

Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on Visit to Jharkhand (Ranchi, Gumla and Khunti) during 18-24, December, 2016.

.....

I. General

1.1 The State of Jharkhand, carved out of Bihar, became a separate State on November 15, 2000 consisting originally of 18 Districts. These Districts, being reorganised over time, presently stand at 24. They are grouped under 5 Divisions (North Chotanagpur:7, Santhal Pragana:6, South Chotanagpur: 5, Kolhan and Palamau: 3 each). The State is very rich in minerals. Among States, in the production of different ores/minerals, it secures first position in respect of iron, copper, uranium, mica and kainite as well as second and third position in respect of chromite and coal respectively. According to 2011 census, the State had a population of 3.3 crore of whom 28 and 12 per cent belonged to Scheduled Castes and scheduled Tribes respectively. But the State is characterised as one where poverty exists in the midst of plenty. The percentage of people below poverty line was 36.96 in Jharkhand as against all India average of 21.92 in 2011-12. This is one of the reasons why a part of the State is Left Wing Extremism (LWE) – affected. This is also the reason for the State being afflicted by distress migration and trafficking.

Child Labour

1.2 According to 61st Round of National Sample Survey, 2004-05, child workforce in Chhattisgarh was estimated at 2.06 lakh. The most prevalent forms of child labour in the State are employment in hotels/dhaba, as domestic workers, in brick kilns, bidi making etc. Through various measures taken, child labour intra-State is no longer a major problem, though child trafficking, especially of females, is.

1.3 The National Child Labour Project (NCLP) Scheme of the Ministry of Labour and Employment, which aims at mainstreaming child labour, covers 8 Districts of Jharkhand, Ranchi being one of them. As a sequel to the operation of the Right of the Children to Free and Compulsory Education (RTE) Act, 2009 under the Ministry of Human Resources Development, the Ministry of Labour & Employment issued Revised NCLP Guidelines w.e.f. 01-04-2016 which, inter alia provided for undertaking a Baseline Survey in each District, with provision for allocating Rs.4 lakh per District, which would help to identify 'all working children' and 'adolescents in hazardous occupations and processes' in the target areas and develop a profile of project beneficiaries. Even though the problem of child labour seems to have abated, there is a felt need for conducting a comprehensive child labour survey as mentioned above in Jharkhand.

1.4 The State Government has taken following measures to tackle the problem of child labour:

- Department of Labour, Employment & Training, Government of Jharkhand has prepared 'Jharkhand State Action Plan for Elimination of Child Labour (2012-2016)' in consonance with the 'Roadmap for achieving the elimination of the Worst forms of Child Labour by 2016' presented at the Hague Global Child Labour Conference and has been implementing it. It envisions to make the State free of all forms of child labour through convergence of all Departments and stakeholders, thereby creating an enabling and protective environment for holistic development of children. The stated objectives of the Action Plan are:
 - Regular identification, rescue and rehabilitation of working children so that all children in the State are in school and not at work.
 - To establish linkages for families with ongoing schemes to improve their economic condition.
 - To strengthen enforcement mechanisms to penalise erring employers and to ensure tracking of all children withdrawn from work till they are mainstreamed.

- To strengthen social mobilisation to prevent child labour and generation of mass awareness on the issue.
- The key interventions in the Action Plan are:
 - Preventive mechanisms – focus on families and children vulnerable to the children, sensitisation of parents/guardians of vulnerable children and creation of child-friendly communities and registration of migrant children at Gram Panchayat level.
 - Rescue and rehabilitation – identification and listing of working children, development of a pre-rescue, post-rescue and rehabilitation protocol, constitution of rescue teams, educational rehabilitation of children who are out of school and not working but 'at risk', rehabilitation of migrant children and economic and social rehabilitation of the families of rescued children.
 - Enforcement of relevant legislations.
 - Monitoring and tracking.
- The constitution of Advisory Committees and roles of various Departments have been indicated in the Action Plan.
- The roles of various stakeholders like Jharkhand Child Labour Commission, International Agencies, NGOs/Civil Society Organisations,

legislators and other elected members/ public representatives and media have been defined in the Action Plan.

- The outcome of the proposed child labour survey in each District under the Revised NCLP Guidelines will also reflect how far the implementation of the Action Plan has succeeded and will determine the future of NCLPs. However, during 2016 (up to August), 3756 inspections have been carried out, 258 children rescued, 227 violations detected and 25 prosecutions launched.

Bonded Labour

1.5 Jharkhand has no legacy of bonded labour in the traditional sense as it has no structured feudal agrarian economy. According to Government of Jharkhand, 72 bonded labourers belonging to 11 Districts have been released mostly from other States; these are mostly inter-State migrant labourers who are vulnerable to bondage. However, according to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households stood at 5241, Ranchi, Gumla and Khunti Districts accounting for 2390, 111 and 20 such households respectively.

1.6 The State Government has taken following measures to tackle the problem of bonded labour:

- The Deputy Commissioners are identified as Centres of Convergence. District and Sub-Division level Vigilance Committees have been constituted in all Districts and Sub-Divisions with adequate representation of the Civil Society.
- Registers are being maintained and care is taken to ensure that there is no gap between identification and release and between release and start of the rehabilitation process. Release certificates are promptly issued. Efforts are being made to properly rehabilitate bonded labour coming from other States.
- While a Survey for identification of bonded labour is proceeding concurrently, it is proposed to conduct a comprehensive District-level Survey under the new Centrally Sponsored Scheme for rehabilitation of Bonded Labour.
- In case of bonded labour working in brick-kilns which are a part of the construction industry, efforts are being made to register these workers as construction workers so that they can avail benefits being offered to such workers which are funded out of cess collected under the Building and Other Construction Workers Cess Act, 1996.
- Skill development training is being emphasized.

Migrant Labour

1.7 So far migrant labour is concerned, Chhattisgarh is primarily a host State. It is essentially a rain-fed mono-crop(paddy) State; once the kharif harvesting is over people migrate during December-January to work in brick kilns mostly in the vicinity but sometimes in far-flung areas. It can be characterised as circular migration with the entire family migrating in most cases and returning back during May-June with the onset of monsoon. It is also essentially a case of distress migration, the motivational factor being the absence of employment opportunities at home. The successful operation of the Mahatma Gandhi National Rural Guarantee Scheme (MGNREGS) in the State, however is a saving grace. Most of the workers interacted with subsequently had job cards and bank accounts to which their wages were being credited within a reasonable period of about 15 days. But the universal complaint was that the MGNREGS daily wage rate, being lower than even the minimum wages for agriculture fixed by the State Government, was acting as a disincentive. The other major aspect of out-migration from Jharkhand relates to movement of tribal females to work as domestic help, which has acquired the menace of trafficking.

1.8 The State Government has taken following measures to tackle the problem of migrant labour:

- Efforts are being made to register all workers at Panchayat level who are going out of the State for work. Panchayat Sewaks have been identified as

Licensing Officer under the Inter-State Migrant Workmen(Regulation of Employment and Conditions of Service) Act, 1979.

- By way of registering the migrants, the State Government has notified a Scheme of Red and Green Identity Cards with insurance coverage incentive whereby the migrants moving out through Agents are issued the former and the migrants moving out on their own are issued the latter. Since brick kilns are identified as the most migration prone and vulnerable, the Government has conducted vulnerability mapping and focussed on convergence approach for providing safe and secure migration. Code of Conduct has been signed with Brick Kiln owners in the State.
- Government is planning a campaign based approach that facilitates prevention of distress migration and return of migrant workers, need based skill training with forward and backward linkages, coverage with social security Schemes and linkage with Self Help Groups (SHGs) and employment oriented schemes.

Human Trafficking

1.8 According to UN Protocol, 'trafficking in person' means recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of

deception, of the abuse of power or of a position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Human trafficking, especially of females working as domestic help, is an important facet of labour migration and bondage in Jharkhand. The State Government has taken following important measures to combat human trafficking:

- The Jharkhand State Action Plan for Elimination of Child Labour refers to registration of migrant child labour. A register of all identified child labourers migrating from the Gram Panchayat in search of work shall be maintained at the Panchayat Office and would be regularly updated. The register would have the pages earmarked for the children released from work and restored to their families and/or enrolled in the schools. The Gram panchayat, in coordination with Labour, Human Resource Development, Rural Development and Social Welfare Departments would track the educational and economic rehabilitation of all such released children and take measures to ensure that the released children do not relapse to the same condition. The Panchayat Secretary shall be the custodian of this register.

- As women are more vulnerable, special focus is on female migration prone districts i.e. Gumla, Khunti, Lohardaga and Simdega.
- A new Bill for regulating Placement Agencies and Domestic Helps has been passed by the State Assembly.

1.4 Against this background, field visits were made to DumardihTukutoli andSilam villages and two institutions in Gumla District andGutjora village and one institution in Kunti District and discussions were held at Raipur with State level officials and at District headquarters with District level officials, whose outcomes are discussed below.

II.Meeting at Ranchi

2.1 A meeting was held with State level officials dealing with child, bonded, migrant and trafficked labour at Ranchi. It was attended by the officials of Labour and Criminal Investigation Departments, Labour Helpline, Member, District Child Welfare Committee and Project Director, NCLP. At the outset I pointed out the major decisions taken in the workshop on 'Elimination of Bonded Labour, Child Labour and Human trafficking' held at Ranchi On 09. 09 2016 under the chairmanship of Justice D. Murugesan such as coordinated efforts required to combat such evil practices, especially female trafficking, formation of Vigilance Committees and rescue teams, effective involvement of Panchayati Raj Institutions (PRIs), CWCs, NGOs and Civil Society, conduct of

District level Surveys of bonded and child labour and preparation of data base, proper identification of victims, preparation of effective rehabilitation package and ensuring payment of admissible assistance to prevent any relapse, extension of MGNREGS for more than 100 days presently provided for if required on selective basis, proper awareness generation, provision of vocational training and livelihood mission and State Government laying down a road map and pragmatic strategies, which require priority attention of the State Government. Further I stated that the enhanced provisions of the new Central Sector Scheme on bonded labour should be availed and the proposed Survey on bonded labour should capture the extent of neo-bondage. Besides, the Child Labour (Prohibition and Regulation) Act, 1986 has been amended recently and the proposed Survey on Child Labour should capture its ramifications especially whether education of children under 14 years of age and their helping in family work can proceed concurrently. The officials were requested to comment on role of NCLP, the status of migration and trafficking and further steps taken on awareness generation.

2.2 It was pointed out in the meeting that while Jharkhand does not have a legacy of bonded labour and the problem of child labour has been tackled considerably in the past, migration and trafficking, especially female trafficking, remain an endemic problem. There is a Survey going on concurrently and

according to interim information received so far, about 36,000 workers had migrated from Jharkhand, amongst whom 8,100 were females. The problem is more acute in four Districts, namely, Gumla, Khunti, Lohardaga and Simdega. Departments of Labour, Social Welfare (through Anganwadi workers), Tribal Welfare and Police and PRIs are making comprehensive efforts to generate awareness and tackle the problem. Helpline has been made active and Help Desk established in every District. Vigilance Committees are being revamped and Standard Operating Procedure (SOP) laid down. Cooperation of NGOs and the Church has been sought. In order to prevent female trafficking, efforts are being made to engage needy persons as contract labour in Government offices and as RozgarSevak under MGNREGS who will facilitate employment of willing persons to avail work under the Scheme. In order to control the activities of agents, the Jharkhand Assembly has passed a new Bill for regulating Placement Agencies and Domestic Helps recently which is awaiting to become law. Besides, by way of registering migrants, a system of Green and Red card has been introduced. So far as prevention of child labour is concerned, during September to November, 2016, in the District of Ranchi, 330 child labour were withdrawn, 224 Prosecution cases filed and Rs. 20.30 lakh recovered. However, child trafficking continues to be a major problem and therefore Childlines have been set up in railway stations. Even though CWCs continue to have a watch

over destitute children who are accommodated in Balashrayas (shelter homes for children), there is need for their proper rehabilitation through effective counselling and consolidated action by various stakeholders. In the meeting, after considerable interaction, it was felt that child labour of age 5 to 9 years getting entry into SSA schools directly, those belonging to 9 to 14 years age group being looked after by NCLPs and then mainstreamed and Skill India Mission providing vocational training to those beyond 14 years of age, is a good idea.

III. Visit to Gumla

3.1 In Gumla District, keeping in view the engagements of the Deputy Commissioner, first a visit was made to a village named DumardihTukutoli. It is a village from which about 25, mostly females, had migrated to urban centres like Delhi to work as household help. Even though none of the persons interacted with complained about harassment or non-payment of wages, they stated to have returned back as the dislocation caused disruptions in the families. They claimed to have moved out on their own with their acquaintances rather than through agents. But all of them indicated their preference for staying back in the village if alternative employment opportunities are available. After detailed discussion with the villagers and officials present, it was observed that there is no employment problem during

khari (i.e. July to December) season. MGNREGS jobs are available for 100 days (i.e. about 3 months), though they considered the wage rate to be low (being less than the minimum wage rate for agriculture/construction employment). The problem appeared to be providing employment for the rest 3 summer months, for which there is migration, in some cases to work in brick kilns. The workers were advised to register themselves (through red/green card) while migrating and also as construction or unorganised sector workers, as the case may be, so that they can avail assistance provided under the respective Schemes.

3.2 Thereafter I visited two institutions, namely, Construction Gurukool and Nari Niketan (shelter home for destitute females including migrant labour returnees). Construction Gurukool was highly impressive, both purpose and operation wise. The purpose is to prevent distress migration leading to eventual bondage and joining extremist forces among semi-educated male youth as Gumla is a Left Wing Extremism affected area. The institution receives different types of support from Pallonji Saporji (an Indian multi-national construction firm), Pan IIT (a Consultancy Group of IITians), Hindustan Petroleum Ltd. (providing CSR assistance) and Confederation of Indian Industry (CII). Pallonji Saporji requires skilled manpower which it is sourcing from the youth of Jharkhand by allocating different construction-related trades among

various institutions of the State. There is a disconnect problem in India's skilling landscape; despite serious unemployment problem in the country, the enterprises are not getting required trained manpower, but there is no demand for skills in which training is being imparted in various training institutes. This problem is obviated in Construction Gurukool where assured employment is provided by PallonjiSapoorji, which in turn deputes its own instructors to train the candidates, about 15 each in three construction trades, namely, scaffolding, masonry and rod-bending, who are trained for 45 days free of cost after which they are evaluated by independent agencies and the successful ones are certified and employed. CostructionGurukool connects both ends by providing free accommodation, food and training facilities. Besides, it also trains them to become disciplined, confident and physically and mentally strong (through yoga, sports and personality development) and self-reliant (like growing own vegetables and cooking). The opportunity was availed to interact with not only the trainees but also those who had come to enrol themselves, all of whom displaying a positive vive. Thereafter, NariNiketan, being maintained by the Social Welfare Department, was visited. It housed about 25 inmates staying there for a maximum period of six months who are being provided with free accommodation, food and vocational training in two trades, namely,

beautician and tailoring so that they can be rehabilitated after leaving the shelter home. But the training facilities appeared deficient.

3.3 A meeting was held subsequently with Deputy Commissioner, District Superintendent of Police, Director, District Rural Development Agency and Labour Superintendent. I pointed out that apart from taking legal measures, the long term solution lies in eradicating poverty in a comprehensive manner by providing assistance available under various Central and State Government Schemes, generating employment opportunities especially in the lean period and encouraging students to undergo vocational training in ITIs (there are two in Gumla) and other private institutions. While I expressed my deep satisfaction about the facilities at ConstuctionGurukool, I indicated my dissatisfaction about the same relating to the NariNiketan and urged the Deputy Commissioner to provide at least two sewing machines for training purposes so the inmates can master tailoring trade and earn a decent livelihood after being rehabilitated. I also emphasized the need for capturing new dimensions of both child and bonded labour problems when their fresh surveys are conducted. In the meeting it was pointed out that in GumlaDistrict a total of 7824 migrant workers have been identified, of whom 544 are women. A helpdesk relating to migrant workers has been established in the District. Till now parents of 45 migrant female workers have been contacted

and efforts are on to bring them back. The Deputy Commissioner explained how steps have been taken to pool all resources to fight poverty, eliminate child and bonded labour, prevent distress migration and trafficking and effectively rehabilitate them as well as those affected by LWE when the need arises. He also informed that in Gumla District two residential schools have started functioning from this year, one each for boys and girls in the age group between 10 and 15 years, at Ghagra and Bishunpur respectively where vocational training is also provided.

3.4 Since provision of adequate employment opportunities near the place of residence is the only way to prevent distress migration among females, a visit was made to Gumla Gramin Poultry Swabalamban Sahakari Samiti Ltd. in Silam village. Here a Self Help Group (SHG) of women has formed a cooperative society to produce chicken feed and raise chicken for meat. Both the commercial ventures, managed entirely by women, are mutually supportive and market oriented, generating profit and income for rural women, acting as a strong disincentive for migrating.

IV. Visit to Khunti

4.1 A meeting was held with District level officials at Khunti which was attended by the representatives of the Deputy Commissioner, an IAS Probationer and Probationary Deputy Collectors, District Social Welfare

Officer, officials of Labour Department, Additional District Officer, SSA, officials from District Child Welfare Committee and officer-in-charge, Anti Human Trafficking Unit. In the meeting the officials explained the situation prevailing in Khunti District which is basically similar to that of Gumla District. Release certificates to bonded labour are being issued for their quick rehabilitation. The point which emerged in the meeting is that in order to combat female trafficking, which is an endemic problem in the District, effective counselling is a must.

4.2 A visit was made to Gujotra village. Persons from this village, who were interacted with, had migrated to far off places to work in diverse professions like as factory worker in Kerala, driver in Hyderabad and in onion sorting and packaging establishment in Maharashtra etc. While the main cause of their migration was stated to be lack of adequate employment opportunities at home and better remuneration available at points of destination, they have returned because of family compulsions like looking after aging parents, managing family assets including farm land and children growing up who can no longer accompany parents and require proper education in one place. The migration of these persons falls in the border line of distress and benign migration and require different treatment. These workers are having bank accounts and Adhar cards but had not registered earlier before migration

which they were advised to do so through red and green card in case they consider to migrate in future.

4.3 The last visit in Khunti was to an institution called Asha Kiran Shelter Home at Fudi where presently 55 female inmates distressed on various accounts (5: trafficked, 19: child/domestic labour, orphan: 7, single parent: 12, child/sexual abuse, 4: child in need of care and protection: 4: distressed/abandoned/jailed parents: 2 and LWE affected: 2) are being provided with accommodation, food, education and vocational training (computer application, beautician, handicraft, bee keeping and tailoring). Asha Kiran Shelter Home has been established since 2009 and is being managed by Ranchi Ursuline Society with the help of donors from India and abroad including Social Welfare Department, Government of Jharkhand, Rotary Club and SAIL, Ranchi. Efforts are being made to educationally mainstream the inmates as well as restore and reintegrate them with their families.

V. Conclusion

5.1 The visit to Jharkhand was a new experience. The recommendations are annexed. NHRC may like to take up relevant issues with concerned Ministries and State Government.

Contd.

Annexure

Recommendations

- (i) The Baseline Surveys relating to child labour for which funds would be provided under the Revised NCLP Guidelines should be undertaken early by the State government.
- (ii) Similarly, the Baseline Survey relating to bonded labour for which funds would be provided under the new Central Sector Scheme should also be carried out by the State Government early. It should capture the prevalence of neo-bondage also.
- (iii) The state Government has taken a number of steps to tackle the problem of migration and trafficking. So far as regulatory measures are concerned, the recently introduced system of registration of migrants through Red and Green

Identity Cards with insurance coverage incentive whereby the migrants moving out through Agents are issued the former and the migrants moving out on their own are issued the latter at Panchayat level should be encouraged and properly implemented.

(iv) The new Bill for regulating Placement Agencies and Domestic Helps which has already been passed by the State Assembly should be notified immediately.

(v) For combating female trafficking, apart from other measures, institutional arrangements need to be strengthened to provide necessary counselling.

(vi) For effective protection shelter homes like Asha Kiran Shelter Home (para 4.3), for proactive rehabilitation SHGs like Gumla Gramin Poultry Swabalamban Sahakari Samiti Ltd. (para 3.4) and for proactive livelihood promotion Vocational Training Institutes like Construction Gurukool (para 3.2) should be encouraged.

.....

4/2/2017 - PRP/P

No. 16(16)/2016-Coord
National Human Rights Commission
Coordination Section

13th 01.2017

Sub: Report of Dr. Ashok Sahu, Thematic SR (Child/Bonded/Migrant Labour) on visit to Jharkhand (Ranchi, Gumla and Khunti) from 18-24 December, 2016.

Dr. Ashok Sahu, Thematic SR (Child/Bonded/Migrant Labour) vide his email dated 9.1.2017 has forwarded his report on his visit to Jharkhand (Ranchi, Gumla and Khunti) from 18-24 December, 2016.

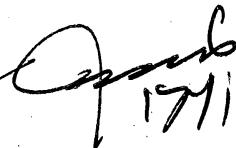
2. The above visit report is sent herewith for taking further necessary action, with the request to place the same before the Commission through the Member concerned.


Encl: As above.



(B.S.Nagar)
Under Secretary(Coord)

~~Director(A)~~

~~SECRET~~ 
17/1

~~Ms. Meenakshi~~

18/1/17

N.H.R.C
PRP&P Division
DIR Unit

18 JAN 2016

Dy No. 12