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Report on the visit of Dr. Justice K. Ramaswamy, Member NHRC to
Ajmer on 4-5 April, 2002

Dr. Justice K. Ramaswamy, Member N.H.R.C. visited Ajmer on 4-5 April 2002 to review the Bonded Labour and Child Labour situation in Rajasthan and interact with the DM and Labour Officers of Ajmer and Tonk. He was accompanied by Shri Chaman Lal, Special Rapporteur. Besides holding the review meeting in the Conference room of DM Ajmer, the Member visited two NCLP schools of the District, one in the city and the other in the rural area.

The last review of Bonded Labour and Child Labour situation in Rajasthan was carried out by the Member at Jaipur on 8-9 June 2001. The report on the visit was sent to the State Government by the JS on 27 July 2001. Action Taken Report (ATR) from the Secretary, Rural Development Department was received vide his DO No. F. 13(4)RD/BL/2001 dated 8.10.2001. The ATR in respect of Child Labour situation was received from the Labour Commissioner Jaipur vide his letter No. 878 dated 30.1.02. These reports were duly considered while carrying out the review.

✓ h 50/c
- h 5h/2
✓ h 130/c
* h 209/c

The list of the participants in the Review meeting is attached as an Annexure I.

Shri Chaman Lal, Special Rapporteur welcomed the participants and explained the mandatory functioning of the NHRC to supervise the implementation of the Bonded Labour Act & Child Labour Act in pursuance of the directions given by the Supreme Court in it's order dated 11.11.97 in writ petition (civil) No. 3922 of 1985. He summarised the progress intimated by the State Government after the last review.

BONDED LABOUR

Shri O.P. Meena Secretary, Rural Development made a presentation on the Bonded Labour situation in Rajasthan. The presentation brought out the following:

1. Pursuant to the directions of the NHRC, the State Level Committee on Bonded Labour met on 10.9.2001 under the Chairmanship of the Chief Secretary and decided to meet regularly every six months.
2. Vigilance Committees have been constituted at the District and sub-Divisional Level in all the 32 districts of the State and have now started meeting regularly. The Divisional Commissioners have been involved in overseeing the functioning of these Committees which was not the case earlier. Quarterly progress reports are being sent to the Commission regularly. The progress report for the quarter ending 31 December 2001 was also sent in January 2002. The Special Rapporteur requested for a copy of this report as the same does not seem to have been received in the Commission till now.
3. Nine out of a total of eleven Bonded Labour Prone Districts have been chosen for special survey with financial assistance received from the Government of India under the Centrally Sponsored Scheme. These are Alwar, Banswara, Baran, Barmer, Chittorgarh, Dhaulpur, Jaipur, Jodhpur and Kota. The survey work has been allotted to the NGOs. The results of the survey will be intimated to the Commission by 31st May 2002.
4. As advised by the Member in the last review meeting, the Rural Development Department has directed the District Collectors to involve Gram Sabha, Ward Sabha and Members of Panchayats in identification of bonded labour. The Member commended the measures but

remarked that the intended purpose can be achieved only by amending the Panchayati Raj Act formally making the Local Bodies responsible and accountable for bonded labour in their respective areas.

5. In the last review meeting, 100 released labourers were shown as a waiting rehabilitation at the end of the year 2000-01. 3 of them are reported to have died, 56 are untraceable and 40 have been rehabilitated. That leaves only one case of pending rehabilitation from the previous years. 15 bonded labourers were identified and freed on 5 February 2002 from M/s. R.V.C. Brick-kiln Kanota Jaipur – 7 of district Nagore, 4 of Sikar and 4 of Jaipur. Action for rehabilitation of these 16 released labourers under the Centrally sponsored scheme has been initiated and progress will be intimated in the next quarterly report. The Secretary Rural Development Department is confident that their rehabilitation will be completed before the next quarterly report is submitted to the Commission.

PROSECUTION

6. A total of 341 prosecutions have been launched till date under the Bonded Labour System (Abolition) Act 1976. 92 have resulted in conviction and 162 in acquittal. 57 cases are shown as pending and 30 as dropped. Disposal is good and conviction rate is also considered satisfactory although it can be improved further. The Secretary (RD) could not explain the dropping of 30 cases. He promised to go into the details and explain the point in the next quarterly report.
7. A grant of Rs. 10 lakh has been received from the Government of India and is being spent on awareness of the Generation Programme in all the Bonded Labour Prone Districts. The work is in progress and will find mention in the next quarterly progress report.

EVALUATION STUDY

8. Evaluation studies financed by the Government of India have been undertaken in five districts. The results of the evaluation studies carried out in Alwar, Banswara and Chitorgarh were discussed in the last review meeting. The Secretary, R.D. informed that evaluation studies of Baharan and Barmer have also been completed and the reports will be available towards the end of April 2002. He promised to include the same in the progress report for the quarter April to June 2002.

The Member expressed satisfaction with the progress shown since the last Review. However, considering the reports about the continuing prevalence of bonded labour in some parts of Rajasthan, the Member felt that the drive for the identification and release of bonded labourers needs to be intensified. He feels, improvement would be possible only if the District Collectors take personal interest in the matter and activate the Vigilance Committees constituted for the purpose of identification, release and rehabilitation of bonded labourers.

CHILD LABOUR

Shri B.L. Arya, Labour Commissioner Rajasthan with assistance from Shri R.P. Pali, Joint Labour Commissioner made representation on Child Labour situation in the State.

In the last review, the Secretary, Labour Department had presented the figures of detection and withdrawal of children from hazardous and non-hazardous work in compliance with the directions of the Supreme Court dated 10.12.96. It was mentioned that only 2504 out of a total of 3026 children found

working in hazardous occupations were actually withdrawn. He was requested to explain as to why 5222 children were allowed to continue working after detection. The following explanations offered in the A.T.R. have failed to convince the Commission:

- a) Parents have migrated to some other places in most of the cases.
- b) Some of the children have already passed out primary level of education.
- c) Some parents not coming forward to enroll their children in the school.
- d) Non-availability of the identified children in the area due to incomplete address in some cases.

Continued engagement of these children in hazardous occupations is not acceptable in view of the clear cut directions of the Supreme Court that such children are to be withdrawn from work and rehabilitated educationally. This clearly shows lack of seriousness on the part of the Labour Department in taking follow-up action on the results of the survey ordered by the Supreme Court.

The last review had revealed that no periodical surveys were conducted to detect release and rehabilitate the child labourers after the Survey of 1997. The Labour Commissioner informed that in September 2000, a survey conducted in Jaipur led to detection of 9673 working children engaged in 5 occupations. They were identified in 3-age groups – 5-7, 8-12 and 13-16. On the basis of this survey, ILO-IPEC Action Programme has been launched in Jaipur. The report received from the Labour Department of Rajasthan does not mention as to how many children out of these were withdrawn from hazardous occupations and what was the follow-up in accordance with the provisions of the Child Labour Act and directions of the Supreme Court.

The Labour Commissioner informed that a fresh survey has been started from 1st January 2002 to identify children working in hazardous occupations and

processes. The survey is being conducted by trained Inspector of Labour and Factory and Boilers Departments. More than 8000 establishments have been surveyed so far. The survey will be completed by April 30 and its report will be submitted to the Commission by May end.

It was mentioned in the last review that a small amount of Rs. 60,000 only was actually recovered against the RCs issued in 2701 cases for recovering Rs. 20,000 per child labour from the offending employers. The Secretary, Labour & Employment Department had then informed that 1612 employers has contested the cases on various grounds and only 25 cases have been decided so far. The Labour Commissioner could not intimate the progress made since then. However, he confirmed that no amount was realised from the offending employers during this period. Similarly the position of economic rehabilitation of the affected families remains as dismal as before with no progress made after the last review.

As mentioned in the last report, a total of 74 prosecutions were launched under the Child Labour Act in respect of 3020 children withdrawn from hazardous occupations. The Labour Commissioner failed to provide any information regarding the current status of these prosecutions.

The Member expressed his unhappiness over the casualness with which the observations of the last review have been treated by the Labour Department. He hoped that due seriousness will be shown in the matter of the follow-up of the survey now in progress. It was explained to the Labour Commissioner that the children detected in hazardous occupations/processes have to be withdrawn forthwith and their educational rehabilitation together with the economic rehabilitation of their families are to be taken up immediately in accordance with the directions of the Supreme Court.

NCLP SCHOOLS

NCLP is being implemented in 6 Districts viz. Jaipur, Udaipur, Ajmer, Jodhpur, Alwar and Tonk. A total of 180 NCLP schools with capacity of 50 each are being run by 59 NGOs. It is noted with satisfaction that the progress of NCLP was reviewed in the State Level Monitoring Committee meeting (SLMC) taken by the Chief Secretary Rajasthan on 22 December 2001. Following the decision taken in this meeting, Mid-day Meal Programme has been extended to children in NCLP schools. These children are also to be provided free Text Books and free medicines provided under the Prime Minister Gramodaya Yojana.

The Labour Commissioner informed that a State Level Action Plan for the eradication of child labour in hazardous occupations by 2005 has been prepared. A copy of the Draft Plan has also been received by the Commission. It gives the detailed calendar of activities for implementation of this plan in four phases. Besides aiming at elimination of the child labour in hazardous occupations, the plan provides for regulating the working condition and education of children engaged in the non-hazardous sector. The Member appreciated the initiative of the State Government and expressed the hope that this ambitious plan will be executed efficiently and as per the calendar of activities shown in the plan.

DISTRICT AJMER

Shri Niranjana Arya Collector Ajmer presented the Bonded Labour/Child Labour situation in respect of the District Ajmer. He informed that a total of 61 bonded labourers have been released and rehabilitated in this District since 1977. There has been no detection of bonded labour after 16.12.99 when the last batch of six bonded labourers belonging to this District was released at Jaipur. Collector confirmed that the Vigilance Committees are regularly holding

quarterly meetings. He informed that the District-wise survey carried out in April/May 2001 revealed no case of bonded labour in the district.

The Collector informed that the incidence of child labour is generally seen in the following occupations/processes in Ajmer.

1. Stone-quarries.
2. Beedi-making.
3. Building construction,
4. Powerloom.

Children can also be seen engaged in collection of iron-pieces and plastic bags on railway track and carrying lamps in marriage processions.

In the survey of child labour conducted in 1997, 467 children working in hazardous and 229 children working in non-hazardous occupations of the processes were detected in district Ajmer. All the children withdrawn from hazardous occupations were admitted to the schools. Prosecutions were launched against 394 employers. Smt. Anjana Dixit Joint Labour Commissioner Ajmer informed that only 97 cases were taken up for prosecution. 23 were challaned and all ended in acquittal. Challans could not be filed in the remaining 74 because of various discrepancies in the survey forms. Prosecution of offenders has thus remained totally neglected in this district.

Economic rehabilitation of the affected families as per the directions of the Supreme Court does not seem to have received any worthwhile attention from the District Administration.

The Collector informed that as a result of the on-going survey, 598 establishments have been inspected till 23 March 2002 and 18 child labourers detected. Follow-up action will be taken after the survey is completed on 30 April 2000.

District Ajmer was sanctioned NCLP in December 1999. The project was made functional in July 2000 by starting 20 schools which are being run by 12 NGOs. A total of 1000 children belonging to vulnerable sections of society including minorities are receiving accelerated primary education with benefits of stipend, supplementary nutrition and primary health care. A total of 257 children from these schools have also been admitted to formal system of education till 31 March 2000. The Member visited the NCLP schools at Balad ka dara (Srinagar) and Anderkot Dargah Bazar. The following observations were made:

NCLP SCHOOL BALAD KA DARA

The School was started on 25.7.2000 at a properly selected site. 25 boys and 25 girls belonging to Kahar community have been carefully selected. The school is being run by an NGO called SAVERA. The teachers appear committed to their job and the standard of education judged from testing some randomly selected students in Hindi reading and arithmetic was found to be fairly good. Absence rate is negligible. There have been six cases of drop-out, one due to the death of a student and 5 because of migration of families to other places. Salaries and stipends have been paid up to March 2002.

Arrangements for the health check-up need to be streamlined. The Collector was requested to arrange a fresh medical examination of all the children so that those requiring any medical intervention are identified and cared for. Records of medical check up should be maintained. Daily record of Supplementary Nutrition Programme should also be maintained. Although an instructor for vocational training is held, this aspect has not received adequate attention.

NCLP SCHOOL ANDERKOT DARGAH BAZAR

The school was started on 25.7.2000. It is being run by the Gharib Nawaz Evam Bal Kalyan Samiti. This organisation is running another school at Dhai-Din-Ka-Jhopra where 46 boys and 4 girls are receiving education. Secretary Smt. Shagufta Khan briefed the Member about the activities of the school which is providing education to 50 Muslim girls. The Member appreciated her enthusiastic endeavour in promoting the cause of education for Muslim children. However, the standard of instruction was found to be rather unsatisfactory. The statement furnished by Mrs. Khan about the number of children integrated into formal schooling was found to contain a number of discrepancies. Information about Drop-out (10 children shown to have been dropped out on 1.10.2001 erroneously mentioned as 2002) and lacked credibility. One gets the impression that a number of mid-session vacancies are being created and filled by fresh admission without giving much thought to its effect on the general standard of the classes.

Supplementary Nutrition Programme is being run properly. Salaries and stipends have been paid up to March 2002.

The vocational training programme needs to be streamlined. Although the school is being provided health cover by the District Health set up, no records of the medical check up could be produced.

Project Director is advised to exercise closer control over the functioning of this school particularly in the matter of selection of beneficiaries and streamlining into formal schooling. The conduct of annual examinations should also be supervised.

DISTRICT TONK

Shri B.L. Swarankar, ADM (Development) Tonk represented, the Collector Tonk who had to move on transfer suddenly on 3rd April. Shri Swarankar could not furnish any worthwhile information about the Bonded Labour situation in his district. As regards the Child Labour situation, he informed that in the survey of 1997, 420 children were withdrawn from hazardous occupations. 130 prosecutions were launched against the employers. 37 cases have been decided so far – 35 in acquittal and 2 in conviction. In one case three months imprisonment has been awarded and in the other a fine of Rs. 10,000 has been imposed.

20 NCLP Schools are being run in district Tonk with the help of 11 NGOs. Six schools were started on 14.11.99, 11 in March 2000, 1 each in March, April & May 2001. A total of 1000 children admitted to the schools were withdrawn from the following jobs:

Carpet weaving	- 316
Beedi-making	- 292
Dari-making	- 40
Stone-quarries	- 20
Gem-polishing	- 22
Hotels & Dhabas	- 79
Agr.& Cattle gazing	-231

The ADM informed that salaries to the teachers and stipend to students have been paid only up to September 2001. It is a pity that Smt. A. Dixit, Jt. Labour Commission who looks after Tonk was not aware of this fact. This does not present a satisfactory picture of the running of these schools. One can imagine the state of mind of the poor teachers who have been without salary for

about 6 months. Delay in receipt of grant from the Union Labour Ministry which is fully financing these schools can have only one possible explanation – the inability of the District to furnish utilisation certificate and annual audit report in time. Collector Tonk should look into the matter and arrange immediate disbursement of salaries and stipends.

C Lal
12.4.02
(Chaman Lal)
Special Rapporteur

*Seco. Respectfully agreed.
S. Lal
12/4/02*