

National Human Rights Commission  
Sardar Patel Bhavan, New Delhi.

Report on the visit of the Member (Dr. KRSJ) to the State of Andhra Pradesh from 29<sup>th</sup> September, 2001 to 3<sup>rd</sup> October, 2001.

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As per the programme, I had proceeded to Warangal on 30<sup>th</sup> September, 2001. On reaching at 6.30 P.M., the District Collector, Superintendent of Police, DIG, Warangal Range and Municipal Commissioner called on me. I have reviewed the law and order with them. I made enquiries of the alleged fake encounters being committed of the extremists in his range. He submitted that in the recent past the subordinate police involved in fake encounters are being departmentally proceeded with and some of the personnel found involved in fake encounter are summarily dismissed. Message has gone among the police personnel that excess conduct lead to their own dismissal. As a result the possibility of killing the extremists in fake encounter is almost nil. While I was reviewing the bonded labour, the extremists killed the President of the Samithi. Ten days earlier another President of the Samithi was also killed. The situation in the rural areas, on account of the terror created by the extremists is tense and that therefore the police are always on the vigil, constantly reviewing the law and order and maintaining safety and security of the civilians. The District Collector Shri K. Prabhakar Reddy, the recent transferee to the District has also assured that he would constantly keep vigil on the law and order and would not permit fake encounters.

On 1<sup>st</sup> October, 2001 at about 11 A.M., the review of the bonded labour and child labour was undertaken in the conference hall in the Collector building. Shir Samuel, IAS, Commissioner of Scheduled Caste Welfare Department attended on behalf of the Government deputed by Shri Jannat Husain, the Principal Secretary Social Welfare Department. The latter spoke to me in Hyderabad that due to his preoccupation, he would be unable to personally attend to the review and deputed the Commissioner, Social Welfare on his behalf. The District Officers including four RDOs and all Mandal Revenue Officers attended the conference. The information laid before me on the situation of bonded labour indicates that in eight mandals in the District, the bonded labour system was in existence and during the year 1978-79 to 1995-96 as many as 1839 bonded labourers were identified, of them 1185 were Dalits, 205 were Scheduled Tribes and 449 were others.

On their release immediately provisions were made distributing immediate rehabilitation of provisions and cash and thereafter provided with bulls and bullock carts to some of the labourers and sheeps, bulls to others have been distributed and all the 1839 released bonded labourers were rehabilitated. The District Collector K. Prabhakar Reddy informed me that his predecessor had asked for the re-survey of the bonded labourers as per the instructions issued by the Commissioner, Social welfare and the State Government and they did not find any fresh bonded labourers involved in bondage. I have suspected the correctness of the statement. Therefore, I wanted to interact with the Revenue Divisional Officers (Sub-Divisional Magistrates). All the four RDOs had not given convincing reasons to me to accept that there is not bonded labourers existed in the district. I had interacted with some of the MROs. Shri Rajayya, MRO, Sanden stated that he had visited Shahpur village. He found a family of three generations in bondage. One Yellaiah was the bonded labourer, after his death his son Gandaiah aged about 75 years was the bonded labourer and thereafter his son Mallaiah and Kumaraswamy brothers and sons of the Gandaiah are the bonded labourers. Kumaraswamy infact appeared before me. He had stated that his brother and he had stopped doing bonded labour work since six years. They have been victims of bondage. Each are the brothers Mallaiah and Kumaraswamy had children and they have been educating their children. Though much help did not come for the rehabilitation with hard work they could be able to save some money and purchase 30 guntas of the land and that they have been cultivating the land. The bullock-cart and two bulls supplied earlier became non-functional since the bulls died and the bullock-cart got rusted. They developed herd of sheep and they are dithering his sheep.

As regards the fresh identification, they have stated that there is a shift in the system of bondage, presently the landlords have been paying annual wages ranging between Rs.15,000/- to Rs.20,000/- and at the end of the year i.e. 30<sup>th</sup> June, the bonded labourers are free to leave and take up the services with whom so ever they like as a result there is no exploitation or lack of freedom of contract. As a result there is no bonded labourer. I have expressed my grave doubts on the correctness of the statement. I have interacted with MROs, namely the Field Officers of the modalities adopted to identify the bonded labourers. They have stated that the system of annual bonded labourer on annual wage basis is not bonded labourer as the labourer has not lost freedom to bargain. I have expressed my grave doubts that they have not properly done their duty in identification of the bonded labourers. The present system, namely, the fixation of the annual lease, payment

thereof on regular basis though physically present but the hidden hitch is that for the amount given as advance would be liable to deduct with interest from the wages payable to them. The freedom to bargain wages hardly match with the superior position the employer occupied. The fixation of the annual wages may not be a voluntarily and willing factor. There may be an element of compulsion by collecting interest on the advance paid are the annual amount fixed may not be in consonance with the minimum wages prescribed by the State Government. I have illustrated the success rate achieved by Shri Manohar Prasad, District Collector of Nalgonda as was given report earlier. He is a dynamic and young officer. He has given practical guidelines for identification and rehabilitation of the bonded labourers. The bonded labourers are the persons or members of his family are not free agents in bargaining for better wages. The poverty is an inhibitory factor. So long as poverty continues the bonded labour system would remain. It requires to be constantly monitored. The bargain process also needs to be strictly scrutinised. Unless rehabilitation system works well, there is every possibility of re-lapse. The officers on duty to identify the bonded labourer or bonded child labourer has to go to their village/hamlet, interact directly with them if there is any lurking doubt in identification of the bonded labourers, it is entirely the mental make up of the officers concerned. If more than 2-3 occasions are necessary they can be extended in identification of the bonded labourers. Most important factor is that rehabilitation unless it is done simultaneously in the abolition of the bonded labour system, there is every possibility of the released bonded labourers again would be trapped into bondage. Therefore, the officers incharge of identification must apply their common sense and deal with the situation appropriately. The District Collector has assured me that he would order re-survey of the bonded labourers and remedial steps taken to further rehabilitated. Simultaneously he would launch prosecution against the employers. The rehabilitation scheme will be made more feasible and accessible to them. He would report back on the action taken in the light of the exchange of the views on bonded labour system.

In the rehabilitation wherever more than four released bonded labourers exist, a cooperative society shall be formed for them, assigned the work under poverty elevation scheme. The lands also should be allotted to them. To make their lands cultivable, fertile and viable, the local Assistant Agricultural Officer should be made to involve in guidance for their better economical use of their land for higher productivity and given margin of profit. I have also suggested that on formation of the farming cooperative—

society of which all the released bonded labourers are members, assign the land in their individual names ranging between 3-5 acres depending upon the cultivable or dry barren lands. The local officer of the cooperative department should be entrusted with the duty of implementation and formation of the cooperative society and Revenue Officers be mobilised for securing the land for distribution. In case their land in a compact block is not available, the land wherever available be distributed. If government land is not available, the same be purchased and given possession to the bonded labourers. The Assistant Agricultural Officer would be made accountable for successful cultivation.

As regard the child labour, Shri M.L.N. Sastry, Project Director of the National Child Labour Project, Warangal had informed that they have conducted with the assistance of NGOs, ladies and identified child labourers. In the year 1995, as many as 6,672 children were retrieved from bondage and were admitted in bridge courses. Forty schools were set up in the year 1995-96 and in 1999-2000, 20 more schools were established. A total of as on November, 1995, 17,745 children were retrieved from bonded child labour and with the assistance of 36 NGOs, the schools are being run. As many as 2,283 children were admitted in the main schools for formal education, 3,932 were admitted in bridge courses. During the year 2001, 1,427 were admitted. The details have been given. The dropout of the students are 457. He also has given the statistical data of the boys and girls involved in bonded child labour. The details also have been given in Annexure-I. It is not necessary to give details of village wise since all the details contained in the report given by Shri Sastry.

I have also personally interacted with number of released bonded labourers and also with children. From the narrative of the released bonded labourers, it is seen that rehabilitation package was either inadequate or were given earlier found non-existent as on date. But one redeeming factor noticed from the statement of the erstwhile bonded labourers is that none have relapsed in bondage are working as agricultural labourers and are educating their children. Children are studying in regular schools or in the bridge courses. Another gratifying factor is that all the girls or boys have shown tremendous transformation of their personality and they have been securing 60% to 90% of the marks in the each of the subjects. I had expressed my grave doubts to accept implicitly of the statement made by the officers. I have asked the officers of the modalities in the evaluation of the marks. Shri Sastry told me that question papers are set by the teachers in the

regular schools, answers given are sent to second party for evaluation. As a result there is no scope for manipulation and influence for marks secured by the students. The students also have been participating in cultural activities. Shri Jaynendra Reddy, Project Coordination Officer of the Government Department informed me that they have retrieved 20 rag pickers. Most of the boys and girls either are orphans or their parents also are rag pickers or daily wage earners. They promised to bring me the students admitted by them in different schools on the next day. The meeting was closed at 3.30 P.M.

After lunch we proceeded to Aravapalli village in Hasan Pet Mandal. There the bonded labourers released in the year 1995-96 are being rehabilitated giving agricultural lands in the name of their ladies. Pattas were distributed to 14 persons. The distribution was at the rate of 1 acre each. Since the six persons remained, the officers promised that they would purchase 6 acres of land and in a course of week, the remaining six persons will be distributed the lands. I have suggested that the cooperative society should be formed. The collective farming secures them higher productivity. In addition, poverty elevation schemes applied to them and work be assigned to the cooperative society and the members of the society should work out collectively and earn higher earnings. From there, we have proceeded to Vengapahad Village in Hasan Patnam Mandal. Their 200 students boys retrieved child labourers were brought and were admitted in the bridge courses. 86 of them had already joined the regular schools. The remaining students are being taught. Of them 20 students are chained bonded labourers. They are the age group between 6 to 13 years. I have interacted individually with all the boys. Their articulate have developed confidence and they are securing high percentage of marks. Shri Sastry informed us that he would take the brilliant boys to the regular schools and some of them get admission in the higher classes.

It is very heartening to note that given the opportunity of education children proved that they too grow more intellectual sharp agile articulate. Some of the children told me that on their going back to their village they are educating the other children.

On 2<sup>nd</sup> as was promised 16 rag picker children admitted at various schools were brought to the guesthouse. I have interacted with the children. Some of the boys are orphans and many of them have come from neighbouring villages. Some of them have desired of becoming a

government servant, teachers or doing similar social services etc. They have also keen to pursue their education. Shri Prabhakar Reddy, District Collect promised that none of the children will be permitted to relapse as child labourers or rag pickers and care will be taken to ensure good, proper and disciplined conduct. With this heartening news the proceedings came to be closed.

I have also attended the 11<sup>th</sup> Annual Day of Anand Ashram aged home run by a retired professor Shri Parmaji. The Ashram was established in 10 acres green lush area. He is maintaining with the voluntarily donations. He has not been accepting the donations from the Government. I have mentioned that due to collapse of joint family system and materialistic outlook of the younger generations, senior citizens are left to fed for themselves and are not being looked after. Right to health, right to good environment and congenial atmosphere, right to food, right to shelter are basic human rights. It is societal responsibility to ensure that these basic human rights are extended to indigent senior citizens. The moral values have been degraded, ethical conduct has been eroded, and as a result the senior citizens have been neglected.

It would, therefore, be the duty of every sensitive citizen to ensure that the senior citizens are well taken care of. I have thanked personally to Parmaji for his initiative in establishing the Ashram and taken care of the inmates in the Ashram. Justice V. Bhaskar Rao, a retired Judge of the Andhra Pradesh High Court donated Rs.75,000/- to the trust. Other persons also similarly announced their donations to the trust. With that happy tiding, the meeting was closed. I have congratulated all the donors.

  
( Dr. Justice K. Ramaswamy )  
Member

Hon'ble Chairman