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**REPORT OF SHRI CHAMAN LAL, SPECIAL  
RAPPORTEUR ON HIS VISIT TO VARANASI, BHADOI,  
MIRZAPUR, ALLAHABAD AND KANPUR  
FROM 12 - 16 MARCH, 2004**

As directed by the Commission, I have visited Varanasi, Bhadoi, Mirzapur, Allahabad and Kanpur from 12 to 16 March, 2004 to review the Child Labour and Bonded Labour situation in UP with focus on the districts of the carpet belt. District-wise reviews were carried out at Varanasi, Bhadoi, Mirzapur and Allahabad in meetings held with the officers of the Labour Department. Assistant Labour Commissioner, Jaunpur and Sonebhadra were called for meeting at Varanasi and Bhadoi, respectively. Despite their pre-occupation with the general election work, the District Magistrates of Bhadoi, Mirzapur, Allahabad also attended the Review meetings. At Varanasi, Shri G.S. Rajput, CDO represented the District Magistrate who was out of station on that day. The State-level review of the Child Labour and Bonded Labour situation was made in a meeting with Smt. Anita Bhatnagar Jain, Labour Commissioner, UP held at Kanpur on 16 March 2004.

The last such review was made in my visit to Kanpur, Allahabad, Mirzapur and Varanasi from 11 - 15 March, 2003. The report was considered by the Commission in its meeting held on 9 May, 2003. The Commission accepted the report and a copy of the same was sent demi-officially by the Joint Secretary, NHRC to the Chief Secretary, Govt. of UP, Lucknow. Although no reply has been received from the Govt. of UP, the Commission received a copy of the compliance report sent by the Labour Commissioner,

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UP to the Special Secretary, Labour, Govt. of UP on 27.9.2003. Its examination revealed satisfactory follow-up on Commission's recommendations relating to Child Labour whereas action on matters pertaining to Bonded Labour, specially the rehabilitation of released bonded labourers was found pending.

The Review presents the following picture of the Child Labour and Bonded Labour situation for the year 2003-04.

### **CHILD LABOUR**

A total of 858 children were identified and withdrawn from hazardous work in UP during the period 1.4.2003 to 31.1.2004. 3022 children were identified and withdrawn from non-hazardous work also during this period. This includes 155 children of hazardous and 149 of non-hazardous category identified and withdrawn in the district of Carpet Belt i.e. Varanasi, Jaunpur, Bhadoi, Mirzapur, Sonebhadra and Allahabad. This shows significant improvement over the total identification and withdrawal of 448 children from hazardous work and 1159 from non-hazardous work in 2002-2003. With this, the total number of children identified and withdrawn from hazardous and non-hazardous work in UP since the survey of 1996-97 ordered by the Supreme Court comes to 29,720 and 35,995 respectively.

While the total detections have gone up in the State in 2003-04, there has been no detection in hazardous category in 20 out of a total of 70 districts (the number of such districts was 41 in 2002-03). Nil detection in districts such as Bareilly, Gautambudh Nagar, Kanpur City, Kanpur Rural and Hardoi known as child labour-prone areas should be totally unacceptable. While detection

of children employed in hazardous work has gone up in districts like Muzafarnagar, Saharanpur, Agra, Aligarh, Balia, Ghaziabad and Lucknow. it has fallen in Bijnore and Moradabad.

**Educational rehabilitation of detected children.**

Whereas the Supreme Court's directions given in MC Mehta's case provide for admission of children withdrawn from hazardous work only to schools, effort has been made to cover the children withdrawn from non-hazardous jobs also under educational rehabilitation programme. Out of a total of 29,720 children withdrawn from hazardous work till 31.1.2004, 24,266 children i.e. 81.6% children are reported to have been admitted to schools. In the non-hazardous category, this figure comes to 87.6%. Excluding the number of children belonging to migrant families (6,459), only 3,811 out of a total of 65,715 children i.e. 5.8% have not been admitted to schools.

As regards the detections made in 2003-04 (upto January 31, 2004), 396 children out of a total of 858 withdrawn from hazardous work and 1908 children out of a total of 3022 withdrawn from non-hazardous work have been admitted to schools.

**Economic Rehabilitation of Affected Families**

The number of affected families in respect of the total detection of 29,720 children employed in hazardous work in 2003-04 is 24,257. Of these, only 4672 i.e. 19% have actually been provided rehabilitation in accordance with the directions of the Supreme Court. Of the remaining, 7106 families have been shown as already rehabilitated, 4623 families unwilling to take assistance

under the normal schemes and 5553 migrant families. This leaves a balance of 2303 families, which need rehabilitation.

The exact number of affected families in respect of total detection of 858 children in the period of review has not been intimated, only 78 families have been provided rehabilitation so far. The Labour Commissioner was requested to write to the District Magistrates concerned about their obligation to arrange wage employment for one member of each eligible and willing family. In the event of their failure, the State Govt. is required, as per the directions of the Supreme Court, to deposit Rs.5000 per detected child labourer to the Child Labour Rehabilitation-cum-Welfare Fund, which has been created in all the districts. A corpus of Rs. 50,000 each has been created in 42 districts for this purpose.

#### **Recoveries from Offending Employers**

The number of employers involved in the total detection of 29,720 children in hazardous work in 2003-04 (till 31 Jan. 2004) is 10,649. This includes 673 employers relating to the identification of 858 children in hazardous work during the period of review. 7788 prosecutions have been launched against the employers since the 1st survey of 1996-97 ordered by the Supreme Court. 7016 RCs have been issued for recovering a total amount of Rs.31,31,60,000. 1461 RCs have been stayed by courts, 1353 have been quashed/returned. A total amount of Rs. 95,19,849 has been collected which includes Rs. 5,67,057 collected during the period 1.4.2003 to 31.1.2004. As intimated by the Labour Commissioner subsequently, the total recoveries in the State during the period 1.4.2003 to 29 Feb. 2004 amount to Rs. 6,27,757 against 248 RCs

issued during this period. The total collection from the districts of carpet belt comes to Rs. 13,60,112.

### PROSECUTION

A total of 7,799 prosecutions have been launched under the Child Labour Act from 1997-98 to 29 Feb. 2004. This includes 341 cases relating to the period 1.4.03 to 31.1.2004. Considering the backlog of 2817 cases of pre-December 1996 period, a total of 8698 cases are still pending trial. The total number of cases decided till 31.1.2004 is 1915. Conviction in 307 cases gives a conviction rate of 16%. However, during the period of review (1.4.03 to 31.1.04), 146 cases were decided, all in acquittal.

### Non-Invasive Surveys

Non-invasive surveys have been carried out in Moradabad, Jalesar (Etah), Mirzapur, Aligarh, Khurja, Jaunpur and Saharanpur. The following results of these surveys were mentioned in the last review report:

Name of District	Month	Out of school working children	
Moradabad	May – Aug. 99	15,562	5,998
Aligarh	Jan. 01 – May 01	34,425	8,756
Jalesar	April – May 01	2,955	1,526
Mirzapur	Nov-Dec. 2001	40,509	33,383
Khurja	Oct.-Nov. 2001	6,298	2,223
Jaunpur	Jan.01- Jan.02	43,182	3,502

Similar survey conducted in district Saharanpur during December 2001 to February 2002 revealed 13,852 out of school children with 10,210 of them detected as working children.

Results of a similar survey carried out in district Meerut are being compiled. This data shows that of 65,598 children out of a total of 15,6,783 'out of school' children i.e. 41.8% were found engaged in work. In Mirzapur of the carpet belt, the proportion has been found to be as high as 82.4%. In Saharanpur also it is found to be 73.7%.

#### **Awareness generation**

A One-day Inter Department workshop on Child Labour Elimination was held with the UNICEF's assistance at Aligarh on 17 July, 2003. Another workshop was held at Jalesar for sensitisation of Government officials and NGOs on 18 July, 2003. State-wise campaign for child labour identification and their educational rehabilitation was launched in all the districts from 1 to 15 July 2003, which terminated in a State-wise seminar at Lucknow on 17 July 2003. Besides this, a one-day seminar on Child Labour and Bonded Labour was held at Lucknow and Aligarh. Such seminars are also being organised at Moradabad, Ferozabad and Bhadoi.

#### **NCLP SCHOOLS**

11 districts of UP including Varanasi, Bhadoi, Mirzapur and Allahabad of the carpet belt are covered under the National Child Labour Project (NCLP). A total of 470 schools including 20 each for Bhadoi and Mirzapur and 40 each for Varanasi and Allahabad are sanctioned under these Projects. NCLP Ferozabad has been

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running 70 schools – 60 of 100 students each and 10 of 50 students each since 1988-89. 100 students schools have now been converted into schools of 50 students. That explains why the number of sanctioned schools now has been shown as 530 instead of 470 mentioned in the last review. Presently, only 26 schools are being run in Allahabad against the sanctioned of 40 and the number of schools in Ferozabad is 110 against the sanctioned of 130. As such, 496 schools with sanctioned capacity of 25,788 students but actual strength of 24,457 are being run in 11 districts. 266 schools are being run by the NGOs and 230 by the Project Society headed by the DM of the district concerned. Despite observations made in the last review, NGO sector remains excluded from this activity in district Saharanpur and Moradabad whereas it is partially involved in Azamgarh, Aligarh and Ferozabad. The schools in Allahabad, Khurja, Kanpur, Bhadoi and Varanasi are being run entirely by the NGOs. In Mirzapur also, NGOs have been involved in the running of these schools only recently in response to the observations of the last review. Dropout rate was found to be very high in Moradabad, Aligarh and Bulandhshar in the last review. The situation seems to have improved in Moradabad and Bulandhshar. Dropout is still high (5 to 10 %) in Aligarh. I visited 3 schools each of Varanasi, Mirzapur, Bhadoi and Allahabad and the observations are included in the report on these districts.

The National Child Labour Project (NCLP) currently covering 11 districts of the State has been extended to 15 additional districts, viz. Sonbhadra, Mau, Deoria, Banda, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Ghaziabad, Agra, Etawah, Basti, Mathura and Ghazipur. It is significant that UP has bagged

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15 out of a total of 50 additional projects sanctioned by the Govt. of India in 2003. This speaks well of the personal involvement of the Labour Commissioner and her senior colleagues. These projects will be operationalised in 2004-05. The District Magistrate and the incharge Labour Department of the district concerned have been directed accordingly.

A number of steps have been taken by Smt. Anita Bhatnagar Jain, Labour Commissioner, UP to strengthen supervision over the working of the NCLP schools. Instructions have been issued for inspection of these schools at clearly prescribed intervals by field officers, Project Directors, Deputy Labour Commissioners and the Additional Labour Commissioners incharge Child Labour. It has also been decided to select a village/mohala in each Project area for cent percent enrolment of potential child labourers in formal/non-formal schools in order to declare that area free of child labour. Steps have also been taken to improve the attendance rate of children and check dropout.

#### **INDO-US DOL PROJECT**

U.P. is one of the four States selected under the Indo-US Cooperation on elimination of child labour for implementation of Indo-US Project, which envisages complete elimination of the worst form of child labour in identified districts. The following five districts have been selected for this Project considering the incidence of child labour in the occupations/trades mentioned against each:

1. Mirzapur
2. Ferozabad
3. Aligarh
4. Allahabad
5. Kanpur

Brassware  
Glass  
Lock  
Bidi  
Footwear, brick-kiln



The project envisages detection of 4000 children in each district. 500 mother self-help groups (SHG) will be constituted in each district for economic rehabilitation of the affected families. 1000 children will be identified in the 5 - 8 years age group. They will be admitted to formal or non-formal schools for primary education. 2000 child labourers identified in the age group of 9-13 years will be educated in 40 transitional education centers. 1000 child labourers identified in 14-17 years age group will be targeted for employment orientated vocational training. The Project will be operationalised under the overall monitoring by a State-level Committee headed by the Principal Secretary, Labour. NGOs and Trade Unions are also represented on this committee. Following the decisions taken in the meeting of this Committee on 20 November 2003, Aligarh Muslim University has been selected for carrying out survey in Aligarh, Ferozabad and Moradabad. Lucknow University has been identified for survey in Kanpur city and Govindvalabh Pant Institute of Social Sciences for survey in Allahabad. The survey work has already started in Moradabad and will begin shortly in Aligarh. Task Force has been constituted in each district and a 2-day workshop has been held in all the 5 districts. State Resource Centre has been established with the approval from ILO in the office of the Labour Commissioner, U.P for the conduct, supervision and direction of the Project in 5 districts.

### **BONDED LABOUR**

#### **Vigilance Committee**

Vigilance Committees have been constituted in all the 70 districts of the State. Absence of Vigilance Committees in 9 out of

a total of 296 Sub-Divisions was pointed out in the last review. Now the total number of Sub-Divisions is being shown as 297 (Orai of Bhadoi was missed last time). Vigilance Committees are yet to be constituted in 7 Sub-Divisions. Proposals for constitution of Vigilance Committees at 3 of them have been forwarded to the Govt. Proposals for the constitution of Vigilance Committees in Sub-Divisions Gautambudh Nagar Cant and Jevar of district Gautambudh Nagar have also been received and are being forwarded to the Govt. Proposals for constitution of these Committees in Sub-Divisions Chakia and Sakardiha of District Chandauli are still awaited from the D.C. Chandauli. It is a pity that this routine mandatory measure is yet to be completed despite repeated observations made by the Commission. The Labour Commissioner assured of her personal interest in getting this completed.

Although the Vigilance Committees are reportedly meeting regularly, they have not proved effective in detection of bonded labourers in their respective areas. All detections made so far have resulted with the efforts of NGOs and social activists.

123 bonded labourers were identified and released in 2003-04 in the following districts, which include four of the carpet belt:

1. Mirzapur	7
2. Sonbhadra	7
3. Allahabad	13
4. Bhadoi	11
5. Aligarh	57
6. Hardoi	1
7. Barcilly	16

58 of them are migrant bonded labourers who have gone back to their native places. The DMs concerned have been

informed about their release and requested for taking up their rehabilitation under the Centrally Sponsored Scheme. 65 bonded labourers – Mirzapur –1, Sonbhadra-7 and Aligarh-57 – are required to be rehabilitated in the State.

In the Bonded Labour Workshop held in Allahabad on 11 November, 2003, it was mentioned that rehabilitation of 482 released bonded labourers pertaining to years 1998-99 to 2002-03 with the following breakwise details was pending:

1997-98	1
1998-99	4
1999-2000	245
2000-01	178
2001-02	26
2002-03	28

Clearing this backlog was one of the urgent tasks identified by the above workshop. Shri Manohar Lal, DG (Welfare) Union Labour Ministry assured his full cooperation.

After physical verification, 330 of them have been located. Besides, one case of Sonbhadra is pending for part rehabilitation. As such, full rehabilitation of 330 and partial rehabilitation of one is found to be the actual backlog of previous years as a result of physical verification. Besides, there are 65 cases of 2003-04. A total of 395 bonded labourers are thus required to be rehabilitated. It is heartening to note that as a result of the efforts of the present Labour Commissioner Smt. Anita Bhatnagar Jain, rehabilitation grant of Rs. 20,000 each (equally shared by the Central and State Governments) has been arranged in 250 cases and made available to the DMs concerned with the instructions for their rehabilitation

in accordance with the provisions of the Centrally Sponsored Scheme.

The Labour Commissioner UP has been able to arrange an additional grant of Rs. 14,80,000 on 31.3.2004 as central-share for the rehabilitation of 148 additional number. This has helped in the rehabilitation of 74 bonded labourers in addition to the 250 already rehabilitated. As such, 324 of the total of 395 pending cases have been cleared. Since the Central-share has been received and utilized, the State is committed to provide Rs. 14,80,000 for rehabilitation of 74 released bonded labourers. This will clear the entire backlog. I can say on the basis of the data collected from the Union Labour Ministry that rehabilitation of released bonded labourers in such large numbers pending since 1997-98 is a record not only in UP but in the country as a whole.

The Government of India had released a grant of Rs. 25 lakh in October, 2001 for programmes of awareness generation (Rs. 10 lakh), surveys (Rs. 10 lakh) and evaluatory studies (Rs.5 lakh) in UP. The funds had been transferred and deposited in the accounts of the State in October, 2001 but not made available to the Labour Department until November 2003 when the issue was raised in the Bonded Labour Workshop held on 11 Nov. 2003 at Allahabad in the presence of the Labour Minister and the Principal Secretary, Labour. The Chairperson, NHRC made a specific mention of this in his inaugural address and requested for the Minister's immediate intervention. It is heartening to note that the money has now been made available and the survey work has been taken up in districts Mirzapur, Allahabad, Kanoj, Meerut and Gaütambudh Nagar. The Labour Commissioner was requested to send a detailed report on the surveys and its findings.

Three Institutions/agencies have been selected for the evaluation studies to assess the effectiveness of the various schemes of rehabilitation of released bonded labourers. These are Giri Vikas Adhyan Sansthan, Lucknow for district Varanasi and Chittrakoot, the Academy of Management Studies, Lucknow for Mathura and the Institute of Tourism Studies, Lucknow for Mirzapur and Sonbhadra utilization of funds released for the awareness generation programme is also being planned.

Rehabilitation of the migrant bonded labourers has been a matter of neglect as mentioned in the previous review report. It is a matter of satisfaction that full particulars relating to the release of 51 bonded labourers of Jharkhand and 306 of Bihar in UP in recent years have been sent to the Labour Commissioners of these States on 23.12.2003. The receipt of this intimation was confirmed by the Labour Commissioner, Bihar in the review meeting taken by me at Ranchi on 27 March, 2004. Their rehabilitation has been taken up at those ends in right earnest.

## **DISTRICT REPORTS**

### **VARANASI**

Bonded Labour and Child Labour situation in districts Varanasi and Jaunpur was reviewed in a meeting attended by the Districts officials and 29 of a total of 40 NGOs involved in the running of the NC LP schools in Varanasi.

### **CHILD LABOUR**

A total of 31 children were detected and withdrawn from hazardous and also 31 from the non-hazardous

occupations/processes in this district in the year 2003-04 (upto 12 March 2004). With this the total number of children withdrawn from hazardous occupations/processes in this district since the survey of 1996-97 comes to 1450. 978 children out of these have been admitted to schools. The total number of children withdrawn from non-hazardous work since 1996-97 is 586. 520 of them have been admitted to schools. Out of the balance of 538 – 472 of hazardous and 66 of non-hazardous category, 535 were migrant children. That leaves the district with only 3 children who could not be educationally rehabilitated.

The number of affected families relating to the withdrawal of 1450 children from hazardous occupations is 1341. Only 158 of these (11.8%) have been economically rehabilitated. 442 families were already having some employment, 248 are reported to have refused any help and 479 families belong to migrant labourers. As such, only 14 families remain to be rehabilitated.

656 RCs. for collecting a total amount of Rs.1,75,80,000 from 707 employers at the rate of Rs. 20,000 per child, have been issued. The actual recovery is Rs. 3,42,000 (.5%). 151 RCs have been stayed and 62 returned/cancelled.

A total of 801 prosecutions have been launched under the Child Labour Act in this district, which includes 94 cases of pre-December, 1996 period. 334 cases have been decided till the date of review – 131 in conviction and 203 acquittal. 467 cases are pending in courts. The conviction rate of 55.98% is commendable.

#### **BONDED LABOUR**

No bonded labourers were identified in 2003-04 (till 12 March 2004). A list of 482 cases of pending rehabilitation

presented in the workshop at Allahabad on 11 November, 2003. included 2 cases of Varanasi district. Physical verification confirmed presence of 2 labourers whose rehabilitation under the Centrally Sponsored Scheme has been completed in 2003-04 as intimated by the Labour Commissioner, UP vide her letter No. 65.CL/NHRC-O dated 23.3.2004.

### **NCLP SCHOOL**

National Child Labour Project was started in 1998 with sanction of 10 schools of 50 children each. However, the schools were actually started in August, 1999 by 9 NGOs. 487 children (97.4%) passed class V examination in 2002. 401 of them were mainstreamed and admitted to class VI, which is commendable. The remaining 86 were mostly girls in the age group of 13-14 years whose parents did not allow them to continue their education.

A total of 40 NCLP schools with the sanctioned capacity of 2000 children are being run in this district with the help of 35 NGOs. All the 2000 children now attending the NCLP schools in this district. Girls (1204) constitute 60.2% of the total. As many as 803 (40.15%) children belong to minorities - muslim families, ST/SC have 25.8% and OBC 30.05% representation. Only 20 (1%) children belong to general category. In the meeting held with the NGOs running these schools, following issues were discussed:

- (i) Diet Money – Consequent to increase in the diet mony from Rs. 2.50 to Rs. 5.00 per child per day w.e.f. 1 January 2004, the existing weckly menu should be suitably revised to include milk/fruit as essential items.

- (ii) Efforts should be made to ensure that the daily absence rate remains below 10% and the dropout is completely stopped.
- (iii) A number of NGOs pointed out difficulties in ensuring the health check-up of students because of lack of cooperation from the PHC concerned. The CDO, Varanasi was requested to bring this to the notice of the DM. Request for a special Eye-camp for all the children was also made.
- (iv) The NGOs were asked to carry out the survey of non-school going children in 6-14 years age group in the areas of their work and liaise with the Govt. authorities for arranging their formal or non-formal education.

It is heartening to note that a short duration training of teachers of NCLP schools was arranged with the help from the ILO and 40 teachers had attended this training at the District Education and Training Institute, Sammath.

### VISIT TO NCLP SCHOOLS

I visited 3 NCLP schools of this district and my observations are recorded below:

1. **NCLP School, Jaitpura** – Association for People's Action started this school on 10.1.2002 with 25 boys and 25 girls. The school has been rightly sited in an area of concentration of sari industry. More than 90 % of the students were actually withdrawn from hazardous work. 47 were found present at the time of visit. As many as 47 children are from muslim families. Attendance rate is good but there have



been four cases of dropout resulting 4 mid-term admissions. The Supplementary Nutrition Programme (SNP) needs revision in view of enhancement of diet money. Vocational training is being imparted to 14 boys and 15 girls in tailoring, candle making and envelope making. Health check up has been carried out twice in 2002, twice in 2003 and once in 2004 (on 19.1.2004). Individual health records are being maintained properly. Teacher-Parents' meetings are being held every 2<sup>nd</sup> month and minutes recorded. Salaries have been paid upto September. Stipends have been paid upto August 2003. DLC, Varanasi informed that the funds have been received upto March, 2004 and all pending liabilities are being cleared.

2. **NCLP School, Kazakpura** – This school was started by the “Barh Evam Pradushan Peedit Kalayan Samiti” on 1.12.2001 with 50 students – 25 boys and 25 girls. The school is rightly sited in sari making area. 5 children belonging to migrant families dropped out. The school now has 29 boys and 21 girls. 15 children belong to SC and 35 OBC families. 21 children are from muslim families. SNP can be improved by adding the daily supply of egg/fruit. The Medical Officer has visited the school regularly almost every month in 2002 and 2003. However, there has been only one visit in 2004 till 12 March, 04. One eye camp was held on 25.9.2003 and 6 cases of vita A & D deficiencies were detected. No follow-up was taken. DLC was requested to get these children tested again. Vocational training is being imparted to 29 girls only in tailoring, embroidery and candle-making.

3. **NCLP school Pathani Tola** - This school was started by "Sarthak" on 5.7.02 with 20 boys and 30 girls. 45 students were present at the time of visit. Although dropout has been nil, the attendance with 10 to 15% absence needs improvement. 6 - 7 irregular students have been identified. Their parents need to be contacted and counselled. Medical check has been regular until Dr. Harish Srivastava of PHC Bhelupura was transferred in October 2003.. There has been no visit of M.O. after October 2003. One case of TB and 2 of Eye ailment have been identified. Follow-up needs to be monitored. Vocational training is being imparted in embroidery and tailoring with due seriousness in groups of 10 for one hour daily. 20 girls and 10 boys are reported to have acquired good proficiency. Although no funds have been received after September 2003, teachers have been paid salaries upto November 2003 by the organisation. DLC informed that Funds for the entire period September to March 2004 have now been received.

### JAUNPUR

Shri T.P. Shukla, ALC. Jaunpur presented the Child Labour and Bonded Labour situation in this district. A total of 56 children have been withdrawn from hazardous and 22 from non-hazardous in this district during 003-04 (upto 12 March, 2004) This brings the total number of withdrawals since 1996-97 to 743 in hazardous and 319 in non-hazardous occupations/processes.

Out of a total of 743 children withdrawn from hazardous work, 442 have been admitted to schools, which includes 27 during the period of review. All the remaining 301 are migrant

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children. As such, educational rehabilitation of withdrawn children has been cent percent.

The number of affected families in respect of 743 withdrawn from hazardous work is 581 including 54 of the current year, 213 of which are migrant families. Of the remaining 368, only 116 have been provided some rehabilitatory assistance. 137 are reported to be already employed, 115 have refused to take any rehabilitatory assistance. As such pendency is NIL.

296 RCs have been issued against 412 employers relating to 743 children withdrawn from hazardous work. Against a total recovery of Rs. 1,06,00,000, actual collection has been Rs. 3,66,200 only including Rs. 20,000 of the current year.

Including 134 cases of pre-1996 period, a total of 416 prosecutions have been launched under the Child Labour Act. Only 15 of these have been decided so far – 3 in conviction and 12 in acquittal. 401 cases are pending.

### **BONDED LABOUR**

No detection of bonded labourer has been made in 2003-04 (upto 12 March 04). The pending list of 482 included 4 cases of Jaunpur pertaining to 2000-01. Actual verification led to tracing of 2 of them and their rehabilitation has been completed in 2003-04 as intimated by the Labour Commissioner. 9 bonded labourers belonging to District Azamgarh were detected in this district in 2000-01. Their rehabilitation has also been completed.

### **SONEBHADRA**

6 children have been withdrawn from hazardous and 32 from non-hazardous jobs in this district in 2003-04. With this the total

number of children withdrawn after the survey of 1996-97 from hazardous work comes to 406 and non-hazardous 372.

373 children of hazardous and 224 of non-hazardous category have been admitted to schools. Of the remaining 181 children, 135 belong to migrant families. As such, only 46 out of a total of 778 children withdrawn from work have not been admitted to schools.

The number of affected families in respect of 406 children withdrawn from hazardous work is 361. 287 (79.5%) have been rehabilitated. 3 families have refused to take any assistance and 60 are migrant families. As such, only 11 families remained to be rehabilitated.

156 RCs were issued against 222 employers in respect of 406 children withdrawn from hazardous occupations. Actual recovery against the total amount of Rs.48,20,000 has been Rs.1.09.500 only. In the last review, the number of RCs issued was reported as 149 and the actual collection was Rs. 1,13,000. How it has fallen to Rs. 1,09,500 with issue of 7 more RCs needs to be explained.

#### **BHADOI**

The review was made in a meeting held with Shri Onkarnath Misra. DM Bhadoi when ADM, Bhadoi, Shri R.K. Arya, SP Bhadoi, Shri Ashok Kumar Singh, Smt. Munju Sonkar, District Welfare Officers, Shri RC Pandey, Project Director, DRDA and Sarju Ram, Assistant Labour Commissioner, Bhadoi were also present. 6 NGOs involved in the running of the NCLP schools also attended this meeting.

39 children were withdrawn from hazardous and 20 from non-hazardous work in this district in 2003-04 (upto March 13,

2004). This brings the total number of children withdrawn to 655 from hazardous and 195 from non-hazardous categories. The statement received from the Labour Commissioner, UP, this gives a figure as 666 and 195, respectively.

558 out of a total of 655 children withdrawn from hazardous work belong to migrant families. Of the remaining 97, one child died and 96 have been admitted to schools. In the non-hazardous category all the local children have been admitted to schools.

The number of affected families in respect of 655 children withdrawn from hazardous work is 653. 557 of them are migrant families. Of the remaining 96, 32 are reported to be already employed, 20 have refused to take any assistance and 8 are untraceable. All the remaining 36 families have received rehabilitation grant.

224 RCs have been issued for recovering Rs. 86,80,000 from 294 employers in respect of 655 children withdrawn from hazardous work. Actual recovery has been Rs. 1,96,313 including nil in the current year. In fact, no recovery was made in 2002-03 also.

The information furnished by the Labour Commissioner is found to be at variance with what has been collected from the district.

**PROSECUTIONS**

Only 3 prosecutions were launched under the Child Labour Act in this district in 2003-04. 62 cases were decided in this period (upto 29 Feb. 2004), all in acquittal. 762 cases are pending. In 2003 also, 2 cases were decided, both in acquittal.

## NCLP SCHOOLS

20 NCLP schools of 50 students each are being run by 6 NGOs in this district. Girls numbering 653 constitute 65.3% of the total children. SC representation is 26.3%, OBC 59.5% and minorities 8.7%. Representation of general category (5.5%) is rather high in this district. The first session, which had started in 1999 ended in July 2002 in which 613 children out of a total of 1000 passed V examination and were admitted to VI class. 387 children had to be admitted to class V. As such, the purpose of accelerated primary education was not satisfactorily achieved. Salaries and stipends have been paid upto Sept. 2003. Grant has now been received for the period ending March 2004. I visited 3 schools and made the following observations:

1. **NCLP School Matethu** - This school was stated on 1.6.2002 by the Jan Kalayan Samiti with 18 boys and 32 girls. It is rightly sited in the area of concentration of carpet looms. This NGO has been given 5 schools. 45 students out of 50 were found present. The school does not have a lady teacher. Vocational training is being given to girls in tailoring and boys are being trained in carpet weaving. Quarterly medical check up is being conducted regularly. 8 to 10 children are found to be suffering from poor eye sight. One case of T.B (RaniKumari d/o Ranganath) and one of epilepsy (Ranjita d/o Sankatha Prasad) have been detected. Their treatment needs to be monitored by the Project Director.

2. **NCLP School, Makanpur** - This school is being run by the Lok Sewa Sansthan. It was started on 1.6.2002 with 19 boys and 31 girls. This NGO has been given 4 schools. One girl died of dog bite in December 2003. Vocational training is being imparted in embroidery to 16 girls and carpet weaving to 10/12 boys. 48 children were present. Medical check up was conducted on 27 September 2002, 11 March 2003, 28 July 2003 and 10.10.2003. No medical check up was conducted after October, 2003. Only one case of eye-ailment trouble was detected and the CMO had assured that specs would be provided to Prakash s/o Bansu. This needs to be pursued. Salaries and stipends have been paid upto September 2003.
3. **NCLP School, Kolharh** - This school was started on 1.6.2002 with 15 boys and 35 girls. 47 students were present. Attendance rate is 90 plus. There has been no dropout in the last session. Vocational training is being imparted in tailoring. Medical Check up was conducted in March, August and November 2003 and on 3.3.04. One eye camp was also held.

### **BONDED LABOUR**

19 bonded labourers including 17 children were identified and released in 2003-04. All of them were migrant labourers from Bihar. No case of rehabilitation in this district is included in the list of 482 pending rehabilitation. A case of detection of child

bonded labourer figured in the review meeting. A representative of the Bachpan Bachao Andolan (BBA) complained that release certificates have not been issued in respect of 7 child labourers released from the loom of one Shafi s/o Irshad in village Kurena Nai Bazar, although an FIR was lodged in PS Kotwali Bhadoi, the same day. The released children were sent to Bal Vikas Ashram, Allahabad on that very day. DM Araria was asked to take up their rehabilitation but no rehabilitation certificates were sent to him. The children were sent to Areria from Bal Vikas Ashram on 20.10.2003. The release certificates are to be issued by the SDM, Bhadoi, Shri BP Khare. The matter was discussed with the D.M. who rightly feels that the SDM has to see these children and record their statements. The ALC was instructed to arrange it with the help of NGO concerned.

#### MIRZAPUR

7 bonded labourers were identified and released in this district in 2003-04 upto 12 March against 27 in 2002-03. Since all of them were migrant labourers, they left for their native places. In the last year's review, 7 pending cases of rehabilitation were mentioned for which the rehabilitation grant was released. ALC, Mirzapur informed that only 3 of them could be traced and were accordingly rehabilitated. Financial grant in respect of the remaining 4 needs revalidation. Three of them, namely, Ramesh Kumar s/o Sunaru, Junarati s/o Ishaq and Kashi Ram s/o Hari Ram could not be contacted at their own addresses but are now reportedly present. The fourth Naresh s/o Munni Lal had received the cheque but could not encash it due to illness. The Treasury Officer has expressed his inability to renew the cheques as the liability has already been incurred. The matter has been referred to



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the Labour Commissioner on 9.2.2003 with the request that rehabilitation may be taken up this year. Rehabilitation of one local bonded labourer Dhari Lal s/o Basant Lal Bind, village Pahari released on 5.11.03 has been completed.

### **CHILD LABOUR**

Only one child has been identified and withdrawn from hazardous occupations/processes in 2003-04 (upto 12 March, 2004). 33 children have been identified and withdrawn from non-hazardous jobs during this period. With this, the total number of children withdrawn from hazardous and non-hazardous work in this district since the survey of 1996-97 is 151 and 204, respectively.

107 children out of 151 of hazardous category have been admitted to schools and of the remaining 44 were migrant children. As regards the children withdrawn from non-hazardous work, 155 out of 204 were admitted to schools, 47 were migrant children and only 2 remain to be rehabilitated educationally.

The number of affected families in respect of hazardous category was 142. 101 families have been rehabilitated, 3 were already employed, 2 have refused and 36 were migrant families. As such, no case is pending.

78 RCs have been issued against as many employers for collecting a total amount of Rs. 29 lakh. Only Rs. 1,09,545 have been collected till now with nil collection during the period of review.

## PROSECUTIONS

A total of 612 prosecutions have been launched under the Child Labour Act in this district, including 571 of pre-December, 1996 period. Only 41 prosecutions have been launched after 10.12.1996 till 12 March 2004. 316 cases have been decided – 10 in conviction and 306 in acquittal. 2 cases were decided in the period of review, both in acquittal. 296 cases are pending in courts. Shri Sabharat Singh, DM, Mirzapur informed that special efforts are being made to clear the back-log and Friday and Saturday have been fixed as court days for Child Labour cases.

## NCLP SCHOOLS

National Child Labour Project was started in Mirzapur in 1999 with sanction of 20 schools of 50 children each. Only 949 children – 454 boys and 495 girls could benefit from the project. The project period ended in June, 2002 with 844 out of a total of 949 children mainstreamed to class VI. (89%). The project was continued and 17 out of 20 schools were started for the next session in July 2002. These schools were earlier being run by 6 NGOs. It was noticed during last review made on 13 March 2002 that all the schools were taken away from the NGOs and were being run by the Project Society headed by the DM. Huge arrears of salaries to staff and stipend to children were noticed at the time of the review. The supplementary nutrition programme was also found suspended. I personally brought all this to the notice of the DM, who was already in the picture and was in fact responsible for this mess. I also drew the attention of the Labour Commissioner to this sorry state of affairs. Although the duration of these schools has now been entrusted to 20 NGOs, the financial mess created during the period when the schools were run by the Society is yet

to be cleared. It was learnt that salaries to staff have been paid only upto March 2003 and stipends to children upto November 2002, whereas the grant from the Govt. of India was received upto September 2003. Rent for the hired buildings has not been paid after March 2003. As regards the supplementary nutrition programme, it has remained suspended for a considerable period and as such, the whole matter needs to be audited. I was given to understand that this situation was caused by a short-fall in the funds received from the Government of India. Although no definite opinion can be given without a detailed examination of the Project accounts, it appears that money received from the Govt. of India under salary head and for supplementary nutrition programme was kept undisbursed and the amount was reflected as liability incurred in the utilization certificate furnished to the Union Labour Ministry. The Union Labour Ministry seems to have released grant on the basis of actual expenditure, ignoring the amount ear-marked for incurred liabilities and as such the total grant received fell short of the actual requirements. The DM Mirzapur was requested to examine the whole issue personally and take up the matter with the Union Labour Ministry immediately for sorting out the pending liabilities. Delay would only complicate matters further besides causing demoralization of the staff and students because of non-payment of salaries and stipends.

A total of 1000 children are now studying in these schools. Girls numbering 622 constitute 62.2% of the total. Representation of SCs, OBC and minorities is 23.4%, 52.3% and 14.6 %, respectively. The schools have been sited properly and the selection of beneficiaries seems to be fair. I visited three schools and made the following observations:

1. **NCLP School, Majhwa** - This school was started on 7.7.2002 with 11 boys and 39 girls. It was given to an NGO, Gramin Udhyanmiti Sansthan, Varanasi on 1.1.2004. Absence rate is found to very high ranging from 10 to 15 %. Vocational training is being imparted to only 12 girls in stitching and embroidery. The peon (a widow) employed since April, 2003 has no idea of her salary as she has received no payment till date. There is no record of any medical check up of children.
2. **NCLP School, Katka** - This school with 11 boys and 39 girls was entrusted to Yuva Gram Vikas Samiti, Varanasi on 1.1.2004. Shri Ajay Kumar Singh, Secretary was present. He is making sincere efforts to improve the quality of instruction and the management of the schools. Attendance rate (above 95%) is good. Medical check up is being carried out regularly by the PHC Dr. L.B. Sharma. The Medical register shows that 2 students Kumari Phool Kumari d/o Dhana Lal and Kumari Suman d/o Udaipal were found suffering from breathlessness. The ALC was instructed to arrange their fresh check up and treatment. Parents' meetings are being held regularly and self-help group of mothers have also been formed. Vocational training was till now being imparted to 14 girls only. Boys are now being taught envelope-making.
3. **NCLP School, Pachevra** - This school started with 21 boys and 29 girls was entrusted to NGO "Sarthak", Varanasi on 1.1.2004. Absence rate 8-10 % needs to be controlled. No medical check up was conducted in 2003. An ANM had visited the school for medical check up on

2.12.03 and 10.3.04. Vocational training is being imparted to 15 girls in stitching. Candle making is being introduced for boys. The deficiencies of health cover were brought to the notice of Dr. M.A. Sidique, CMO, who was present in the meeting held at Bhadoi. The ALC was advised to request the CMO to arrange eye check up of all the children.

## ALLAHABAD

### CHILD LABOUR

22 children have been withdrawn from hazardous and 171 from non-hazardous work in 2003-04 (upto 29 Feb. 2004). With this, the total number of children withdrawn from hazardous and non-hazardous work in this district since the survey of 1996-97 comes to 7,007 and 789, respectively.

555 children of hazardous category were migrant children. All the remaining i.e. 6452 have been admitted to schools. Educational rehabilitation of children withdrawn from hazardous work has thus been cent percent in this district. As regards the children withdrawn from non-hazardous work, 63 out of a total of 789 were migrant children. Of the remaining 726 children, 682 (94%) have been admitted to schools.

The number of affected families in respect of children withdrawn from hazardous work is 5146. 1114 (21.6%) have been rehabilitated. Of the remaining 4032, 1290 are already rehabilitated, 2091 are unwilling and 538 are migrant families. As such, only 113 families remain to be rehabilitated in the district. This was brought to the notice of the DM.

546 RCs have been issued against 486 employers in respect of 7007 children withdrawn from hazardous work for recovery of Rs. 5,01,60,000. Actual collection has been Rs.3,24,324 only which includes Rs. 30,000 of the period of review. RCs worth Rs. 4,80,000 were issued against 5 employers from the period 1.4.03 to 29.2.04.

### **BONDED LABOUR**

A total of 13 bonded labourers were identified and released in this district in 2003-04 upto 29 February 2004 against 62 in 2002-03. All the released bonded labourers were migrant child labourers. 5 child bonded labourers were released on 29.4.2003 from the looms of Jaishankar Yadav and Phool Chand Pal in Handia Tehsil. This followed a complaint received from 'Child Line', Allahabad and 'Bal Vikas Ashram', Karaon. These children belong to district Palamu, Jharkhand, DLC, Allahabad forwarded the release certificates to the DM, Palamu vide his letter No.6377-81 dated 6.5.03 requesting for their rehabilitation. One child labour was rescued from the loom of Shri Balram, Village Kevai, PS Handia on 10.7.03. He belonged to district Palamu and the DM, Palamu was informed accordingly and a copy of the release certificate also sent to him vide DLC, Allahabad's letter No. 12734-38 dated 17.7.2003. Six child labourers of Samastipur, Bihar and one of Katihar, Bihar were rescued from the loom of Rajaram Maurya, village Ramnathi Tehsil Handia on 15.9.03. The release certificates have been forwarded to the DMs concerned by the DLC with the request for taking up their rehabilitation.

In the review report of the last year, 4 pending cases of rehabilitation of released bonded labourers of Allahabad were mentioned. The DLC informed that the rehabilitatory grant for all of them was received but only 2 of them have been rehabilitated. The other 2 have left the district and the money returned to the HQs.

#### **PROSECUTION**

A total of 472 prosecutions have been launched in this district under the Child Labour Act after 10.12.96. 12 prosecutions were required to be launched during the period of review. However, prosecutions have actually been launched against 2 employers and proceedings are pending against 10 in view of the Govt. Order dated 29.8.03 regarding the abolition of Inspector Raj. It is a matter of concern that only 28 cases have been decided in this district after 10.12.96 with not a single one ending in conviction.

#### **NCLP SCHOOL**

National Child Labour Project was started for this district in June, 1999 with sanction of 40 schools of 50 students each. 2000 children – 1009 boys and 991 girls were imparted accelerated primary education in 40 schools run by 24 NGOs from May/June 2000 to June 2003. A total of 1459 students passed class V examination (72.9%). In the next session of the Project, 21 schools were started on 1.10.03, one on 1.11.03 and 4 on 1.1.04. 22 NGOs are now involved in the running of these schools numbering 26. A total of 1288 children – 494 boys and 794 girls are receiving the benefit of these schools. The representation of SCs, OBCs and minorities is 50.7%, 44.9% and 9.6%, respectively. Schools have

been carefully sited in the areas of concentration of carpet, bidi and stone crushing workers. I held a meeting with the representatives of all the NGOs in the presence of the DM, Dy. Basic Education Officer and the Dy. CMO. The representatives of the NGOs expressed satisfaction with the functioning of the Project Society. Salaries and stipends have been paid upto the month of January 2004. I visited three schools and made the following observations

1. **NCLP School, Koraon** - This school was started with 12 boys and 38 girls by the Social Action and Research Centre (SARC) on 1.1.2004. Ms. Aparna, Treasurer of the Society was present. 42 children belong to OBC and 7 to SC categories. 42 of them are muslim children. While the selection of beneficiaries is fair in view of their connection with bidi-making families, some cases of over age were spotted. 3-4 girls appeared well over 14 years. Absence rate (5 - 10%) needs to be controlled. Supplementary nutrition programme is running efficiently. Medical check up is yet to be arranged. The present location and accommodation is not suitable. I was informed that the school is being shifted to a new location. The NGO is taking active interest in generating general awareness among the children's families and working for their economic and social upliftment.

2. **NCLP School Ganne (DERA) Shankargarh Block** -

This school was started on 1.10.03 with 10 boys and 40 girls by 'Adivasi Mahila Evam Bal Vikas Kalyan Samati'. Smt. Sushila Tiwari, General Secretary was present. 48 students belong to SC category. Absence



rate (5-10%) needs to be controlled. The school is rightly sited in the locality of stone-crushers. The NGO has provided books and stationery to all the students. SNP programme needs improvement. Medical examination has not been conducted so far. Vocational training is being imparted for 2 hours daily to 21 students. The school is having problem of drinking water, which is being experienced in the village also as all the 3 tube-wells of the village are under repair. This was brought to the notice of the D.M., Allahabad.

3. **NCLP School, Roompheri** - This school, being run by NGO "Sanklap", was started on 1.1.04 with 50 students - 33 girls and 17 boys. While the school has been sited rightly in the KOL inhabited area notorious for bonded labour, selection of children is found to be faulty. Quite a few under-age children (below 6 years) could be seen in the class. Vocational training has not been started. Attendance register is not being maintained properly. More than 50 children were actually seen, a few of them in 4 to 6 years age group. Supplementary Nutrition Programme was started only from the day of visit. Some biscuits were brought for distribution to the children. The Field Officers, responsible for this school, has been negligent in the performance of his duties. The Project Director does not seem to have exercised any control over this school.

'Sanklap' is a reputed NGO well recognized for its dedicated work among the KOLs. It has been

given one more school in the Shankargarh area. I am sure, if these difficulties are brought to the notice of the office bearers of the organisation, things would improve.

#### GENERAL

I have been monitoring the Bonded Labour and Child Labour situation in UP regularly since 1998. I have found the UP Government, especially the Labour Commissioner and the District Labour officers very cooperative and interested in making their contribution to the elimination of these evils. Figures of detection and the follow-up action have always been found satisfactory. This year's review presents an exceptionally good picture of rehabilitation of bonded labourers released in previous years going back to 1999 for which credit goes largely to Smt. Anita Bhatnagar Jain, Labour Commissioner, UP and Shri Manohar Lal, D.G. (Welfare), Ministry of Labour, Government of India.

There is something disturbing revealed by this year's review. Identification, release and rehabilitation of children employed in hazardous occupations has suffered a serious set back from a single line directive issued by the Government on 29 August, 2003, declaring the end of the 'Inspector Raj' in the State. The directive issued under signatures of Smt. Neera Yadav, Principal Secretary Labour was addressed to all Principal Secretaries, Secretaries, Divisional Commissioners, District Magistrates, Heads of all Departments and the Labour Commissioner UP. This, inter-alia, had the effect of suspension of all visits/raids at factories and establishments to detect presence of child labourer as part of obligation under the Child Labour Act. A similar blanket ban

imposed in UP three years back was later lifted on Commission's advice and the Inspectors appointed as such u/s 16 of the Child Labour Act were allowed to visit the factories and establishments for this purpose. This time, the only relaxation accorded in the directive issued vide Govt. order dated 17.9.2003 refers to inspection of factories which are using hazardous and inflammable substances to be undertaken with the permission from the competent authority. The routine checking of child labour which has been very effective in UP under the watch of the NHRC, especially in the carpet belt, since 1996-97 is reported to have been totally stopped after the receipt of the Govt. directives. Commission may like to examine the legality of this order and remind the State Govt. about its obligations under the Child Labour (Prohibition and Regulation) Act, 1986.

C Lal  
 (Chaman Lal)  
 Special Rapporteur  
 14.5.2004