

Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on Visit to Madhya Pradesh (Bhopal, Indore and Khandwa) during 19-25, March, 2017.

I. General

1.1 The State of Madhya Pradesh, after its eastern part was carved out to form the separate State of Chhattisgarh in 2000, consists of 51 Districts grouped in 10 Divisions. More than 30% of the State is under forest cover. The State is rich in mineral resources, having the largest reserves of diamond and copper in India with substantial coal, manganese and dolomite reserves. The State has lots of tourism potential. According to 2011 census, the State had a population of 7.2 crore of whom 16 and 21 per cent belonged to Scheduled Castes and scheduled Tribes respectively. But the State is characterised as one where high incidence of poverty exists. The percentage of people below poverty line was 31.65 in Madhya Pradesh as against all India average of 21.92 in 2011-12.

Child Labour

1.2 According to 61st Round of National Sample Survey, 2004-05, child workforce in Madhya Pradesh was estimated at 4.91 lakh. The most prevalent forms of child labour in the State are employment in hotels/dhaba, as domestic workers, etc. Through various measures taken, child labour intra-

State is no longer a major problem. During 2015-2016, 1237 inspections were made, 230 prosecution proceedings launched and 170 child labour rescued.

1.3 The National Child Labour Project (NCLP) Scheme of the Ministry of Labour and Employment, which aims at mainstreaming child labour, covered 17 Districts of Madhya Pradesh. 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 providing 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. Prior to that the Ministry had also issued a letter to Labour Commissioners of all States (No.S.27025/9/2014-CL dated 26-08-2014) stating that the NCLP Scheme is not meant to be continued indefinitely. The incidence of child labour is gradually shrinking in the country - from 1.26 crore in 2001 to 43 lakh in 2011 as per censuses in both years. Hence the number of rescued and rehabilitated child workers should shrink commensurately, so also the volunteer strength of NCLPs. If the children have been mainstreamed, then the voluntary teachers need to be disengaged till fresh survey reveals incidence of child labour and need for NCLPs. There is no

provision for absorption of such volunteers under any scheme of Government of India; however, the State Government can consider their adjustment in their schools/Special Training Centres. In pursuance of this direction, as well as situation prevalent in Madhya Pradesh, all NCLPs have become inoperative over a period of time. By that time about 44,281 students were mainstreamed. 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 the State of Madhya Pradesh.

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

- It has been directed to send proposals to Ministry of Labour and Employment regarding establishment of NCLPs in those Districts where they do not exist.

Bonded Labour

1.5 Existence of bonded labour is not a major challenge in the State. Nevertheless, various forms of labour are practised in the State, in which traces of bondage are found. These are Baramasia (employment for whole year in agriculture, animal husbandry, construction, mining etc. compensated by wages and food – prevalent in the whole State), Hali/Hari (employment in

agriculture in lieu of advance taken and food - prevalent in the whole State), Harwai (employment in agriculture or animal husbandry compensated by wages or share in crops – prevalent in Gwalior, Morena, Sagar and Rewa areas), Kamiya (employment in agriculture or animal husbandry compensated by low wages or share in crops – prevalent in all areas adjacent to Chhattisgarh, Nitamjur (employment in any vocation as daily worker – prevalent in the entire State) and Sevak/Sevakia (employment of male or female in household activities in lieu of low wages or food – prevalent in Gwalior, Morena, Sagar and Rewa areas). Bonded labourers have been mostly found in agriculture, brick kilns, stone crushers, hotels etc. who are rescued and rehabilitated. According to Government of Madhya Pradesh, during 2016-17, 66 bonded labour have been rescued from different areas of Karnataka (Bagalkot), Uttar Pradesh (NOIDA), Rajasthan (Bara) and Madhya Pradesh (Narsinghpur and Guna), of whom 40 have been rehabilitated in Muzaffarnagar of UP and rest in different areas of Madhya Pradesh. Similarly in 2017, one bonded labour has been rescued from and rehabilitated in Rajgarh District. However, according to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Madhya Pradesh stood at 36,334, Bhopal, Indore and East Nimor

(Khandwa) Districts accounting for 1015, 25 and 491 such households respectively.

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

- The focus is on creation of employment opportunities and implementation of labour laws so that labourers have no incentive to migrate.
- These include effective implementation of the Minimum Wages Act, 1948 and various other labour laws meant for unorganised sector workers.
- Registration of building and construction workers and making available their entitled benefits through implementation of various developmental schemes meant for them are being done.
- Various other Schemes by the Social Justice Department, Pradhan Mantri Rural Housing Scheme, MGNREGA, Ladli Lakhmi Yojana, providing food supplement to mothers and looking after health needs of new-borns by Department of Women and Child Development, organisation of Welfare Camps for bonded labourers are undertaken. Health check ups are being done in these Health Camps.

- Coordination Committee has been established in accordance with the Guidelines prescribed by Hon'ble High Court, Madhya Pradesh and the National Human Rights Commission, which meets every two months to review all matters relating to identification, rescue and rehabilitation of bonded labour.
- Vigilance Committees have been constituted in all Districts of the State.
- It is proposed to conduct a comprehensive District-level Survey under the new Centrally Sponsored Scheme for rehabilitation of Bonded Labour. Survey Proposals in respect of 42 Districts have already been sent to Ministry of labour and Employment.
- A Workshop on Elimination of Bonded Labour was held at Bhopal under the Chairmanship of Mr. Justice Murugesan, Hon'ble Member, National Human Rights Commission on 29.09.2016. State Government is trying to implement major decisions arrived at in the Workshop.

Migrant Labour

1.7 So far migrant labour is concerned, Madhya Pradesh is primarily a destination State. But from those areas which are essentially rain-fed and mono-cropped, out-migration does take place, to work in various types of industries. This is precisely a case of distress migration which makes the migrants vulnerable to exploitation, resulting even in bondage. The other

major aspect of out-migration from Madhya Pradesh relates to movement of tribal females to work as domestic help, though small, which has acquired the menace of trafficking.

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

- Implementation of the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is given serious consideration.
- About 25.04 lakh workers engaged in building and construction industry have been registered. Such workers have received benefits worth Rs.621.56 crore under various developmental schemes.
- The provisions of the Minimum Wages Act, 1948 are being implemented strictly which helps in preventing migration.
- There are 61.55 lakh job card holder families under MGNREGA in the State. Among them, 45.72 lakh families (78.12 lakh workers) have availed jobs at different points of time.

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, though in a relatively smaller scale, in Madhya Pradesh. The State Government has taken following important measures to combat crime against women and human trafficking, especially of females:

- The State has adopted a Zero Tolerance Policy towards crime against women. Immediate and free registration of such crimes are ensured. Crime Against Women Units have been instituted in every District. 141 Female Desks to speed up hearing, Fast Track Courts in all 51 Districts, 212 Family Counselling Centres and 24 Anti Human Trafficking Units have been instituted.
- In the year 2014, in 43 anti-trafficking cases, 143 culprits were arrested and 74 girls, 36 boys, 98 females and 48 males were rescued. In 2015, in 51 cases, 198 culprits were arrested and 46 girls, 10 boys, 18 females and 01 male were rescued. In 2016 (upto October), in 49 cases, 157 culprits were arrested females and 93 children, 14 females and 04 males were rescued.

- In schools and colleges girls are given free training in self-defence.
- In District headquarters, Nirbhaya patrolling has been arranged, where patrolling duty has been entrusted to women police officials.
- Emphasis is being placed on awareness generation.

1.9 Against this background, field visits were made to two places , namely, Vijay Nagar and Sarafa areas in Indore to interact with migrant workers and two institutions, namely, Rajkiya Bal Sangrakhana Ashram and Bal Sakha Ashram Gruha at Indore and Khandwa respectively and discussions were held at Bhopal with State level officials and at District headquarters with District level officials, whose outcomes are discussed below.

II. Meeting at Bhopal

2.1 A meeting was held with State level officials dealing with child, bonded, migrant and trafficked labour at Bhopal. It was attended by the Additional Chief Secretary (ACS), Labour Commissioner and officials of Labour Department, Secretary and officials of Women and Child Development Department, AIG (Crime Against Women), S.P., Bhopal (Hq.), Secretary, Madhya Pradesh Board of Construction Workers and Additional Collector, Bhopal. At the outset I summarized the major decisions taken in the workshop on 'Elimination of Bonded Labour, Child Labour and Human trafficking' held at Ranchi on 09. 09. 2016, Workshop on 'Elimination of Bonded Labour' held at

Bhopal on 29. 09. 2016, both under the chairmanship of Hon'ble Justice Shri D. Murugesan and 'National Seminar on Bonded Labour' held at New Delhi on 15/16. 02. 2017 under the chairmanship of Hon'ble Justice Shri H. L. Dattu 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, effective implementation of MGNREGS, 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 The ACS highlighted various initiatives being undertaken by the State Government to alleviate poverty along with problems relating to bonded, child migrant and trafficked labour. The most innovative initiative seemed to be introduction of a project work module in the Bachelor of Social Work with specialization in community leadership course being offered by Mahatma Gandhi Chitrakoot Gramodaya University under Chief Minister Community Leadership Capacity Development Scheme. The students will be involved in implementation of various labour related laws at Panchayat level, starting with the Building and Other Construction Workers Act and gradually getting extended to other Acts including those relating bonded, child and migrant workers which will help in building an effective data base and mapping labour households, registration of workers, awareness generation and rendering a helping hand to PRI officials. It was pointed out that NCLP presently working in 17 Districts and Shelter Homes have been established in all the Districts. The problem of bonded, child, migrant and trafficked labour is not acute in the State. Nevertheless, steps like Operation Mushkan (Smile), registration of cases relating to missing children, helpline for children, women and senior citizens,

Nirbhaya patrolling, fast track courts for speedy disposal of cases and bonded/child labour tracking system have been undertaken.

III. Visit to Indore

3.1 I visited a building construction project in Vijay Nagar area at Indore where about 30 migrant workers from Katihar District of Bihar are engaged. While interacting with some of them it came to notice that they had come on their own leaving behind their families in their villages. They are housed by the employer in an adjacent colony, provided with electricity connection and potable (with R.O. facility) water. They have migrated for about 3 to 4 months at a stretch primarily to earn higher wage. They have Aadhaar cards and bank accounts, with their wages being credited there. They were advised to register themselves as building and construction workers back in the Panchayats of their home District so as to avail all the benefits available to such workers. The employer's representative while pledging their support pleaded that the benefits should also be given to labour supervisors in building and construction industry.

3.2 Thereafter I visited Rajakiya Bal Sangrakhan Ashram (State Child Protection Home) at Indore. It houses about 30 inmates, referred to by the District Child Welfare Committee, in the age group of 3 to 13 years for a duration decided by the Committee. The destitute children are from different

background like child labour, abandoned children, rescued children and even drug addicts. They are given food, shelter, education and are restored to their parents to the extent possible and sometimes sent to shelter homes where more aged children are kept. It is a Government institution financed by State Women and Child Development Department. During interaction, specific requirement of handicapped and drug addicted children and attending to health issues were pointed out to be difficult areas requiring attention.

3.3 I also interacted with some migrant workers of West Bengal (24 Pragana District) engaged in jewellery industry in Sarafa (old city) area of Indore. They have migrated over a longer period primarily because of inadequate job opportunities in their home District/State and are staying with their families. They considered their workplace to be reasonably safe. Their children are being educated in Hindi medium local schools, they are getting medical facilities from private doctors and are staying in respective rented houses or in bachelor accommodation in groups. They have got their bank accounts, Aadhaar Cards and even election identity cards and therefore, qualify for availing benefits as unorganised sector workers as and when schemes for them are put in place by the Government.

3.4 The office of the Labour Commissioner, Madhya Pradesh is located at Indore, which is the most important commercial city and a prime industrial

area of the State. A meeting was held with Labour Commissioner and District level officials of Labour Department, Superintendent of Police and other officials of Police Department, DSP, Criminal Investigation Department, Sub Divisional Magistrate, Indore, Joint Director, Social Justice Department, District Programme Officer, Women and Child Development Department and Childline Coordinator. At the outset, the Labour Commissioner made a presentation whose main points have been incorporated at para 1.3 to 1.8. By way of initial remarks I stated that after teething problems relating to the Central Sector Scheme on Bonded Labour are resolved, the District level Surveys should capture neo-bondage. Similarly, the Child labour Survey should throw light on the issue whether allowing a child to help in family work will adversely affect his studies or not and whether the present definition of family under the amended Child Labour Act which includes not only the immediate but also the extended family of father/mother's brothers and sisters is going to be detrimental to child's interests in pursuing education. Vocational training has also to be given due importance. The officials were requested to indicate the position relating to migrant and trafficked labour. The overall impression which emerged was that the problem of bonded, child, migrant and trafficked labour in Indore is not acute but the real position will emerge only after a fresh survey is undertaken. In respect of child labour a further amendment by restricting

the definition to immediate family may be necessary. The officials agreed to look into the health and special needs of Shelter Homes.

IV. Visit to Khandwa

4.1 A meeting was held with District level officials at Khandwa which was attended by the representatives of the Superintendent of Police, Labour Department, Social Justice Department, Childline and Astha Welfare Society and Women Empowerment Officer. The officials were requested to indicate the situation prevalent in respect of bonded, child, migrant and trafficked labour in the District. After discussion the overall position which emerged was that the problem of bonded and migrant labour is not a major one in the District but those of child labour and human trafficking is, especially the latter. Even though the District Administration is quite vigilant, trafficking of boys and girls (especially tribal girls of nearby Districts) through trains is taking place in a camouflaged manner. The officials were requested to step up vigilance in railway stations and generate awareness continuously.

4.2 There was interaction with the media in a subsequent session where the position indicated in above para was reiterated. The media was requested to help the administration both in matters of vigilance and awareness generation.

4.3 A visit was made to the Bal Sakha Ashram Gruha, which is a Shelter Home for young boys as well as young and grown up girls, financed by the State Government but managed by a NGO called Astha Wefare Society. Efforts are being made to educate, vocationally train and rehabilitate the inmates, preferably in their families.

V. Conclusion

5.1 The visit to Madhya Pradesh was a different type of experience. The traditional notions relating to bonded, child and migrant labour are changing and camouflaged human trafficking is gathering momentum. The State Government has to grapple with the emerging facets and initiate ameliorative action. The recommendations are annexed. NHRC may like to take up relevant issues with concerned Ministries and State Government.

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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. The Government of Madhya Pradesh has sent proposals in respect of 42 Districts. The Ministry of labour and Employment should clear the proposals expeditiously.
- (iii) The State Government's Zero Tolerance Policy towards crime against women needs all support and encouragement.
- (iv) An important innovative initiative seems to be introduction of a project work module in the Bachelor of Social Work with specialization in community leadership course being offered by Mahatma Gandhi Chitrakoot Gramodaya University under Chief Minister Community Leadership Capacity Development Scheme (para 2.2). The outcome of this initiative needs to be watched for being replicated elsewhere.

