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REPORT ON THE VISIT OF DR. JUSTICE K. RAMASWAMI,
MEMBER NHRC TO BHADOI, MIRZAPUR AND VARANASI ON
20-21 OCTOBER 2000

Dr. Justice K. Ramaswami, Member, National Human Rights Commission visited Districts Bhadoi, Mirzapur and Varanasi of the Carpet Belt (UP) to take stock of the child labour situation. He was accompanied by Shri Chaman Lal, Special Rapporteur, NHRC who has been dealing with the issue of child labour in this area since December, 1997. The Member held separate meetings with the District officials, representatives of carpet manufacturers and household units and the office bearers of some of the NGOs working in the field of child labour in these Districts.

The meeting with the officers of the Distt. Administration of Bhadoi and Mirzapur which constitute the core area of the carpet belt was held in the Conference Hall of the DM, Mirzapur.

MIRZAPUR

The DM, Mirzapur briefed the Member about the child labour situation in carpet industry in his area covering all the aspects of the subject viz. identification of children engaged in carpet industry, admission of retrieved children to formal or non-formal schools for education, rehabilitation of affected families as per the directions of the Supreme Court and the prosecution of the offending employers. 142 children working in hazardous occupations have been identified in this

district after the receipt of the directions of the Supreme Court dated 10.12.96. 33 of them were found to be belonging to other Districts/States. Of the remaining 109 children, 106 have been admitted to schools.

Out of a total of 101 affected families which were to be rehabilitated as per the directions of the Supreme Court, 86 have been provided benefit from various schemes. The DM assured that the balance of 15 will also be covered within the current financial year.

As many as 609 prosecutions have been launched in Mirzapur under the Child Labour Act since January 92. This includes 63 prosecutions launched after 10.12.96. So far only 119 cases have been decided ---- 6 in conviction (3 months imprisonment) and 113 in acquittal. The disposal is obviously poor. The Member personally requested the District Judge Shri Mishra who called on him at the Government Guest House to designate one court to deal exclusively with the child labour cases and clear the huge backlog.

35 of a total of 71 Recovery Certificates issued against the offending employers have been stayed by the Court. A sum of Rs. 39,545 only out of a total of Rs. 25.40 lakhs has been recovered so far. The DM assured these matters are being pursued by him.

[A total of 139 bonded labourers were released in this District – 100 in 1996-97, 22 in 1997-98 and 17 in 1998-99. The rehabilitation of 96 eligible bonded labourers out of a total of 100 released in 1996-97 has been completed. 17 cases -- 16 of 1997-98 and one of 1998-99 are still

pending. A proposal for the rehabilitation package for them was forwarded to the Labour Commissioner on 25.8.2000. The rehabilitation of bonded labourers seems to be slow in this District, though significant progress has been noticed after the last visit of the Special Rapporteur in May this year.

20 NCLP schools were started in this District in June 1999. The Member visited the School at village Mahabalpur and was satisfied with its location, selection of beneficiaries, running of the SNP programme and Health Care of the children.

The Member was visibly impressed by the sense of involvement of Shri Chandrama Prasad, District Magistrate in the child labour issues and complimented him for his initiatives regarding a survey of the out-of-school children, expansion of facilities of non-formal education and economic and social betterment of the affected families.

Shri Jaiswal of Bal Adhikar Priyojana (supported by UNICEF) briefed the Member about the scheme of alternative learnings in 2 blocks each of Bhadoi and Mirzapur. The Member showed special interest in information on Women Self-help Groups constituted (over 400) in these districts which have also been provided linkage with commercial banks through NABARD. The Member appreciated the steps taken by the DM in arranging training of the newly elected Gram Panchayat Members on Child Labour issues in order to prepare them to resume their special responsibilities in the matter.

BHADOI

The Deputy Labour Commissioner, Bhadoi briefed the Member about the child labour situation in carpet industry in District Bhadoi. A total of 567 child labourers in hazardous occupation and processes have been identified in this district since 10.12.96. 469 of these were migrant children belonging to other States largely Bihar. All the remaining 98 child labourers have been admitted to schools.

Of a total of 88 affected families which were required to be rehabilitated in the District, only 9 families have been benefited so far under different schemes of the Government. 12 families have refused to take help/loan or employment and 33 families were already employed. Thus, a total of 34 families are still left for rehabilitation. The Labour Commissioner, UP in the Action Taken Report on the recommendations of the Commission issued vide Proceedings dated 1.6.2000 has assured that rehabilitation of these families will be completed by the end of this year.

As regards prosecution, 196 prosecutions were launched against 245 offending employers after 10.12.96. 1438 cases were launched before 10.12.96. Only 792 cases have been decided so far---136 in conviction, 632 in acquittal and 24 consigned to record. Presently, 852 cases are undertrial. The disposal of child labour cases was impressively high in 1998. It registered a decline in 1999 and is found to be pathetically slow in the current year. 199 recovery certificates amounting

to Rs. 7.40 lakhs against the offending employers were issued in this district after 10.12.96. An amount of Rs. 6.40 lakhs has been recovered. The proceedings of 40 cases have been stayed by the different courts.

A total of 186 bonded labourers were released in this district since January 97. As 173 were migrants from Bihar, only 13 were to be rehabilitated by the District Administration. The Special Rapporteur had found all these cases pending during his last visit to the district in May this year. It has now been confirmed by the Labour Commissioner, UP that these persons belong to other districts of the State -- 3 to Sonbhadra, 4 to Chitrakoot, 3 to Maharajgunj and 3 to Mau and the rehabilitation grant was sent to those districts in the month of May, 2000. There has been no detection of bonded labour in Bhadoi in the current year.]

20 NCLP schools were sanctioned in the district and are being run by 7 NGOs since April-May 1999. The Member visited the NCLP schools at village Itwan and was pleased to notice the attendance rate of children, care being shown to the Supplementary Nutrition Programme and the Health Care, successful effort of the NGO to involve the village community in the functioning of the school.

In his address the Member stressed the professional and moral responsibilities of the Administration to effectively enforce the Child Labour and Bonded Labour Acts, mobilise community support in these ventures and forge linkages with governmental and non-governmental resources for economic and social rehabilitation of the affected families. ;

**Interaction with
representatives of manufacturers,
loomholders and NGOs.**

In a meeting held in the Conference Hall of DM Bhadoi at district HQ. Gianpur of Bhadoi, the Member heard the representatives of the carpet manufacturers, (All India Carpet Manufacturing Association - AICMA), Household Units, (Kaleen Shramic and Udyog Vikas Samiti) and some NGOs involved in Education and Health Care of Child Labourers. The following points were raised in this interaction:

The Office bearers of AICMA drew the attention of the Member to the on-going slump in the industry which has caused nearly 50% drop in export earnings since last year. They hold the exaggerated publicity of employment of child labour in carpet industries in India by some vested interests in NGO sector mainly responsible for this setback. They reiterated the resolve of the industry to eradicate child labour and renewed their commitment ^{to} help generously in all schemes to be suggested by the Commission for the welfare of the child labourers and their families. While sharing their concern over the loss of export earnings, the Member stressed the need for a vigorous campaign to eradicate child labour and reminded them about their social responsibility. He plainly told them that he firmly believed that they are in a position to ensure that the loomholders working as their agents do not employ child labour.

The representatives of the household units also expressed concern over the falling production of carpets which is causing migration of weavers to other States and Districts of Western UP. Shri Dev Narain Pal, President Kaleen Shramik Udyog Vikas Samiti complained about non-enforcement of minimum wages in the carpet industry. Shri Lallan Shukla, Labour leader alleged that almost 90% of the prosecutions launched by the Labour Department regarding detection of child labourers are false. He came forth with the standard plea that the child labour could be eliminated only after poverty was removed. The Member effectively silenced the critics and cynics by asserting that it is ignorance arising from lack of education on the part of the parents and not the poverty which is responsible for the menace of child labour. He asked the DM and the Distt. Labour Officers to look into specific complaints of misuse of powers under the Child Labour Act and ensure purity of investigation.

The representatives of the NGOs informed the Member about growing awareness in all sectors of the society about illegality of engaging children in work. They expressed their satisfaction with various schemes of non-formal education particularly the NCLP and wanted more such Schools to be sanctioned in these Districts. There was a consensus for bringing all the positive minded ^Aof agencies/people on a common platform to carry forward the movement. The inability of the District Admn. to make transit arrangements for the released children because of non-availability of funds under any head of Budget was mentioned by one of the NGOs. Though UP Government has created a corpus of over Rs. 2 crore to constitute the Child Labour Welfare-cum- Rehabilitation Fund in 23 endemic districts, nothing has been done so far on the

suggestions of the Special Rapporteur to equip the District Administration with sufficient means to meet the initial expenditure on preliminary rehabilitation of the bonded children. The Member urged the NGOs to supplement the government's efforts to tackle the problem of child labour and work whole-heartedly for creating awareness and community mobilisation to achieve the goal of making the carpet belt free of the stigma attached to it.

The concluding item of the lively interaction was the release of a quarterly Newsletter PAHARUA by the Member. The Newsletter dealing with child labour matters is being brought out by Dr. Shambhu Nath Singh, Research Foundation Varanasi.

VARANASI

The DM Varanasi briefed the Member about the child labour situation in carpet and Silk Industry in his District. A total of 1717 child labourers (1212 in hazardous and 505 in non-hazardous) have been identified since 10.12.96 in this District. Prosecutions have been launched against 565 employers. 560 recovery certificates amounting to Rs. 145.20 lakhs have been issued. An amount of Rs. 1,83,000 has been recovered which includes 1,50,000 collected after the last visit of the Special Rapporteur. Proceedings in 129 cases of recovery have been stayed by the Court.

1337 children have been admitted in schools. Of the remaining 260 are either migrants or over-age. The efforts to admit the balance 112 in schools are continuing. Of the affected 1104 families, 406 were already

in employment, 183 have refused to take grant/loan, and 309 are migrants. 98 families have received benefits under different developmental schemes of the Government. The balance of 104 families is being considered for rehabilitation under special component scheme (for SCs) and Swaran Jayanti Gram Swaraj Yojna.

The perusal of the statement of cases decided by the Court shows a slight improvement in the disposal of cases and encouraging rise in the conviction rate. The child labour cases are being dealt with by a Special Court

9/2 [The Special Rapporteur had, during his last visit in May, found 21 pending cases of rehabilitation of bonded labourers, 20 of 1996-97 and one of 97-98. It has been confirmed by the Labour Commissioner, UP that 20 of these have been rehabilitated by DM, Varanasi on August 15, 2000 and the remaining one shall be rehabilitated shortly.

The Chairman, NHRC had on June 11,2000 addressed the DMs of all the Districts of Carpet Belt, UP at Varnasi and exhorted them to give their special attention to the enforcement of Child Labour Act with emphasis on admission of retrieved children to schools and economic rehabilitation of the affected families. Shri M.N. Siddiqui, Inspector Factories, UP who was representing the Labour Commissioner UP, informed the Member that 100 child labourers were identified after the Chairman's visit. As a result of a special campaign, 5179 children – 1951 withdrawn from hazardous and 3228 from non-hazardous occupations/processes have been admitted to schools. 129 prosecutions

have been launched and 152 recovery certificates issued. An amount of Rs. 8.86 lakhs has already been recovered and 601 families have received benefit under different schemes.

At the meeting in Mirzapur, Bhadoi and Varanasi, the Member impressed upon the district administration of the need on regular basis to identify, release and rehabilitate the bonded labourers. He further instructed the district administration that on receipt of the complaints or suo-motu that bonded labour system is existing at a particular place in the district, the District Magistrate either himself as far as possible, or in unavoidable circumstances direct the Additional District Magistrate to personally enquire into; identify on liberal and pragmatic approach to the term "bonded labour" and issue release certificates to the bonded labourers and release the sum of Rs.20,000/-, 50% each by the State or Central Govt. respectively. Out of it a sum of Rs.2,000/- to Rs.3,000/- may be paid for immediate rehabilitation of the released bonded labourer; issue identity cards with photograph to each of the released bonded labourers; to form a cooperative society of them from the village or in the neighbouring villages credit the balance amount to the society as share capital of each of the bonded labourer. The existing development works in the district be allotted to the cooperative society which would execute the work and the amount realised after defying the expenses, would be shared and enjoyed by all the members of the cooperative society. The local ground level officer of the cooperative Deptt. should ensure registration of the cooperative society, its successful working and enjoying the works only by the members of the society and none others. This is a short-term measure. As a long term measure, depending upon

the availability of the lands or mines, as the case may be, be assigned to the cooperative society consisting of the released bonded labourers and made them to work out those schemes locally available for their economic empowerment. Wherever the Govt. lands are available, the same may be assigned to the cooperative society and would ensure successful cultivation of the assigned land and they share the profits in equal share by all the members of the cooperative society. The women of the released bonded labourers be encouraged to take up self-help group activities under SJGSY schemes for the economic empowerment. The local ground level agricultural officer should be made responsible to supply agricultural implements, manures etc. to the cooperative society for cultivation. After the harvesting done the loans given to the society may be directed to be recovered and paid to the lending agencies. This will be made the responsibility of the local level agricultural officer to help the society. The local ground level cooperative officer should ensure the society to successfully function. The officers' incharge of these schemes should be made accountable for the successful working of the cooperative society so that the released bonded labourers enjoy the dignity of their labour, economic empowerment and feel the dignity of individual and equality of status which are the basic human rights.

The Member also urged the district administration to inspect these cooperative societies within their jurisdiction during their tour in the district and make a surprise check on the successful working of the cooperative societies so that the released bonded labourers would not relapse and fall into the debt trap and be taken again as bonded labourers.



25/12/20
(Chaman Lal)
Special Rapporteur