

National Human Rights Commission
Sardar Patel Bhavan, New Delhi.

Report on the visit of the Member (Dr. KRSJ) to the State of Andhra Pradesh (Nizamabad) from 10th to 15th November, 2001.

As was programmed, on 12.11.2001, I reached Nizamabad at about 2.00 p.m. The review meeting on Bonded Labour and Child Labour was convened in the Collectorate. The Collector, Shri G. Ashok Kumar, IAS, and Joint Collector, Shri D. Kadmial and other district officers, the Deputy Director (Social Welfare), Government of Andhra Pradesh, attended the Conference. The District Collector, in his opening remarks, had stated that in Nizamabad District, untouchability is not being practised, nor does the problem of bonded labour exist. He has taken up 'Drinking Water Management Programme' and reform of 'jogins' to retrieve women from the practice of 'jogin' system and 'Potharaju' system. He had also said that in Velpur Samiti, 100 per cent eradication of child labour was achieved. All the children are deployed in either formal education system or informal coaching (Bridge Course) on regular basis.

I expressed grave doubt on the statement of the District Collector that there is no bonded labour system existent in Nizamabad District. He had stated that even as per the directions of the Supreme Court, a re-survey was conducted and all the officers were involved in identification of bonded labour system and none could be detected. He had explained that due to 'Naxalism', the landlords are afraid to appoint bonded labourers. Even daily-wage labourers are being paid the minimum wages and that, therefore, the bonded labour system does not exist in the district. I had interacted with the RDOs (Sub-Divisional Magistrates) and Samiti Praja Paishads' Chairpersons or Members and some Sarpanches. In all, they had stated that though Nizamabad District is agriculturally a rich belt, the bonded labour system does not exist there. On the other hand, more than minimum wages are being paid to the labourers. I had asked them whether they had personal interaction with the people in the villages. They stated that they did not have any personal contact, but no complaints had been received by them on the existence of bonded labour system or bonded labourers. I had suggested that that was the root of the matter for their inability to detect the incidence of bonded labour system in the District of Nizamabad. I had suggested that the Sub-Divisional Magistrates, MROs and MDOs should go to the people, sit with them and have direct interaction with them, taking them into confidence to collect facts of the existence of bonded labour. Because of their poverty, they would be unable to come forward and express that they are the victims of bonded labour system. If they gain confidence, then they would come forward to disclose the truth. This may be done as a continuing process and not as a ritualistic practice being done with a fan-fare on a single day. No one would admit the existence of the practice of untouchability or bonded labour system. Similarly, persons subjected to bonded labour, on being assured of rehabilitation, will come forward and cooperate with the officers and disclose in confidence the hardship faced by them and the real state of their plight. It may also be further stated that in ASIAD's case and Bandhwa-Mukti

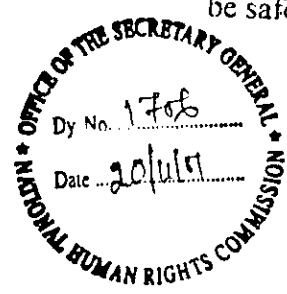
Morcha's case, the Supreme Court had pointed out the scope of bonded labour and its existence in any form has widely been defined. Even non-payment of minimum wages amounts to bonded labour. The burden lies on the employer to prove that there does not exist any bonded labour in his employment. The local Panchayats should be involved in this process. Gram Panchayat Act and Panchayat Samitis and Zilla Parishads Act should be amended in such a way as to fix the accountability on the Gram Panchayat for reporting to the District Village Committee or the Divisional Vigilance Committee so that appropriate action could be taken. The District Collector had promised to conduct a re-survey in the light of the discussion.

With regard to the child labour, extensive report has been given as to how Velpur Samiti consisting of 15 Gram panchayats, could be able to achieve 100 per cent child labour free zone and claim that all the children have been admitted in thirty informal schools. In Velpur Mandal, a special intensive drive was launched between July 25, 2001 and October 2, 2001. The Civil Society involved was represented by Sarpanches, Village Development Committees, youth and DWACRA members, who undertook door-to-door campaign. They have identified 520 non-school going children of the age group of 5 to 14 years and released the child labourers comprising 105 boys and 79 girls. They have been kept in Bridge Courses in 30 schools run under the directions of the District Collector. The officer personally took interest in the campaign, had converted a female child labourer whose parents had been advised to have her educated. They opposed on the ground that after educating her it would be difficult to get her married. The officer adopted that girl child and promised that he would celebrate her marriage as his 'foster daughter'. The girl is studying very well and she claims to be the 'foster daughter' of the officer. The children retrieved from child labour, are organising their campaign by street plays, songs and traditional 'Burrakatha' (the expression of their views in the local language by way of songs). One male child was brought before me. He had shown tremendous response to education within a short period and expressed his future plan to become a doctor. The drop-out children are also being watched and taken care of well. While congratulating the District Collector, the officers and the members of Civil Society for the good work done by them, I requested them not to be complacent for their success in one Mandal, but that it should be extended to all the Mandals. The entire district of Nizamabad should be declared, within one year, free from child labour and all the children be educated, especially the girl children.

The District Collector also had brought out various programmes undertaken for release and rehabilitation of the 'jogins'. He had indicated celebration of the marriage of 'jogins'. The root of the problem is that Potharajus, the mendicants, are being persuaded to have their hair cut and return to normal disposition. They are the persons who initiate young girl children as 'jogins' (marriage to the village deity and remain unmarried). He exhorted 200 potharajus to come forward to voluntarily remove tufts. He had also arranged marriage of eight jogins. The Governor of the State had attended the marriage function. In addition, the District Collector also had stated that he had arranged Rs.3 crore as economic package for rehabilitation of Potharajus and jogins within two years. A considerable ground work has also been done in that behalf. Drinking-water management, as suggested by me, to sensitize the people to ensure that 'jogin' system

does not exist in their district, what needs to be done is constant review. As a part of the programme of the District Collector so that the persons retrieved from the 'jogin' system do not relapse and continue to be engaged in gainful employment, he should monitor the situation from time to time. I suggested to draft them into the DWACRA schemes. The District Collector promised to bestow his attention to the sensitization of the people against the evil practices, depriving women of their dignity of person, equal status and respect for womanhood, which are the basic human rights. The N.H.R.C. actively associates itself with all these humanitarian and humane programmes of action undertaken by the District Collector and I congratulated him for taking such bold measures for their emancipation. I also interacted with the children studying in Bridge Courses. The A.P. Mahilla Sammiti also has been doing the same work in children of different age-groups. The on-going project of imparting education to the children, is devoted to the children retrieved from child labour. To make them useful citizens of the society, it is but the duty of the civil society, the officers and all concerned to actively participate, encourage the parents to allow the children to continue their studies. The list of 1082 bonded labourers and the various rehabilitation schemes launched and implemented for them, were highlighted. I had suggested that the Collector should make it a part of his programme to visit all the places regularly so that their human rights could be safeguarded.

The review was followed by interaction and spot verification of surprise visits.



[Signature]
(Dr. Justice K. Ramaswamy)
Member

Hon'ble Chairman

✓ Secretary General

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