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REPORT ON THE VISIT OF DR. JUSTICE K. RAMASWAMI, MEMBER,  
NHRC TO CHANDIGARH ON 31 JANUARY, 2001.

Dr. Justice K. Ramaswamy, Member, NHRC visited Chandigarh on 31 January, 2001 to review the Bonded Labour situation in Punjab, Haryana, Himachal Pradesh and the Union Territory of Chandigarh. He was accompanied by Shri Chaman Lal, Special Rapporteur. The review was carried out in a meeting with the Labour Secretaries and Labour Commissioners of the three States and the U.T of Chandigarh. The meeting was arranged by the Chandigarh Administration at the U.T. Guest House. Shri A.K. Goswami, Chief Secretary, Himachal Pradesh also attended the meeting.

Shri Chaman Lal, Special Rapporteur explained the purpose of the meeting by referring to the Supreme Court's directions of 11 November, 1997 requesting the NHRC to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976. He described the initiatives taken by the NHRC through its Special Rapporteurs to carry out periodical review of the Bonded Labour situation and implementation of the related laws in various parts of the country particularly the States of Andhra Pradesh, Tamil Nadu, Karnataka and the carpet belt of U.P. He clarified that the purpose of the meeting was to interact with the concerning authorities of Punjab, Haryana, Himachal Pradesh and the U.T. of Chandigarh with a view to knowing the efforts they are making and the difficulties they are encountering in eliminating the evil of Bonded Labour.

HIMACHAL PRADESH

Mrs. R. Bhattacharya, Secretary, Labour, Himachal Pradesh presented the Bonded Labour situation in Himachal Pradesh. She stated that pursuant to the orders of the Supreme Court in the writ petition (C) No.3922 of 1985 titled "PUCL Vs. State of Tamil Nadu and others", a district-wise survey was conducted throughout Himachal Pradesh. No case of Bonded Labour was reported

from anywhere in the State and the Supreme Court was informed accordingly by an affidavit filed by the Chief Secretary. She confirmed that State level Screening Committee and District & sub-Divisional-level Vigilance Committees have been constituted and are meeting regularly. Though no case of bonded labour has been detected till date, the D.Ms and SDMs are being directed from time to time to keep a watch at all the likely places where offences under the Bonded Labour System (Abolition) Act could be committed. Fresh instructions have been issued to the D.M. to hold regular meetings of the Vigilance Committees and send quarterly reports to the State HQs. The Special Rapporteur remarked that the situation explained by the Labour Secretary appeared too good to be true. He drew the attention of the Labour Secretary, Himachal Pradesh and others to the Supreme Court's judgements in the ASIAD (1982) and Bandhua Mukti Morcha (1983) cases which have clarified the scope of the definition of Bonded Labour and included in its ambit the widely prevalent practice of denial of minimum wages to workers, particularly the inter State migrant workers. He said it is hard to believe that the minimum wages are being enforced in the State so perfectly as to rule out totally the possibility of existence of bonded labour.

### HARYANA

Haryana was represented by Shri K.G. Verna, Financial Commissioner, Labour and Employment and Mrs. Shakuntla Jakhu, Labour Commissioner, Haryana. The Labour Commissioner stated that the Government has constituted Vigilance Committees at District and Sub-Divisional levels in 17 out of a total of 19 districts. She could not explain why these committees have not been constituted in the remaining two Districts. However, it was assured that these two districts would be covered by 31 March, 2001. The State-level Monitoring Committee is also in position and has been functioning regularly. The District/sub-Divisional-level Vigilance Committees are also holding regular meetings. In a meeting of the State-level Screening Committee held in the month of August, 2000, it was decided to launch an awareness programme by involving

media in the campaign and also organise reorientation seminars to sensitise the Deputy Commissioners and Addl. Deputy. Commissioners about the bonded labour. The follow up action, however, is yet to start.

The survey of 1996 carried out in pursuance of the Supreme Court's directions did not reveal any case of bonded labour in Haryana. Another survey carried out in 1998 also gave out a NIL report.

8 districts, out of total of 19 have been identified as BL – prone districts and a proposal has been sent to the Government of India for providing financial help to the tune of Rs.16 lakhs for the rehabilitation of bonded labourers.

The Labour Commissioner informed that in 5 cases a total of 210 bonded labourers have been detected and released after 1.1.1999. The details are given below:

Sr. No.	District	Year of detention/ Release	No. of bonded labour detected released	State to which the labour belonged
1.	Bhiwani	1999 (24.9.99)	103 (21 families)	Madhya Pradesh Rajasthan
2.	Gurgaon	1999 (19.11.99)	19	Rajasthan
3.	Panchkula	2000 (21.6.2000)	21 (7 families)	Uttar Pradesh
4.	Jhajjar	2000	21	Uttar Pradesh
5.	Sonepat	2000	46 (13 families)	Uttar Pradesh

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The case at serial No.5 has not been finalised. The status report received from the Labour Commissioner after the meeting shows that in this case the High Court had disposed of a writ petition (C) No. 285/2000 filed by Shri Bhagat Singh of K.K.Batha Industries, Kundi, Sonapat on 19.5.2000 against the workers. The workers thereafter approached the NHRC and the Commission, vide its order dated 1.11.2000, directed the Deputy Commissioner, Sonapat to issue release certificates to the concerned workers and make arrangements for their rehabilitation. The Dy. Commissioner has filed a review petition before the Commission affirming that these persons are not bonded labourers.

### PUNJAB

Dr. B.C. Gupta, Secretary, Labour and Employment, and Shri S.S. Channy, Labour Commissioner, represented the Government of Punjab. The Labour Commissioner presented the status report on bonded labour. He stated that following directions of the Supreme Court, district-wise surveys were conducted in December, 1996, especially targetting the brick kilns and the agriculture sector. A general appeal was made through vernacular (Hindi and Punjabi) papers, both to the public and social organisations, to help in the process of identification of bonded labourers. However, no case was detected and the Supreme Court was accordingly informed by an affidavit filed by the Chief Secretary.

The Labour Commissioner confirmed that Vigilance Committees have been constituted at all district and sub-divisional HQs. and these Committees are meeting regularly. So far 134 meetings of these Committees have been held. However, no case of bonded labour has been reported to the Labour Department by any of the Committees. Only four cases involving a total of 107 bonded labourers were detected after 1.1.1998. Two of these relate to the period before 1.1.1999. In one case registered on the complaint of Pendu Majdoor Union,

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Punjab, 67 migrants bonded labourers were released and their dues amounting to Rs.2,07,973 were got paid to them. In the second case reported from Jalandhar, 13 bonded labourers were released by the efforts of District Magistrate, Jalandhar on 6.12.1998. The third case relating to release of 23 bonded labourers pertains to a writ petition No. 235 of 1999 filed by one Shri Jit Singh in the Supreme Court 23 persons were released on 11.1.1999 and sent to their respective native places. In the fourth case, recently 4 bonded labourers were released in Ferozpur.

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The Secretary, Labour and Employment admitted that the system of payment of advance to the migrant labourers working at the brick-kilns is prevalent as before. He said that the workers, sometimes either on their own accord or under the mis-guidance of some colleagues, try to give up their contract of employment in the peak of season without clearing the advance received. The creditor employers then do thwart their moving out which amounts to bondage. The Secretary, Labour & Employment stated that the Government immediately intervenes if such incidence is brought to its notice.

The Labour Commissioner informed that the Government of India has formulated a new scheme for the identification, awareness and rehabilitation of bonded labour and sanctioned a sum of Rs. 10 lakhs for 5 sensitive districts of the State, viz. Ludhiana, Jalandhar, Patiala, Amritsar and Bathinda. The Secretary, Labour and Employment, Punjab informed that the modalities for implementation of the programme are being chalked out and the State is looking for credible agency/NGO for this purpose. He promised to inform the Commission after the programme of identification and sensitisation is completed.

The Labour Commissioner, Punjab apprised the Commission about the National Child Labour Project (NCLP) launched in district Jalandhar where 27 special schools with capacity of 50 each have been started recently. This was based on the survey report prepared by the V.V. Giri, National Labour Institution on employment of children in the sports goods industry, Jalandhar. These schools

are being run by NGOs, such as Rotary Club (15), Trade Unions (4), Employers' Organisations (4) and Nehru Yuvak Kendra (4). The Labour Department has carried out similar surveys in Ludhiana and Amritsar and approached the Government of India for sanctioning National Child Labour Projects for these districts also.

The Labour Commissioner, Punjab also mentioned a recent scheme of the Government of Punjab for carrying out medical check up and health-care camp for industrial workers with the special attention to hazardous industries. The NGO sector and the employers have been associated with the progressive measure which aims at improving the employer-employee relationship. 20 camps, out of total 104 proposed under the scheme to cover about 50,000 workers, have already been held. As many as 7000 workers have been medically examined by ENT, Eye, Skin and Medical Specialists, 195 cases have been referred for X-ray test and 182 for blood test and other investigations to ESI hospitals. Medicines worth Rs. 2 lakhs were provided by the employers.

Another significant initiative of the Labour Department of Punjab is the holding of Lok Adalat (people's court) to clear the pendency of labour cases. The Labour Commissioner informed that about 2300 cases out of a back-log of 18000 were decided on a single day by the first ever Labour Lok Adalat at Ludhiana on 19.1.2001. An amount of Rs. 1.75 crores was disbursed among the workers of different categories. Another Lok Adalat is proposed to be held at Patiala on 7.3.2001 on the initiative of Justice H.S. Bedi of the Punjab and Haryana High Court.

#### CHANDIGARH ADMINISTRATION

Mrs. Neelu Nanda, Advisor to the Administrator, U.T. Chandigarh, R.S. Gujral, Secretary Labour and Home Secretary, U.T. Chandigarh and Shri M. Ramasekhar, Labour Commissioner and D.M. U.T. Chandigarh represented the

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Union Territory. The Labour Commissioner confirmed that the Vigilance Committees have been constituted as per the provisions of the Bonded Labour System (Abolition) Act and these have been meeting regularly. Surveys have been conducted in 1996, 1997 and 1998 but with no detection. The minimum wages prescribed in the Union Territory of Chandigarh are found to be the highest in the region. The Administration is keeping a close watch on brick kilns and other industries of unorganised sector to ensure that there are no violations.

Mrs. Neelu Nanda, Advisor to the Administrator, UT Chandigarh, raised the issue of economic exploitation of rickshaw pullers by the owners of cycle-rickshaws who constitute a dreaded mafia holding muscle, money and political power. These poor rickshaw pliers are made to work under difficult and degrading conditions to earn their livelihood because of their inability to acquire their own rickshaws. They present a highly vulnerable group who are literally bonded to the owners. Mrs. Nanda requested that the Commission should help these unfortunate people without being considered as such.

Mrs. Nanda stated that while thinking about the welfare of the migrant Bihari labourers working in Punjab, the Commission should also consider the plight of the women and children of these persons who are left behind in the villages in Bihar and are forced to lead a life of deprivation and loneliness. She suggested that some NGOs should take up their cause and work for the betterment of these families which, according to her, are not receiving any significant share from the earnings made by their male members working in Punjab.

Dr. Justice K. Ramaswamy described the role of the NHRC as a catalyst in the drive against the bonded labour which is a constitutional and statutory responsibility of the various States/UT Governments. He requested the authorities present to impress upon the DMs and SDMs the faith the nation has reposed in them in arming them with adequate powers for the purpose of identification, release and rehabilitation of bonded labourers under the Bonded Labour System

(Abolition) Act, 1976. As the problems of Bonded Labour and Child Labour are linked with poverty and deprivation, the functionaries of the Government entrusted with responsibilities in regard to these matters have to show due sensitivity and concern for the vulnerable sections of the society. He felt sorry over the fact that the Governments of Punjab and Haryana have not been able to detect a single case of bonded labour through the Vigilance Committees despite admitted presence of a large number of migrant labourers in agriculture and at a stone quarries and brick kilns in their State. The fact that some cases have been detected at the instance of the higher judiciary and the NHRC speaks for itself. Dr. Justice K. Ramaswamy felt that even where bonded labourers have been identified and released, their rehabilitation does not seem to have been carried out as per the directions of the Supreme Court by constituting their Cooperative Societies and offering them suitable employment opportunities.

Dr. Justice Ramaswamy clarified the doubt raised by the Financial Commissioner, Labour and Employment, Haryana about the responsibility of the recipient State in regard to the migrant bonded labourers. As held by the Supreme Court, such labourers have to be rehabilitated in the recipient State if they are not willing to return to their parent State.

Dr. Justice K. Ramaswamy also emphasised the need for a vigorous and speedy prosecution of offenders under the B.L. Act. He advised the authorities of the Labour Department to ensure that the State-level Screening Committee and District/sub-Divisional level Vigilance Committees hold their meetings regularly and in a purposeful way in order to discharge their obligations under the Statute. He pointed out the desirability of involving the Panchayat Raj functionaries – Sarpanchas and Ward Members in the process of identification of the bonded labour as has been tried very usefully by some States. Dr. Justice Ramaswami pointed out the inadequacy of involvement of the NGO Sector in the identification, detection and rehabilitation of bonded labourers in the region, He advised the authorities to identify some credible NGOs and evolve a collaborative effort against the menace of bonded labour. He expressed the hope that the States



of Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh would launch a fresh drive against the practice of bonded labour in carefully selected areas and prove their ability to deal this menace effectively, instead of holding on to the incredible stand that there are no bonded labourers in their areas.

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(Chaman Lal)  
Special Rapporteur  
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