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Coordination Section  
Dy. No. 1464  
Date 24.5.2002  
N. H. R. C.

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27/5/02

National Human Rights Commission  
Sardar Patel Bhavan, New Delhi.

vs. (c)

3416/JS  
28/5/02

Report on the visit of Hon'ble Member (Dr. KRSJ) to the State of Karnataka from 16<sup>th</sup> to 20<sup>th</sup> May, 2002.

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As was programmed, on 17<sup>th</sup> May, 2002, before I set off for the journey for Mysore in the early morning, I was informed that the Car detailed for me had met with an accident on the way and resultantly, in order to make alternative arrangement for another car, my departure from Bangalore was delayed by about 1 ½ hours and I started from Bangalore at 8.00 a.m. and reached H.D. Kote Taluk, Mysore District at 1230 hrs. The meeting of the NGOs, Bonded Labour, Child Labour and public spirited activists had been organized by Karnataka Jeetadalu Mattu Krashikarmikara Okkuta, an N.G.O. headed by Shri Kiran Kamal Prasad in ACG Community Hall. The meeting was attended by Shri Basavaraj, Deputy Commissioner, Sunanda Rajaram, Prof. Ram Das, Narasimha and others. Shri Kiran Kamal Prasad, the moving spirit behind the Seminar, had gathered a large number of people from different parts of the State and NGOs working for eradication of bonded labour in Karnataka. Shri Prasad had outlined the action being pursued by his organization for release and rehabilitation of the bonded labourers in the State of Karnataka. He also emphasized the need for cooperation among the Government officials, NGOs and public spirited persons so that a concerted and composite action plan could be pursued for the successful implementation of the eradication of bonded labour system in the State of Karnataka. Prof. Ram Das, Smt. Sunanda Rajaram and several other dignitaries had spoken on the urgent need for the successful eradication and rehabilitation of the bonded labourers.

Shri Kiran Kamal Prasad had pointed out that even as per the Government records, 8,832 bonded labourers were still to be rehabilitated and no concrete steps had been taken by the State Government in this direction. A large number of children were retrieved from bonded labour/child labour from hazardous and non-hazardous industries and no steps have so far been taken for their education, except the victims of Hangarihalli which number around 23 and another 13, reaching a total of 36. Rest of the victims have not been rehabilitated by imparting education to them and gainful training for self-employment schemes.

It was pointed out that in Kattekali Taluk of Mysore District, the official figures of bonded labour are 72, while the actual figure of the bonded labour is 773 and no action has been taken by the State Administration to remove the discrepancies and to identify and rehabilitate the retrieved bonded labourers.

It was also demanded further that the Rural Development Department, which is the nodal department for eradication of bonded labour and bonded child labour and their rehabilitation, has not been doing any significant work for the release and rehabilitation of bonded labourers and that, therefore, the Social Welfare Department may be recommended for entrustment of the aforesaid task.

While agreeing with the suggestions made by the speakers, I had stated in detail the need-based programme of action for identification, release and rehabilitation of the bonded labourers and bonded child labourers from the hazardous and non-hazardous industries. With the concerted efforts and cooperation of the NGOs and officers to avail their services, the human rights regime lays emphasis on the right to equality of status and dignity of person an inalienable human right. To make that right meaningful, economic empowerment, education, social security, supply of essential commodities at affordable prices, health care, environments, and shelter are the basic human rights for every citizen. To make that right a reality to the released bonded labourers and child labourers, an obligation has been thrust upon the State under Civil and Political Rights regime, Social, Economic and Cultural Rights Convention, CEDAW, Elimination of All Forms of Discrimination, Convention on the Rights of the Child, etc. Emphasis has been placed on the State's duty to have a time-bound programme of action to ensure appropriate needs are attended to and the opportunities and facilities are given to the deprived sections of the people to make the right to live meaningful and dignity of a person a reality. The Preamble of the Constitution, the Directive Principles and Fundamental Rights in the Constitution of India equally assured to all citizens, including these deprived people, of the basic human rights. By judicial interpretation, taking the aid of right to life guaranteed in Article 21, these rights were declared by the Supreme Court as Fundamental Rights and fundamental basic human rights. Therefore, a concerted and coordinated action by the concerned State Governments, NGOs and public spirited persons, by the people's movement, has to be taken to make it a regular feature. The National Human Rights Commission is a catalyst and facilitates all the functionaries to proceed on the human rights regime in implementation of the policies for civil governance in a participatory democracy by all segments of the society. As a catalyst, the N.H.R.C. associates itself with all genuine NGOs and public spirited persons in evolving and conducting these programmes of action so that the weaker sections of the people, in particular, the Dalits and Adivasis and OBCs are not subjected to deprivation. On the other hand, they should be provided facilities and opportunities to enjoy the right to life and concomitant rights. It was also emphasized that imparting of Human Rights education by the NGOs would facilitate the change of mindset among the oppressors towards the oppressed. Bonded labour system is an abominable practice, a blot on the human civilization, and a stigma on democratic governance. As trustees of Parliament, the District Magistrates and Sub-Divisional Magistrates have duty to ensure that, as a part of their regular duty, to monitor the existence of the bonded labour system, meet district-level and sub-divisional level vigilance committees on regular basis, identify and release the bonded labourers and have them simultaneously rehabilitated in gainful employment, and so on. The N.H.R.C. always cooperates with such genuine NGOs like 'Jeevika' to eradicate the bonded labour system and child labour system and their simultaneous rehabilitation without any gap so as to prevent them relapsing into bonded labour again.


On 18<sup>th</sup> May, 2002, at 3.30 p.m., Shri K.R. Venugopal, Special Rapporteur, Shri V.K. Das, Principal Secretary (Urban Development Deptt.), Shri S.L. Gangadharappa, Secretary, Rural Development Department, Smt. Shobha Namikesan, Principal Secretary (Women Child Development), Shri Krishnan, Secretary, Shri Niaz Ahmad, Principal Secretary (Labour), Shri Rangaraj, Principal Secretary (Social Welfare), Shri Narasimha Raj, Commissioner for Labour, were present.

On child labour, it was reported that the action plan prepared by the Government of Karnataka has now been taken up seriously. 15 Deputy Commissioners have reported that 4,893 child labourers have been relieved from hazardous industries, 24,876 children have been retrieved from non-hazardous industries between 2001-2002. 16 NCLP schools have been set up and they are functional and are effectively imparting education through bridge courses to them. Other districts are also being persuaded to give the data relating to the existence of bonded and child bonded labour. When a question was raised by me as to what was the budgetary provision for rehabilitation of the released labourers and bonded child labourers, Shri Gangadharappa had admitted that no provision was made in the budget for the year 2002-03. 4893 children retrieved from hazardous industries and 24,876 children retrieved from non-hazardous industries, are yet to be rehabilitated. He stated that he has been pursuing with Deputy Commissioners to have them rehabilitated successfully. He admitted that except 36, none out of 8,832 released bonded labourers have been rehabilitated. It was pointed out that except 36, including 23 of Hangarhalli bonded labourers, none of them has been rehabilitated. Unless a provision is made in the budget and shown to the Labour Department, Government of India, the 50 percent matching share of the Centre would not be forthcoming. He had assured that within three months, he would secure minimum funds and have all the released bonded labourers rehabilitated and the report will be submitted to the N.H.R.C. He also suggested that the action plan for release and rehabilitation of the bonded labourers and bonded child labourers would be undertaken successfully and he took up as his personal responsibility to have the bonded labour and child labourers rehabilitated. I had suggested that as per the Government of India, Department of Labour policy, only Rs.1,000/- should be paid in kind, provisions and small amount for meeting the expenses are to be given to a released bonded labourer and the balance amount of Rs.19,000/- (Rs.10,000/- from the State Govt. pool and Rs.10,000 from the Central Govt. account) be credited as share capital of the member by the Sub-Registrar of Cooperative Societies. Accountability should be fixed on him for its successful working. Under the Minimum Employment Assurance scheme, the locally available works should be given to the cooperative society consisting of the released bonded labourers on priority basis. Rs.19,000/- be credited to the account of the released bonded labourer as a share capital. That would be used for completing the works to be given to the cooperative society. Land, as per the policy, if available in the Government sources, be assigned to the released bonded labourers on priority basis. If the Government land is not available, the same should be purchased from the market, allotment patta should be in the name of the female member of the family of the released bonded labourer. The release and rehabilitation of the bonded labourers and bonded child labourers should be implemented on priority basis. They should be allotted houses under 'Indira Awas Yojana'. The women members of the families of the released bonded labourers be engrafted as members of the scheme like 'DWARKA' so that the self-employment gives them dignity

of person and equality of status. The Secretary (Social Welfare) had suggested that under Indira Awas Yojana, priority should be given for allotting houses to the released bonded labourers. The Deputy Commissioner should ensure that the released bonded labourers are rehabilitated without being relapsed into bondage. The Secretary (Social Welfare) also had suggested that the children retrieved from hazardous and non-hazardous industries also be admitted in the hostels run by the Department of Social Welfare and the schools run by the Government after giving them education through bridge courses so that the need to obtain budgetary provisions, etc., could be avoided and children are given better education.

On scavenging, the Secretary (Urban Development) had stated that during the year 2001-02, 14,555 scavengers were identified and most of them had been rehabilitated. Only 2,500 are yet to be rehabilitated. During the last month, 183 had been rehabilitated. The new survey conducted during 2001-02 would be concluded by September, 2002 and they will be rehabilitated. For conversion of the dry latrines into wet-latrines and prevention of manual scavenging would take a long time. Action plan would be formulated for implementation of the programmes. Under the Waste management scheme, bids have been called for by 24<sup>th</sup> May, 2002 and action will be initiated soon thereafter. Awareness programme is necessary and be pursued consistently. The banks are not providing term loans to the released scavengers and that, therefore, it has become difficult to successfully implement the programme of rehabilitation of scavengers. Every step would be taken to implement the programme on urgent basis. It would be seen that no serious effort could be made in implementation of the bonded labour and bonded child labour and child labour. They gave an assurance to have them implemented and the action taken report would be furnished within three weeks.

It is sad to know that the requisite seriousness is not being shown to implement the action plan. Consequently, there is every likelihood of the released bonded labourers or relieved children from the hazardous and non-hazardous industries relapsing into bondage, thereby defeating the very purpose of the action plan.

  
(Justice Dr. K. Ramaswamy)  
Member

Hon'ble Chairperson

Secretary General