

Agenda No. ---

**National Human Rights Commission
Director (A) Unit**

Sub: Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child / Bonded / Migrant Labour), NHRC on visit to Maharashtra (Mumbai, Raigad and Thane) during 9-19 April, 2017.

Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded / Migrant Labour), NHRC visited Maharashtra (Mumbai, Raigad and Thane) during 9-19 April, 2017.

The visit report of the Special Rapporteur may kindly be seen at **F/A**. During this visit field visits were made to DongriNirikhana / Balgruha, Umarkhandi at Mumbai, Naik Frozen Foods Pvt. Ltd. Located at Taloja Industrial Area, MICD Taloja, Raigad, NCLP School No. 36, Fatima Nagar, Bhiwandi (Thane) and Thane District Administration's Skill Development & Apprenticeship Centre. A meeting was held at Mumbai with State level officials and at District headquarters of Raigad and Thane with District level officials.

During the meeting held at Mumbai the Special Rapporteur pointed out that since child, bonded, migrant and trafficked labour are all rooted in poverty, though they have separate features, there is need for comprehensive attack on all of them and effective coordination between various Government Departments as well as civil society in this regard. During the interaction it was also pointed out that registration of inter State migrant workers and their agents is important. Neo-bondage, unless tackled, will emerge as a socio-economic problem in future. Instances of human trafficking including child and female trafficking have been noticed.

In the meeting held at Raigad it was pointed out that there is need for change in parental perception, better health care facilities, continuous awareness generation, proper tracking system, new surveys both for child and bonded labour and more convictions to take place if need arises.

On his visit to 'Thane District Administration's Skill Development and Apprenticeship Centre' the special Rapporteur mentioned that the Central and State Governments have conceived various skill and apprenticeship development schemes, which the District Administrations generally implement. But to find a District Administration running its independent scheme of Skill Development and Apprenticeship from out of its own resources, focusing on trades which are locally relevant, is indeed rare. The

step taken by the Thane District Administration, therefore, is proactive as well as innovative and needs to be appreciated.

The Recommendations / Suggestions of the Special Rapporteur are as under:-

- (i) The Baseline Survey relating to child labour for which funds would be provided under the Revised NCLP Guidelines should be undertaken early by the State Government.
- (ii) As Maharashtra is a destination State, tackling the problem of child labour requires constant efforts. Fortunately civil society in the State is very proactive. Its contribution needs to be effectively harnessed.
- (iii) The Baseline Survey relating to bonded labour for which funds would be provided under the new Central Sector Scheme should be carried out by the State Government early. It should capture the prevalence of neo-bondage also.
- (iv) The problems relating to migration and trafficking need to be comprehensively tackled. It requires continuous vigilance and awareness generation, dissemination of information relating to their adverse impact and developmental provisions existing under various Government Schemes, coordination among different administrative and policing agencies and active involvement of civil society.
- (v) Proactive measures like 'Thane District Administration's Skill Development and Apprenticeship Centre' on skill Development front needs encouragement and support.

The report and recommendations are placed before the Full Commission for consideration and directions please.



(Dr. Ranjit Singh)
Joint Secretary (P&A)

Dated:
File No. 4/11/2017-PRP&P

Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on visit to Maharashtra (Mumbai, Raigad and Thane) during 9-19 April, 2017.

I.General

1.1 The State of Maharashtra, in the present form came into existence in May, 1960 after Gujarat became a separate State. It consists of 36 Districts placed under six administrative Divisions, namely, Amravati, Aurangabad, Konkan, Nagpur, Nashik and Pune. Maharashtra is one of the most industrialized States of India contributing to about 25% of the country's industrial output. The contribution of Nashik District in agriculture and allied activities and Pune District in Services sector is quite substantial. According to 2011 census, the State had a population of 11.4 crore, S.Cs and STs accounting for 11.8 and 8.9% of the population respectively. The percentage of people below poverty line was 17.35 in Maharashtra as against all India average of 21.92 in 2011-12. Maharashtra is basically a destination State for migrant labour.

Child Labour

1.2 According to 61st Round of National Sample Survey, 2004-05, child workforce in Maharashtra was estimated at 7.83 lakh. In the State high concentration of child labour is noticed in shop, hotel, bakery, automobile garage, hand embroidery, powerloom and brick kiln sectors and as domestic help. The State Government has taken various measures to combat the menace of child labour under the provisions of various laws like the Factories Act, 1948, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the Juvenile Justice (Care and Protection) of Children Act, 2015, the Right

of the Children to Free and Compulsory Education(RTE) Act, 2009 etc.but the problem persists as Maharashtra is an important destination State.

1.3 The National Child Labour Project (NCLP) Scheme of the Ministry of Labour and Employment, which aims at mainstreaming child labour, was being operated in 16 Districts of Maharashtra. 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. 01-04-2014 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. Thereafter the Ministry 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 - 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. But the Government of Maharashtra continues to operate the NCLP schools, presently in 15 Districts. At present 323 Special Training Schools are running under NCLP where 9,516 children are enrolled. Besides, 55,574 children have been mainstreamed.

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

- Government of Maharashtra has issued Government Resolution dated 25.4.2006 and 2.3.2009 for constitution of Task Force in every District under the chairmanship of the District Collector.
- Emphasis is placed on awareness generation, Survey for identification of child labour, Special Training Schools, non-formal education, mainstreaming, enforcement of labour laws and income and employment generation.
- Emphasis is also placed on vocational training programmes in areas like handicraft, bamboo products, mehendi application, leather goods, tailoring, beautician, embroidery and needle work and development of communication skill.
- There are continuous raids on those pockets where high concentration of child labour is suspected. Between 8.5.2005 and 31.12.2016, in the

State of Maharashtra, 2399 raids were conducted and 6405 child labour rescued, of whom 1732 belonged to the State. 2581 employers were arrested.

- Under the Revised NCLP Guidelines, it is proposed to undertake a fresh child labour survey in each District.

Bonded Labour

1.5 Bonded labour in traditional sense has declined, though it exists in a subtle manner. The State has taken a number of steps in rehabilitating bonded labour. According to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Maharashtra stood at 24,383 (Thane:956 and Raigad:107). According to Government of Maharashtra, during the period 1976 to 2015, 1699 bonded labourers were detected and released, of whom 1316 were detected and rehabilitated in Maharashtra, 284 were detected in Maharashtra but rehabilitated in other States and 84 detected in other States but rehabilitated in Maharashtra (rest untraced). During this period, 807 prosecutions were launched, of which 743 cases were decided.

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

- Since bonded labour system is noticed mostly in tribal pockets, efforts are being made to remove poverty and illiteracy, by mainstreaming them through implementation of MGNREGS, provision of houses under the Pradhan Mantri Awas Yojana, livelihood support schemes like provision of cows & buffalows, goats, poultry, bullock carts etc. under Swayam Gramin Swarojgar Yojana/TRYSEM/ Integrated Rural Development Programme and Skill Development Programme to enhance their living standards.
- Maharashtra is a pioneer State to start Employment Guarantee Scheme (EGS) way back in 1972 and Social Security Scheme like Sanjay Gandhi Niradhar Yojana (to provide financial assistance to disadvantaged people) in 1980. The State established the Domestic Workers Welfare Board in 2011, enacted the Maharashtra Mathadi, Hamal and Other Manual Workers Act, 1969 and the Maharashtra Private Security Guard Act, 1981, under which concerned workers are getting various benefits including minimum wages. These measures prove to be a deterrent for distress migration and eventual bondage.
- High rate of urbanization in Maharashtra generates awareness. Awareness is also created through (a) Village Panchayat's Gram Sahba, (b) annual meeting with brick kiln owners and meeting with Salt Pan

owners. Posters and banners depicting evils of bonded labour system are displayed.

- District and Sub-Divisional Vigilance Committees are functional.

Migrant Labour

1.7 So far migrant labour is concerned, Maharashtra is primarily a destination State. There is circular migration to work in brick kilns, salt pans etc. intra-State migration also takes place to work in sugar factories of Western Maharashtra as more than minimum wages are paid there. Workers from other States usually migrate to Maharashtra for employment. It is also for a longer period and there is a tendency to settle down. Migration of workers from Maharashtra to other States is uncommon. Lack of information about the migrant workers from other States due to non-registration in home State, lack of portability of many social security benefits, involvement of contractors etc. are proving to be major handicaps.

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

- Efforts are being made to register all contractors under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

- Steps are taken to provide various benefits to the migrant workers.

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. Maharashtra is also a transit point for trafficking outside the country, even for Nepalese and Bangladeshis. The State Government has taken following important measures to combat human trafficking:

- The focus is on creating awareness and taking preventive action as considered necessary.

1.9 Against this background, field visits were made to DongriNirikhana/Balgruha, Umarkhandi at Mumbai, Naik Frozen Foods Pvt. Ltd. located at Taloja Industrial Area, MICDTaloja, Raigad, NCLP School No. 36, Fatima Nagar, Bhiwandi (Thane) and Thane District Administration's Skill Development & Apprenticeship Centre. Discussions were held at Mumbai with

State level officials and at District headquarters of Raigad and Thane with District level officials, whose outcomes are discussed below.

II.Meeting at Mumbai

2.1 The meeting at Mumbai was attended by Labour Commissioner and other officials representing State Labour Department, Police Department, Women & Child Development Department and Bruhanmumbai Municipal Corporation.

2.2 At the outset the State government made a presentation whose broad features have been incorporated in para 1.3 to 1.9. Thereafter it was pointed out by me that since child, bonded, migrant and trafficked labour are all rooted in poverty, though they have separate features, there is need for comprehensive attack on all of them and effective coordination between various Government Departments as well as civil society in this regard. In respect of child labour, the Child Labour (Prohibition and Regulation) Act, 1986, as earlier enacted, was to prohibit employment of children in specified hazardous occupations and processes and to regulate the working conditions of children in non-hazardous occupations. Now the Act has been amended with a new name 'the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986' to prohibit the engagement of children (age up to 14 years) in all occupations and to prohibit the engagement of adolescents (age

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between 14 to 18 years) in hazardous occupations and processes. Hereafter no child shall be employed or permitted to work in any occupation or process except where the child helps his family or family enterprise, which is other than any hazardous occupations or processes, after his school hours or during vacation or works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed, provided that no such work shall affect the school education of the child. With this amendment, the way one looks at the problem of child labour and the way labour inspection has to be carried out undergo a change. In respect of Bonded Labour, it was impressed upon the officials that even though the overall impression existed that the State had effectively dealt with the problem of bonded labour, it should be noted that new forms of bonded labour are emerging, like informal sector employees engaged in small unorganised sector enterprises or trafficked labour taking advance and getting bonded to the employers, which is called 'neo-bondage'. These need to be captured by an appropriate Survey, for which there is provision for funding by the Central Government in the new Scheme and consequently be dealt with. In respect of migrant and trafficked labour, especially on female trafficking, the officials were asked to indicate the

seriousness of the problem, remedial measures being provided and steps being taken to generate awareness.

2.3 During the interaction it was pointed out that registration of inter State migrant workers and their agents is important. Neo-bondage, unless tackled, will emerge as a socio-economic problem in future. Instances of human trafficking including child and female trafficking have been noticed. A portal for missing children has been instituted. However, emphasis has to be put on effective tracking system and awareness generation as the regressive mind-set that children need to earn to supplement family income has to be changed. There is need for higher budgetary provision, establishment of residential schools, creation of an effective IT platform at Central level for uniform documentation and preparation of a data base, provision of dedicated enforcement authority and machinery for conducting Survey. Since migration and contract labour overlap, there is need to have a watch over the latter.

2.4 A large Shelter Home both for boys and girls, namely, DongriNirikhana/Balgruha, Umarchandi at Mumbai was visited. It is covered under the provisions of the Juvenile Justice (Care and Protection) of Children Act, 2015, funded by the State Women and Child Welfare Department and run by a NGO called the Children's Aid Society, Mumbai. It was established in 1927 and annually more than 3000 children are brought to this Home and at any

given time about 500 children stay here, where care, protection, treatment, vocational training and rehabilitation to promote overall development are provided. The operators, however, pleaded for more funding as the present level is inadequate and they have to depend upon charitable institutions to meet their maintenance expenditure.

III. Visit to Raigad

3.1 The meeting with District level officials of Raigad was held at its headquarters at Alibag, which was attended by representatives of Administrative, Labour, Police and Welfare Departments. Raigad is a coastal District which is both agriculturally (alongwith fisheries, horticulture) and industrially prosperous. Nevertheless, to prevent child labour, Task Force under the chairmanship of District Collector has been constituted and between 2011 and 2016, 54 raids have been carried out, 62 children rescued and 246 employers prosecuted. There are continuous awareness generation campaigns. Between January 2011 and March 2017, the enforcement machinery has visited 88 establishments in brick kilns, hotels, fisheries and construction industry, but no bonded labour was detected. 928 migrant workmen have been employed in establishments registered under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, but no complaint was received. In the meeting the District-specific

problems were discussed. During interaction it was pointed out that child and bonded labour problems are not serious in the District. Seasonal migration to brick kilns takes place. Migrant labour from other States working in various industries have settled down in the District. However, there is need for change in parental perception, better health care facilities, continuous awareness generation, proper tracking system, new Surveys both for child and bonded labour and more convictions to take place if need arises.

3.2 A visit was made to Naik Frozen Foods Pvt. Ltd. located at Taloja Industrial Area, MICD Taloja, Raigad where about 30 migrant labour, mostly females from Assam and Odisha are working. It is a seafood processing and exporting unit. The workers mostly stay and work for a year and are provided with lodging, boarding and healthcare facilities inside the factory campus. Their wages are credited to bank accounts. Overall working conditions appeared satisfactory.

IV. Visit to Thane

4.1 The meeting with District-level officials was held at Thane, which is also the District headquarters. It was attended by District Collector and officials of Administrative, Police and Crime Branch, Labour, Women and Child Development, Health, Sanitation, Education and Rural Development Departments, Chairperson, Child Welfare Committee, Government Pleader and

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representatives of Municipal Corporation, Banks, NGOs like Pratham, Salaam Baalak Trust (operating Thane Childline) and NCLP. In the meeting a presentation was made and District-level issues were discussed. In Thane District, between 2005-06 and 2016-17, 303 raids were conducted in 774 establishments, wherein 603 employers were arrested and 387 child labour rescued, of whom 315 belonged to the State and others came from outside the State (mostly Bihar, Rajasthan and Uttar Pradesh). After 1990 till 2016 only 11 bonded labour were identified and rehabilitated. During interaction it was pointed out that effective awareness generation, policing and skill development facilities are required. The District Administration is making serious efforts in this regard. The representative of Pratham (NGO) stated that they had launched a sticker campaign to create an area-based data base. The Childline, CWC and other institutions, including NCLP are alive to the seriousness of the problem and carrying out their respective activities.

4.2 A visit was made to NCLP School No. 36, Fatima Nagar, Bhiwandi as well as another School where the students coming from extremely impoverished background, teachers as well as representatives of NGO operating the Schools were interacted with. Despite constraints like space, the school appeared to be rendering a yeomen service.

4.3 I visited the 'Thane District Administration's Skill Development and Apprenticeship Centre'. Focus on Skill Development and Apprenticeship is the need of the hour as it enables India to harness the benefits of demographic dividend. From the Government's side, the Central and State Governments have conceived various skill and apprenticeship development schemes, which the District Administrations generally implement. But to find a District Administration running its independent scheme of Skill Development and Apprenticeship from out of its own resources, focussing on trades which are locally relevant, is indeed rare. The step taken by the Thane District Administration, therefore, is proactive as well as innovative and needs to be appreciated. Even though the Scheme has been made operative recently, its outcome will be keenly watched.

V. Conclusion

5.1 The visit to Maharashtra gave a diverse exposure, which was quite educative. 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 Survey relating to child labour for which funds would be provided under the Revised NCLP Guidelines should be undertaken early by the State government.

(ii) As Maharashtra is a destination State, tackling the problem of child labour requires constant efforts. Fortunately civil society in the State is very proactive. Its contribution needs to be effectively harnessed.

(iii) The Baseline Survey relating to bonded labour for which funds would be provided under the new Central Sector Scheme should be carried out by the State Government early. It should capture the prevalence of neo-bondage also.

(iv) The problems relating to migration and trafficking need to be comprehensively tackled. It requires continuous vigilance and awareness generation, dissemination of information relating to their adverse impact and developmental provisions existing under various Government Schemes, coordination among different administrative and policing agencies and active involvement of civil society.

(v) Proactive measures like 'Thane District Administration's Skill Development and Apprenticeship Centre' on skill development front needs encouragement and support.
