

Report I

Report- I, on Visit to Gaya District to know about Bonded labour and Child labour in Manpur area for textile trade, by Dr Vinod Aggarwal Special Rapporteur on 20th to 24th November, 2018 in response to the investigation of matter based on case no 3192/4/11/2016-CL/OC from Law Division referred to undersigned by letter dated 26/10/18,

1. The National Human Rights Commission, specially desired that I may look into the problems of the Child labours in Manpur, Gaya, Bihar, by investigating a matter based on case no 3192/4/11/2016-CL/OC from Law Division. It was referred to undersigned by letter dated 26/10/18, in Manpur area of Gaya town about Child labour in textile trade. The visit to the area by undersigned happened on 22nd November specifically, about which prior information was there in the area.
2. Undersigned personally visited 12 industrial units in Patwa toli in Manpur, Gaya urban area. The brief report of visit is enclosed as **annexure-A**, to the report-I. In any of the unit visited, no child labour was found working in these specific units. The machines are power looms operated on heavy duty machines run by Electric load. The power loom are quite big, generally 6-8 feet in length and about 3 feet in breadth and strength required was too much for a child of 14 years to operate. It seemed not possible, for a child, to run these machines. One worker is expected to manage 3-4 looms at one time. The workers get on piece rate and generally make 250-500 rupees based on their technical ability to run the machines efficiently. Minimum wages are 253 rupee. Generally workers are making that much or more, but one or two less capable may not be able, to produce as much as expected to generate 250 rupees based on piece rate. Still a report can be called for getting the piece rate revised a bit that at least 90% of workers should achieve minimum wages by 8 hours of work. Coming to the subject of working conditions in these units. They are definitely unhealthy, unclean, no proper toilets. There is a plan by government through district administration to shift these units to a new area to be build, but in how much time it become operative is not clear. Definitely a case for improving the working conditions and atmosphere at the work site of these units.

3. A meeting was conducted with Divisional Commissioner and District Magistrate Gaya, about this matter of child labour being pending with district administration and no reply has been received by NHRC. Minutes of this meeting are kept an **annexure-B**. The minutes of NHRC meeting in this case, sent to DM Gaya, vide a letter dated 21/04/18 mentioning that report of DM Gaya is pending. However DM Gaya handed over a report sent by his letter no 134/a dated 27/02/16 mentioning that matter has been investigated by the labour Superintendent and factory inspector jointly. No child labour was found during an inspection carried out without prior information. It seems somehow this report has not reached NHRC. A copy of report of DM Gaya, sent by him on 27/02/16, is enclosed as **annexure -C**, which includes visit report to few units by factory inspector and labour superintendent and statement of few of the workers.
4. When my tour program was communicated to DM Gaya through State Government, he again got conducted inspection by 2 of his officers independently. One such report has been submitted by Deputy Labour Commissioner (DLC) Gaya. This inspection was carried out by the DLC along with ALC, Labour enforcement officer Manpur, Labour enforcement officer Khizrasarai, Labour Superintendent Gaya. A signed report by these 5 officers after visit to 11 units is enclosed. The photograph of power looms and this sketchy report is enclosed which doesn't mention all facts but some inference can be drawn. This report is enclosed as **annexure-D** to the report I.
5. D M Gaya, Mr Abhishek Singh has further submitted a report vide letter no 9633 dated 22/11/18, in which he has clearly state that no child labour has been located in the area. His report is enclosed as **annexure-E**, which further has a visit report to the area by an officer Deputy Collector Land reforms, who normally doesn't look after this work. He has also inspected 11 units and did not find any child labour in Manpur Patua toli. This report is submitted vide letter no 1565 dated 21/11/18 and part of annexure-E on page no 57-59.
6. Further to this a meeting was held by undersigned with Commissioner Gaya Division where DM Gaya and other officers were also there. The commissioner and DM Gaya personally confirmed that there are no child

labour. The commissioner said that she had directed the DM also to personally visit the area. The DM said that he himself also visited the area, although has not submitted a formal report of his personal visit but he submitted in the meeting with conviction that there no child labour in the area. Although in the meeting a further report to the previous letter of SP was also desired, but despite of promise the report has not come, but it doesn't seem to be must at this juncture.

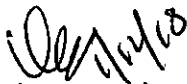
7. Further to the discussions with General Manager, district Industries centre, Gaya, it came to knowledge there are about 1000 units of Power looms having about 8-9 thousand power-looms with about 2-3 thousand employees as a single employee or owner is able to manage 3-4 looms. The working place is quite unhygienic and can be accident prone and there is a plan to shift this to another area as already decided by the Government.
8. The 6 handloom units were also inspected and report about them is being enclosed as **annexure-F**. In all these units there was only one loom and it was run by owner himself. It is clear there are 24-25 such units which are getting closed and conversion into power loom is the requirement of the trade. No child labour could be located in any of the unit.

Recommendations:

1. As no child labour is located, in 2-3 independent reports which does not have too much duplication of visit to same units ,the complainant may be specifically asked to name the units, where child labourers are employed in them , because repeated inspections of the area have not resulted in locating even a single child labour.
2. The area where these small(less than 6 power looms) or medium (upto 20 power looms) are located in basements or in floors constructed, without any norms , and look like shanties and slums. Roads are 4-8 feet wide, not regular, no windows or ventilators. It is dangerous for health and seems accident prone. As that was not the requirement of study, no detailed comment is furnished. The state government also want to shift all of them to a planned colony with norms. Still, I feel as

the implementation of scheme may take 3-4 years, health check up every six months of all the workers should be made compulsory and that much expense may be loaded in the cost of the power loom products.

3. It has come out in the visit that the community is quite open to education and every year some children from this colony are getting admission through competitive exams of JEE. The girls are also keen in studies, the government may support the effort of NGOs working and that may further improve the outcome from the community and further reduce the chances of child labour if any.
4. There is no point in making a case study as no child labour could be located in the area.



Dr Vinod Aggarwal
Special Rapporteur

डॉ० विनोद अग्रवाल स्पेशल रिपोटियर, राष्ट्रीय मानवाधिकार आयोग द्वारा दिनांक: 22.11.2018 को पटवाटोली मानपुर, गया अवस्थित टेक्सटाईल इंडस्ट्रीयल इकाईयों का किये गए निरीक्षण का सार-

क्रम संख्या	निरीक्षित प्रतिष्ठान का नाम एवं पता	कार्यरत श्रमिकों का नाम एवं उम्र	दी जा रही मजदूरी	कार्यरत पावरलूम की संख्या	अभ्युक्ति
01	लुचन प्रसाद पिता- पुरन राम	रमेश कुमार पिता- रमेश प्रसाद	500/- प्रति दिन	10	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
02	राजेश पावर लूम प्रो०- राजेश कुमार, पिता- अर्जुन प्रसाद	1 राजन पिता-आशिक अंसारी उम्र- 34 वर्ष 2 अजीज पिता- अब्दुल कलाम उम्र- 55 वर्ष 3 विनोद दास पिता- लखनदास उम्र- 35 वर्ष	300/- प्रति दिन	12	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
03	भुनेश्वर ठाकुर पिता- चप्पु ठाकुर	सुरेंद्र तांती पिता- स्व बाबुलाल तांती उम्र- 40 वर्ष	300/प्रति दिन	16	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
04	देवेंद्र कुमार	1 पिंटू कुमार पित- विष्णुदेव मेहता उम्र- 25 वर्ष 2 रामबलि महतो पिता- रामकिशुन महतो उम्र 55 वर्ष	300/प्रति दिन	01 शूत काटने की मशीन	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
05	मोती बाबु पिता- गुलाब बाबु	1 सुनील कुमार पिता-अवधेश यादव उम्र- 32 2 गेंद लाल प्रसाद- पिता- राजेन्द्र प्रसाद उम्र- 38 वर्ष	250/प्रति दिन	06	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
06	राम चन्द्र प्रसाद पिता-चमारी राम	1 तुलसी प्रसाद पिता-स्व० बुलाक तांती उम्र- 28 2 रविन्द्र प्रसाद पिता- बुलाकन तांती उम्र- 24	300 प्रति दिन	12	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
07	सुनील कुमार पिता- स्व० भोजलाल राम	नवीन कुमार पिता- स्व० रामधनी प्रजापति उम्र- 30 वर्ष	150/ प्रति दिन	10	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
08	ठाकुर कुमार पिता- केदार	1 सन्नी, पिता- केशर पटवा उम्र 23 वर्ष	500/ प्रति दिन	02 शूत काटने का	कोई बाल श्रमिक

	ठाकुर	2 गीता देवी, पति- छोटन प्रसाद उम्र- 45 वर्ष 3 काजल कुमारी, पिता-बालेश्वर प्रसाद, उम्र- 15 वर्ष	100/प्रति दिन	मशीन	कार्यरत नहीं पाया गया। काजल कुमारी अपने मां के साथ कार्य में सहयोग करती है।
09	देवेन्द्र प्रसाद पिता- स्व0 चन्द्र कुमार	1 राधा देवी पति- राजेश उम्र 30 वर्ष 2 अंजु देवी 200 प्रति दिन उम्र- 35 वर्ष	250/प्रति दिन 200/प्रति दिन	14	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
10	मोती बाबु, पिता- हुलास बाबु	1 संतोष कुमार पिता-भुनेश्वर प्रसाद उम्र - 43 वर्ष 2 ललीता देवी पिता- पप्पु प्रसाद उम्र- 32 वर्ष 3 गुजाना देवी पति-पप्पु प्रसाद उम्र- 30 वर्ष	200/ प्रति दिन	12	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
11	गिरधारी प्रसाद	संतन कुमार पिता- ब्रह्मदेव प्रसाद उम्र-35 वर्ष	8000/- प्रति माह	10	कोई बाल श्रमिक कार्यरत नहीं पाया गया।
12	हीरा लाल पिता-मंगरू राम	1 राजू चौधरी, पिता-धरमदेव चौधरी उम्र- 25 वर्ष 2 अमन कुमार पिता- लक्षमण प्रसाद उम्र- 21 वर्ष	350/ प्रति दिन	08	कोई बाल श्रमिक कार्यरत नहीं पाया गया।

नोट- मजदूरी पिस रेट से दी जा रही थी।