

Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on visit to Gujarat (Ahmedabad, Surat and Vadodara) during 08-13 July, 2018.

I. General

1.1 Gujarat, which became a separate State on 01.05.1960, presently consists of 33 Districts broadly divided into four regions (Central, North, South and Saurashtra-Kutch). As one of the most prosperous States, Gujarat is referred to as India's Guangdong. It is rich both in agricultural (rice, wheat, bajra, cotton, groundnut, sugarcane, vegetables, horticulture and dairy) and industrial (cement, petrol, refinery, textiles, diamond polishing) output, also being known for shipbreaking yard at Alang and LNG terminals at Dahej and Hazira. Gujarat shares borders with Pakistan and is famous (especially Dwarka and Somnath) for religious tourism. The State had a population of 6.04 crore according to 2011 census, S.Cs and S.Ts constituting about 7.1 and 14.8 % of the population respectively. The percentage of people below poverty line was 16.63 in Gujarat 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 61st Round of National Sample Survey, 2004-05, child workforce in Gujarat was estimated at 3.02 lakh. Child labour was found in domestic work, roadside eateries, construction, power looms, working as a helper, zari industry, agricultural work etc. Earlier migrant child labour from Southern Rajasthan Districts were employed in Bt. Cotton fields of northern Districts of Gujarat. It has since been prevented through combined efforts including intensive checks, field visits and joint patrolling by both the States.

Important Steps Taken

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

- District-wise inter-Departmental Task Force has been constituted which holds regular meetings, conducts raids, rescues child labour, launches prosecutions and raises awareness.
- Since 1916, Sahiyari Kuch Mission has been launched whereby Labour Department conducts mass raid and runs awareness programme on prohibition of child labour across the State.
- National Child Labour Project (NCLP) Special Training Centres are being run. Child Welfare Committees (CWCs) are active.

(b) Bonded Labour

Position

2.3 In Gujarat bonded labour system is not prevalent as the labour situation (employment, wages, safety/health etc.) is being monitored by Shop & Establishment Inspector, Factory Inspector, Labour Inspector (Industry) and Labour Inspector (Agriculture), though certain sectors like brick kilns, sugar cane cultivation etc. appear vulnerable. According to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Gujarat was only one.

Important Steps Taken

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

- As directed by NHRC in 2017, inspection of brick kilns were carried out, but no bondage was detected. Workers were getting minimum wages and basic amenities at work place.
- Institutional arrangements like Vigilance and other Committees are in place.
- Sensitization and training for all stake holders are being undertaken.

(c) Migrant Labour**Position**

2.5 Gujarat is primarily a Host State to which both intra (from Panchmahal, Dahog and Godhra Districts) and inter-State (from Bihar, Chhattisgarh, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh etc.) migration takes place to brick manufacture, salt making, stone quarrying, construction, textiles, sugar cane harvesting and rice mill sectors.

Important Steps Taken

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

- Efforts are being made to register the migrant workers and contractors.
- 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.
- An important Scheme being run in collaboration with Akhyaya Patra (an internationally reputed catering organization) under the Cess Fund, namely Shramik Annapurna Yojana, relates to provision of subsidized nutritious lunch on payment of Rs. 10/- only to registered workers.

Highlights of Discussion

2.7 The meeting with State level officials at Ahmedabad was attended by Labour Commissioner and representatives of Labour Department, Deputy Rural Labour Commissioner, ADG and SP dealing with crime and

representatives of District Administration, Missing Cell, Education, Industrial Safety and Health Departments and Building and Other Construction Workers Board. During the interaction, points made at para 2.1 to 2.6 were highlighted. It was pointed out that apart from Gujarat being a prosperous State, the local population is reluctant to do hard labour, which creates a vacuum, being filled up by migrants. Various pro-active measures include establishment of NCLP Societies, Operation Smile/Mushkan, functioning of Odia medium schools and making villages crime free by placing Mitras (Friends). It was impressed upon the participants to conduct fresh Surveys on bonded labour to capture neo-bondage and on child labour to capture whether education of children, while assisting in non-hazardous family work which is legally allowed, is being affected or not.

III. At District 1 (Surat) Level

3.1 Surat District is a significant economic hub both for Gujarat State and India, being, inter alia, biggest market for synthetic fabric in Asia and diamond polishing in the world.

Child/Bonded/Migrant Labour

Position

3.2 Pratham Mumbai Educational Initiative (a NGO) conducted a Survey in June 2016 and found 2507 child Labour in Surat District (839 in Surat city). Migrant workers constitute an important segment of both industrial and agricultural workforce (ref. para 2.5). In Surat District about 200 brick kilns are running (October to March) employing about 5000 workers, mostly from other States. There are 7 sugar mills employing about 57,539 workers, of whom about 18,063 are from other States. 6 salt making units are functioning (October-March), employing about 400 workers, 10% of whom are from other States. Textile industry is dependent mostly on migrant workers. Sugarcane harvesting and building and other construction workers are mostly intra-State migrants.

Important Steps Taken

3.3 Important steps taken are the following:

- During the period 2012-13 to 2018-19 (till date) the District-level Child Labour Task Force held 57 meetings, conducted 157 raids, and rescued 867 child labour. Under Sahiyari Kuch Scheme, during 2016-2018, 33 raids were conducted and 77 child labour were rescued. The focus is on awareness generation.
- About 20 NCLP Special Training Centres are functioning in the District, being run by 4 NGOs, where about 717 students have been enrolled.

- Bonded Labour Vigilance Committee is in place. Inspection of brick kilns had been conducted but no bondage was detected.
- Registration of migrant workers and their contractors is being undertaken. Shramik Annapurna Yojana is in operation.

Highlights of the Discussion

3.4 The meeting with District level officials held at Surat was attended by S.P., Deputy Labour Commissioner and officials of Labour Department, lead Bank Manager, representatives of Administration, Factories, Information and Rural Development Departments. During the meeting the points made at para 3.2 and 3.3 were highlighted. Vocational education is being emphasized. Steps are being taken to locate missing children and rehabilitate them and ensure vigilance in railway station to prevent trafficking. Since 'advance' is the root cause of bondage, it need to be properly defined.

3.5 Mayor, Indore & Chairman, CWC and District Magistrate, Indore were separately interacted with whom the prevalent position was discussed.

3.6 Some migrant textile workers from Odisha, along with President, Janata Labour Union were interacted with. It was pointed out that power looms are functioning both in the organized and un organized sectors. Lack of access to toilets and drinking water at workplace is the main handicap faced by

unorganized sector textile workers, which needs to be overcome through Administration's intervention.

Field Visit

3.7 Visits in Surat was made to NCLP Special Training Centre at Vadod, CWC office, V.R. Popawala Children Home for Boys and Adoption Centre at Katargam, where the students, inmates, trainers and other functionaries were interacted with.

IV. At District 2 (Vadodara) Level

4.1 Vadodara has a vibrant history; since the era of Royal Gaekwad family, it has been a hub of arts, literature and sports. Many industrial projects are also located in the District. Dealing with child labour (2016 Survey placed it at 1611) appears to be the main issue.

Child/Bonded/Migrant Labour: Important Steps Taken

4.2 Important steps taken are the following:

- District level Child Labour Task Force conducted 99 raids during 2015-2018 and rescued 68 child labour. 10 NCLP Special Training Centres have been functioning where about 185 students are on their rolls presently and about 98 students have been mainstreamed. The focus is on holding review meetings, awareness generation and vocational training.

- Bonded Labour Vigilance Committee have been constituted. After receiving NHRC's 2017 letter, a total number of 34 brick kilns were inspected but no bondage was detected.
- Inter-State migrant workers and their contractors are being registered. The eligible ones are also being registered as building and other construction workers to avail benefits flowing from the Cess Fund. Shramik Annapurna Yojana is in operation

Highlights of the Discussion

4.3 The District level meeting at Vadodara was held with District Magistrate, Superintendent of Police, G.M, District Industries Centre, Project Director, NCLP and representatives of Administration, Police, Labour, Industrial Safety & Health, Information and Education Departments as well as Building & Other Construction Workers Board and Baroda Citizens Council. During the meeting the position mentioned at para 4.1 and 4.2 was highlighted. During interaction it was pointed out that Anti Trafficking Unit and Child in Crisis Units are functioning in the District. Anonymity is being tried to be removed by using information contained in the Aadhar card. It was suggested that many complaints made to NHRC and referred for investigation have been found to be frivolous (one serious one related to alleged bondage); such complainants should be discouraged. Various pro-active measures are being taken by

generating awareness and providing transit hostels, Aanganwadi facility, vocational training, scholarships, free vaccination etc.

Field Visit

4.4 Field visits were made to NCLP Special Training Centre, Motinagar and Balgopalam (Children Home for Boys), Bhutadizapa and Shramik Annapurna Yojana Distribution Centre.

V. Any Other Important Observation

5.1 Trafficking so far does not appear to be a major problem though there should be no complacency in vigilance.

VI. Recommendations

(i) Fresh Surveys on Child Labour trying, inter alia, to capture whether education of children assisting in family work is getting substantially affected or not and on bonded labour to capture emergence of neo- bondage need to be conducted.

(ii) The problem relating to lack of access to toilets and drinking water at workplace being faced by unorganized sector textile workers requires be resolved (ref. para 3.6).

(iii) A mechanism needs to be evolved to discourage frivolous complaints, especially those relating to bondage intending misappropriation of higher rehabilitation relief.

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