

A Review of Bonded Labour and Child Labour situation in Bihar

I visited Champaran (West) District of Bihar on 20-21 October 2002 for making an on-the-spot assessment of the release and rehabilitation of about 400 bonded labourers reported by Dr. K. Gopal Iyer, a retired Prof. in Sociology of Chandigarh University. Shri R.C. Vaish, Commissioner-cum-Secretary (Labour), Training and Employment and Shri Vivek Singh, Labour Commissioner, Government of Bihar were kind enough to come to Betiah for a meeting in which the Bonded Labour and Child Labour situation in the entire State of Bihar was reviewed. The salient points of the review are described below:

BONDED LABOUR

The Labour Department of Bihar is fully acquainted with the nature and scope of the mandate given by the Supreme Court under which the NHRC is monitoring the implementation of the Bonded Labour Act in various States. It is clearly understood by all concerned that the directions issued by the Commission to the States in this regard have a binding force.

26 out of a total of 38 districts in Bihar have been identified as Bonded Labour-Prone districts. This has been done on the basis of the identification of bonded labourers after the Bonded Labour Act came into force. West Champaran district with 2734 bonded labourers identified and

released till September 2002, tops the list followed by Jamaui (1938), Mungher (813), Khagaria (626), Nawada (548) and Begusarai (504).

The statement of the Labour Commissioner that the Vigilance Committees are in place in all the 38 districts and 115 sub-Divisional HQ. of the State can not be taken at its face value. Actual confirmation is available only about reconstitution of 11 Districts and 16 sub Divisional Vigilance Committees. It can, however, be accepted that these Committees were constituted and were also functioning effectively in early 80s when a drive for identification of bonded labourers was launched in Bihar in pursuance of the Supreme Court's orders in writ petition 13450 of 1983 filed by Santhal Pargana Antyodaya Ashram (SPAA). Since the non-official members of these Committees can hold office for a period of two years from the date on which the nomination is notified in the Official Gazette, the Committees have to be reconstituted from time to time to fill the vacancies of non-official members. The Labour Commissioner was, therefore, requested to find out the exact position from all the Districts and ensure that the statutory committees are constituted at all places. The Commissioner-cum-Secretary (Labour) assured that this task will be completed by the end of December 2002 and the Commission will be informed.

Instructions have been issued to all the DMs to ensure that the Vigilance Committees at District and sub Divisional HQs. meet regularly at least once in two months to review the situation and identify areas of action. Divisional Commissioners have been directed to include this matter in the Agenda of their monthly meeting with the Collectors.

The Screening Committees for the sanction of scheme of rehabilitation have been constituted in all the Districts. Labour Commissioner informed that all the Executive Magistrates of the State have been vested with judicial powers u/s 21 of the Bonded Labour Act. A copy of this Notification will be furnished to the Commission.

A total of 7995 bonded labourers have been identified in residual Bihar since the enforcement of the Bonded Labour System (Prohibition) Act 1976. Till March 31, 2002, 7780 of them have been actually rehabilitated. Of the remaining 115 are reported to be untraceable.

There has been no detection of bonded labour in the State after 1986 when a large number of bonded labourers were identified and released through efforts of Shri K.B. Saxena, IAS who was specially directed by the Supreme Court to conduct survey and investigation with the help of six other IAS officers.

In the year 2000-01, 37 bonded labourers including 15 children were detected in States outside Bihar (UP & Gujarat) and returned to their parent districts. All of them have been rehabilitated under the Centrally sponsored schemes of Government of India.

50 migrant bonded labourers were detected outside Bihar (38 in UP and 12 in Delhi) in 2001-02. Their rehabilitation is being processed.

The NHRC had also supplied a list of 143 migrant labourers of Bihar released during the period 1994-99, whose rehabilitation was not taken up.

114
Rehabilitated
20 left to state
of Bihar

It is heartening to learn from the Commissioner-cum-Secretary (Labour) that 114 of these have actually been located. Six of them are included in the number of bonded labourers rehabilitated (7780) till 31.3.2002. Of the remaining 108, funds have been received for rehabilitation of 42 and cases of 66 are being processed.

In the current year (upto 30 September) 272 bonded labourers have been identified and released in District Betiah and 22 migrant labourers have been received on release from UP. The rehabilitation of these is being processed.

Commissioner-cum-Secretary (Labour) confirmed that no difficulties are being experienced in arranging budget allocation for the matching grant. The State Government has already allocated Rs. 5.90 lakh in the budget for 2002-03 for the rehabilitation of the released labourers and a proposal for an additional allocation of Rs. 6.60 lakh is under consideration. DG (Labour Welfare) Ministry of Labour, Government of India has been requested for releasing a grant of Rs. 10.50 lakh for clearing the pending cases. I have also spoken to Shri Manohar Lal, DG (Labour Welfare) and requested him to expedite action on the Fax Message dated 4.10.2002 of Shri R.C. Vaish, Commissioner-cum-Secretary, Labour, Bihar.

Three Divisions of the State namely Koshi, Purnia and Darbhanga are notorious for migration of bonded labourers. A number of children belonging to this area have been detected in the Carpet Belt of UP. The catchment area has been identified as Araria, Purnia, Katihar, Saharasa, Supol, Darbhanga, Madhubani and Samastipur. An attempt should be made

to identify the middlemen and the targeted families. The Commissioner-cum-Secretary (Labour) agreed to hold a workshop at Araria in the current financial year to focus the attention of all concerned on this issue. Similar workshops will be conducted at Darbhanga and Saharasa next year.

The Ministry of Labour, Government of India had in August 2000 offered to 13 Bonded Labour-Prone States including Bihar a special grant of Rs. 10 lakh for awareness generation, Rs. 10 lakh for survey on Bonded Labour in 5 selected districts (to be completed in 3 years) and Rs. 5 lakh on Impact and Evaluation studies. The Commissioner-cum-Secretary (Labour) confirmed that this grant has been released to the Government of Bihar although funds have not yet been made available to the Department.

Patna, West Champaran, Nalanda, Nawada and Mungher districts have been selected for survey. Since Khagaria with 626 bonded labourers released till now is one of the worst affected districts, it should be included in the list instead of Nalanda where only 50 bonded labourers have been identified so far. Selection of other districts appears to be all right.

The Commissioner-cum-Secretary (Labour) informed that Betiah, West Champaran, Jamaui, Madhubani, Begusarai and Mungher districts have been selected for the Impact and Evaluation study to be carried by the A.N. Sinha Institute of Social Studies. I suggested that utilization of a grant of Rs. 10 lakh on awareness generation should be finalised by involving some District Magistrates who have shown good results in detection and rehabilitation of bonded labourers in their area.

Details of prosecution could not be made available. It was admitted that prosecution of offending employers has been started from July 2002 onward only. A statement of pending cases will be furnished to the Commission within one month.

CHILD LABOUR

Bihar enjoys the dubious distinction of providing migrant child bonded labourers to the carpet belt in U.P. A number of Bihari children belonging to districts of Araria, Khagaria, Saharsa, Supaul, Darbhanga, Katihar and Madhubani have been released from the captivity of the unscrupulous employers in Allahabad, Bhadoi and Mirzapur. 15 child bonded labourers were released from Gujarat in 2000-01. 38 were released from UP and 12 from Delhi in 2001-02 after NIIRC focussed it's attention on this area. Shri Vivek Singh, Labour Commissioner, Bihar has been taking special interest in social and economic rehabilitation of these children. He is praised by many for his sensitivity to the issue.

Jamaui, Nalanda, Saharsa and Nawadha have been identified as child labour-prone districts where children are employed mostly in bidi manufacturing.

Following the directions of the Supreme Court given on 10.12.1996 in writ petition No.465/89 M.C. Mehta Vs. State of Tamil Nadu, a total of 21,281 children were detected to be working in hazardous occupations/processes as a result of State-wise survey which covered 1768 establishments. The number of children found to be working in non-

hazardous occupations/processes detected from a survey of 7631 establishments was 27,761.

All the children found working in hazardous establishments were required to be withdrawn and admitted to schools. The statement submitted by the Labour Commissioner shows that only 14,367 (60%) were actually withdrawn and only 11,265 of them were admitted to formal or non-formal system of schooling. Although 2853 notices were issued only a paltry sum of Rs. 80,000 was recovered from the offending employers. It is thus clear that the directions of the Apex court were not fully complied with.

The statement put up by the Labour Commissioner shows that in all the 11,265 cases where children were admitted to schools one adult member of the family was offered a job. I find this statement too good to be true. Since it is an old matter I see no point in asking for details to satisfy my doubt. I, however, explained to the Commissioner-cum-Secretary, Labour and Labour Commissioner that in all fresh cases of detection the following directions of the Supreme Court will have to be strictly adhered to:

- 1) Every child withdrawn from hazardous work will be admitted to the formal or non-formal system of education.
- 2) One adult member of the affected family will be provided employment.
- 3) Where the State is not able to provide employment as above mentioned, it will deposit a sum of Rs.5000/- for each child detected from hazardous work.
- 4) Every offending employer will be asked to pay compensation for every child employed in contravention of the provisions of the Act

a sum of Rs.20,000/-. This sum will be deposited in a fund to be called "Child Labour Rehabilitation-cum-Welfare Fund".

- 5) Prosecution of the employer will be ensured in each case of detection.

The Labour Commissioner admitted that there has been no systematic survey after the survey of 1997 carried out under the orders of the Supreme Court. He was advised to start such surveys in all the child-labour prone districts, with the help of the NGOs known to be working in this field.

NCLP Schools

National Child Labour Projects are in operation in 3 districts, namely, Jamui, Saharsa and Nalanda. A total of 85 schools have been sanctioned. District Saharsa is sanctioned 40 schools with the strength of 50 children each. All the schools are functioning but the total strength is 1982. District Jamui is sanctioned 20 schools of 100 children each. Only 19 schools with a total number of 1900 children are operating. Nalanda is sanctioned 25 schools of 100 each and full capacity of 2500 is being utilised.

The Labour Commissioner confirmed that the children in these schools are being provided supplementary nutrition and health check-up as per the NCLP rules. The schools are being run by the Project Societies headed by the District Magistrate with no involvement of the NGOs. Unless some of these schools are actually visited, I cannot offer any comments on the quality of execution of these projects. I told the Labour Commissioner that some of the schools will be inspected by the Commission to satisfy itself about the educational rehabilitation of the children withdrawn from the hazardous occupations.

Bihar is one of the few States which has constituted a Child Labour Commission in 1996. It has also amended the State Service Conduct Rules to ban employment of any child (less than 14 years) as a domestic servant by the Govt. employee. However, the interaction of the Chairperson, NHRC with the NGOs held at Patna on 22 October 2002 revealed that this provision is being openly floated by many Govt. employees.

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