

**Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on visit to Himachal Pradesh (Shimla, Mandi and Kangra) during 16-21 September, 2018.**

**I. General**

1.1 Himachal Pradesh, situated in Western Himalayas, attained its Statehood on 25.01.1971. It is divided into three Divisions, Shimla, Mandi and Kangra, with a total of 12 Districts. Himachal Pradesh scores high on all important human development indices, the literacy rate touching about 83.78%. The State is rich in tourism (including religious tourism), hydropower and horticulture. Apple is the principal cash crop, other agricultural products being wheat, rice, maize, barley, pulses, fruits and vegetables. The State had a population of 0.68 crore according to 2011 census, S.Cs and S.Ts constituting about 24 and 4 % of the population respectively. The percentage of people below poverty line was 8.06 in Himachal Pradesh as against all India average of 21.92 in 2011-12, indicating its relative prosperity.

**II. At State Level**

**(a) Child Labour**

**Position**

2.1 According to 61<sup>st</sup> Round of National Sample Survey, 2004-05, child workforce in Himachal Pradesh was estimated at 0.99 lakh. Traditionally local population does not encourage child labour system. It is mostly prevalent among migrant families and nomadics engaged in rearing of animals. Since such children are also encouraged to be educated and educational facilities being really good with a school functioning at a distance of about every two kilometers, apart from Aanganwadis, Aadarsh Schools and mobile schools (mostly for Gujjar children), Himachal Pradesh has the potential of becoming a child labour free State very early.

**Important Steps Taken**

2.2 Following important steps have been taken by the State Government:

- State Level Monitoring Committee and District Level Task Force are functioning.
- Emphasis is on continuous awareness generation, inter-departmental coordination and conducting inspections. Officials of 16 Departments have been notified as Inspectors under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

- During 2015 to 2017, 10,133 inspections were carried out, 7 violations detected, 11 children rescued and Rs.1.10 lakh fine imposed.

### **(b) Bonded Labour**

#### **Position**

2.3 In Himachal Pradesh bondage was prevalent among migrant workers coming from UP, West Bengal and Assam in the past, but over time it has declined. According to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Himachal Pradesh was only one. Agriculture, tourism and construction sectors appear more vulnerable.

#### **Important Steps Taken**

- 2.4 Following important steps have been taken by the State Government:
- Institutional arrangements like constitution of District Level Vigilance Committees are in place.
  - Sensitization and training for all stake holders are being undertaken.

### **(c) Migrant Labour**

#### **Position**

2.5 Himachal Pradesh is primarily a Host State, though many Himachalis go to other States to work mostly in service sector, both public and private. The migrant workers are coming from Nepal, UP, Bihar, Jharkhand, Chhattisgarh, J&K, Odisha etc. and are engaged as porters and in timber, shawl vending, brick kilns, agriculture, construction and tourism sectors. They are mostly not covered under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

#### **Important Steps Taken**

- 2.6 Following important steps have been taken by the State Government:
- Congenial working conditions including payment of minimum wages are ensured.
  - Efforts are also being made to register eligible workers as building and construction workers so that the benefits flowing from the Building and Other Construction Workers Cess Fund would accrue to them.

#### **Highlights of Discussion**

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2.7 The meeting with State level officials at Shimla was attended by Additional Deputy Commissioner, Inspector General of Police (CID – Intelligence), Additional S.P., Joint Secretary (Home), Joint Labour Commissioner, CEO (Building and other Construction Workers Board) and officials representing Labour, Police, Women & Child Development, Education and Social Welfare Departments and Directorate for Empowerment of SCs, OBCs, Minorities and the Specially Abled (ESOMSA). During interaction the points made at par 2.1 to 2.6 were indicated. The last Child labour Survey was conducted in 1997-98. CWC, Childline and Child Care Institutions (CCIs) are functioning. The distressed children are being kept in Shelter Homes. Besides, there are 5 Old Age Homes (2 Govrnment and 3 non-Government) and one is under construction. Physically handicapped, mentally retarded and in some cases persons less than 60 years of age are also admitted in view of Court order and under special consideration. It was felt that there is need for framing an admission procedure and resolve the problem of under-staffing in Old Age Homes. Bonded labour system is not prevalent. In-migrants are being registered by Police, which is also trying to check trafficking and locate missing children. Anti-trafficking units are functioning but some cases of elopement have been noticed. It was pointed out that fresh Surveys on bonded and child labour should try to capture new forms bondage or 'neo-bondage' emerging in the economy and whether a child's education is being seriously affected while working for the family or not, respectively. Eligible workers, both domestic and migrants, engaged in building and construction industry should be registered to avail benefits of the Cess Fund.

#### **Field Visit**

2.8. A visit was made to Brudh Ashram (Old Age Shelter Home), Basantpur which presently houses 41 inmates (27 males and 14 females) against capacity of 50, including some handicapped, mentally retarded and less than 60 year old inmates. While the overall physical environment was good, during interaction, the management felt that managing such persons alongwith other old age persons in a single institution is proving difficult. The problem of of under-staffing also needs to be rectified. Some of the inmates also complained about inadequate medical attention (especially relating to eye problem). The problem was discussed with the management for being resolved.

2.9 A visit was made to Kasturba Gandhi Balika Ashram, Durgapur (near Shimla), a Shelter Home for Girls of 6 to 14 age group, being managed by a Trust, which housed 32 inmates against capacity of 50, one of whom was a rescued migrant child labour, It appeared to be a well-managed institution.

2.10 A visit was also made to Balika Ashram (Shelter Home for Girls of 11-18 age group) and Sishu Griha (Shelter Home/Adoption Centre for very small children) at Tuti Khandi, Shimla. The officials, teachers and Balika Ashram inmates were interacted with. The inmates are studying well and have displayed interest in other activities like sports & games, dance, drawing, computer learning etc. It was impressed upon the authorities to place emphasis on vocational training.

### **III. At District 1 (Mandi) Level: Child/Bonded/Migrant Labour**

#### **Highlights of the Discussion**

3.1 The meeting with District level officials at Mandi was attended by ADM, Addl. S.P., District Programme Officer, Chairman, CWC and representatives of Administration, Labour, Medical, Higher and Elementary Education, Welfare, Women & Child Development and Childline. During interaction it was pointed out that child labour is not a major problem as the local population believes in educating their children. It is noticed among migrant families working in agriculture/orchard and those staying in slum areas. But educational and health facilities in the District are good. All children including those of migrants are educated in Aangawdis and schools. Evening classes are held in Ambedkar Bhavan. Care and protection are provided through CCIs, Shelter Homes and other social welfare schemes as a result of which even not many child beggars are noticed. Child Labour Task Force has been constituted and CWC and Childline are active. Eventhough the problem of bonded labour is not there, Vigilance Committee has been constituted. In the health sector, migrant families are also covered under immunisation and other programmes. Record of migrant workers is being kept by the Police Department. Trafficking is not a major problem but a constant watch is being kept.

3.2 The Deputy Commissioner was called on separately and was briefed about the outcome of the meeting and field visit.

#### **Field Visit**

3.3 A brick kiln, namely, Paul Industries, at Naulakha (Sundernagar) was visited. During working season (October to December and March to June, the industry getting closed during January and February due to fog and intense cold not being favourable for brick kiln operations) about 100 to 125 inter-State migrant workers, 80% of whom come from U.P. and others from Punjab and Bihar, work here. There is provision for accommodation, potable water, access to medical facilities etc. The system of advance payment is prevalent but gradually such payment is being made on line and through cheque. Local payment is made through cash. Record of production is kept and adjustment

against advance payment is made on fortnightly basis and settlements are done at the end of every three month period. The management was asked to maintain a register of the same for each worker which can be inspected by the Labour Inspector so that the system becomes transparent. It was also requested to help the eligible workers registered as building and other construction workers so that the benefits of the Cess Fund accrue to them.

3.4 Visit was also made to Bath Valley Kalyan Sabha Bruddhashram, Bhangrotu, an Old Age Home functioning since 1986. Against capacity of 25, 24 inmates (13 females, 11 males) were staying. It is an aided institution, the management receiving aid from State Government to run it. The facilities being offered and the environment in terms of cleanliness, recreation, food etc. were good. The management, however, stated to be facing problems in terms of less aid and understaffing. They felt that the criteria of employing minimum staff, on the basis of which aid is being granted, needs to be relooked as some of the inmates require special attention being very old and sometimes handicapped.

#### **IV. At District 2 (Kangra) Level: Child/Bonded/Migrant Labour**

##### **Highlights of the Discussion**

4.1 The Kangra District level meeting at Dharamshala was held with Deputy Commissioner, Addl. S.P. and representatives of Administration, Police, Labour, Employment, Medical, Welfare, Education and Women & Child Development Departments. During interaction, the overall opinion was that among the three issues relating to child, bonded and migrant labour, in-migration is a real challenge as it is leading to proliferation of slums, detection of persons affected by leprosy etc. All welfare-related Departments are undertaking their mandated functions. The representative of labour Department stated that the State Rules relating to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and works which would qualify as building and other construction work are required to be notified for their smooth implementation.

##### **Field Visit**

4.2 A visit was made to two institutions, namely, Home for Locomoter Disabled Children (Boys) and Old Age Home, both located in the same complex at Dari, Dharamshala. In case of the former, there were 12 inmates as against capacity of 25 in the age group of 6 to 16 with 5 staff members. It was heartening to note that their requirements were all met including education, with a senior inmate rendering coaching assistance. In case of the latter, there were 19 inmates (12 males and 7 females) as against capacity of 25 with 6 staff

members. While most of the inmates seemed to be contented, some had grievances, which appeared to be personal and psychological. The infrastructural facilities appeared good.

#### **V. Any Other Important Observation**

5.1 Apart from elopement, there was no major trafficking problem though, considering major tourist flows, constant vigilance is necessary.

#### **VI. Recommendations**

- (i) The State Government may consider undertaking fresh child and bonded labour surveys.
- (ii) Rules relating to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and works which would qualify as building and other construction work may be notified at the earliest.
- (iii) Both staffing and funding requirements of Old Age Homes, along with admission procedure, may require a scrutiny.