable. It was pointed out that this has already been done in

Punjab.

### III. Visit to Jalandhar

3.1 A meeting was held at District level officials at Jalandhar which was

attended by SDMs, BDOs, representatives of Police, Labour, Education, Health

and Community Development Departments, ITI (Women) and brick kiln

owners. At the outset the purpose of the meeting was explained. During

interaction it was pointed out that the problem of bonded labour is not

prevalent in Jalandhar District, though the possibility of some form of neo-

bondage in among migrant workers engaged in agriculture cannot be ruled

out. In respect of child labour half yearly Surveys are being conducted.

Migrants' children are more vulnerable in this regard. In ameliorating the

problem, the presence of NCLP schools, being run by good NGOs is a great

help. NCLP authorities pointed out that schools are generally being run from 3

P.M. to 6 P.M. so that the children can help in family work, if need be. Funds

have not been received from Government of India (Ministry of Labour and

Employment) for last two years and the schools are being run by NGOs from out of their own funds. The ITI for Women is giving career

counselling/guidance and there is placement for about 50% of the pass-outs.

So far as the migrant labour is concerned, the problem is more acute in brick kiln industry. The representatives of the industry pointed out that they are at

the receiving end both from workers' and administration's side and are being victimised as perpetrators of bondage, though this system is not prevalent in

the industry. They are providing wages, which are higher than the minimum wages, in advance along with creature comforts like accommodation, potable

water and medical care but are suffering due to erratic supply of electricity.

They strongly pleaded for amending the definition of bonded labour in the Act.

The representative of the Labour Department pointed out that Registers are being maintained in the brick kilns. Such workers are also being registered as

building and construction workers irrespective of their States of origin and are being provided with all benefits to which they are entitled.

3.2 I visited the NCLP Schools, namely, NCLP Special Schools at Aman Nagar

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and Bhagat Singh Colony at Jalandhar being run by two NGOs. There are about

50 students in each school, belonging primarily to migrant parents from U.P.,

Bihar and Nepal. They are being taught English, Hindi, Punjabi, Mathematics

and vocational studies. During interaction, they were found to be alert, smart



and sincere. The teachers pointed out that almost all of their students have been mainstreamed. Some of them have even become professionals like doctors, engineers etc. They were requested to maintain a tracking system and hold interactive meetings between them, students and their parents. The profiles of such brilliant passed out students can also be reflected in the Annual Report of the Labour Department for wider publicity.

#### **IV. Visit to Amritsar**

4.1 The District level meeting taken by me at Amritsar was attended by SDMs, Tehsildars, representatives of Police, Labour, Education and Backward Class Development Departments, Child Protection Unit and Legal Protection Officer. By way of initial remarks, the purpose of the meeting was explained. During interaction it was pointed out that Amritsar being a labour-deficient District, the prevalent wage level is good and bonded labour is non-existent. However, the advance payment system, though there is no escape from it either from workers' or employers' side, is creating consternation, workers alleging lack of transparency, over-work and underpayment and employers complaining about over-payment to workers/contractors and workers leaving them in a lurch due to sudden exit. The overall impression was that the advance payment system in brick kilns has curtailed only to a minor extent the freedom of workers to switch to a better job, but the living conditions in brick

skills needs to be improved. Child labour is prevalent more among migrants' children as their parents want to maximise family income in whatever way

possible. There is need for their effective rehabilitation so that there is no relapse. This is hampered by non-existence of Shelter Homes in most of the Districts (being present in only two Districts, namely, Hoshiarpur and Jalandhar) and there is a need for establishing them. In Amritsar, after receiving the order of the CWC, the distressed children are being kept for a very short period in other types of Homes or being shifted to Jalandhar, which is proving to be a handicap. Trafficking is not a major problem, though there are occasional cases of truck drivers bringing women from other places for marriage.

- 4.2 I visited three NCLP Schools at Amritsar, namely, (i) Sardar Diwan Singh Memorial Educational Society NCLP School, East Mohan Nagar, Chamrang Road, (ii) Youth Welfare Educational Society NCLP School located at Matmandi Government Aided Elementary School, G.T. Road and (iii) NishkamSewa Society NCLP School, Old CMO Office, Ram Bag. These schools are catering to

migrants' children as well as local children who were either child labour or

were vulnerable. These schools appeared to be taking good care of children

but there was complaint about non-payment of salary for various periods,

especially from August 2016 to March 2017 in the school at (iii) above. The

accompanying Labour Department officials were advised to see that the requirements of Ministry of labour & Employment are met, particularly regarding submission of correct Utilisation Certificates so that money can be released by the Ministry.

## **V. Labour Situation in the Union Territory of Chandigarh**

5.1 The opportunity of visiting Chandigarh as the State Capital of Punjab was utilised to assess the child, bonded and migrant labour situation in the Union Territory (UT) of Chandigarh also. During my interaction with the Labour Inspector, UT Administration, it was observed that there is no bonded labour in Chandigarh. Similarly, the migrant labour situation is not acute. However, the problem of child labour exists. They are found in dhabas and mandis. Every year during the week 12 to 18 June, Child Labour Survey is conducted. As found in Surveys and through other means, during the period 2012 to 2017, 74 cases of violation were detected, which resulted in 64 convictions and imposition of fine of Rs.15.95 lakh. Such children are produced before the CWC and with its Order lodged in Children's Home named 'Snehalaya', maintained by the UT Administration, which was also visited. During the visit, the Chairperson of the Chandigarh Commission for Protection of Child Rights (CCPCR) was interacted with. The Commission visualizes a rights-based perspective flowing into

national policies and programmes and is mandated; inter-alia, to inquire into

violation of Child (0-18 age group) Rights and recommend initiation of

proceedings in such cases. It intends to make Chandigarh a child labour

(including domestic work, begging, rag-picking and other forms) free city. A

visit was also made to the Chandigarh Office of Labour Bureau and Deputy

Directors there were interacted with. Labour Bureau at times conducts special

studies relating to child and migrant labour but presently it is busy with

update of the base year of the Consumer Price Index Numbers.

## **VI. Conclusion**

6.1 The visit to Punjab and U.T. of Chandigarh gave a completely different

exposure and was quite educative. The recommendations are annexed. NHRC

may like to take up relevant issues with concerned Ministries and State

Government.

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Annexure**Recommendations**

(i) Even though Child Labour Surveys are being conducted in Punjab regularly, fresh Surveys should try to capture whether a child's education is being seriously affected while working for the family or not.

(ii) The State Government may consider launching Bonded Labour Survey by availing funds being provided by the Ministry of Labour and Employment.

(iii) Funds for running NCLP Schools need to be released by the Ministry of Labour and Employment regularly.

(iv) There is need for establishing at least one Shelter Home in each District to look after the needs of distressed children.

(v) The Labour Department may see if the system of record keeping and

provision of creature comforts to brick kiln workers can be further improved.