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Report of Shri Chaman Lal, Special Rapporteur, NHRC on his visit to Jalandhur and Chandigarh from 7 – 9 March, 2004 to review the Bonded Labour and Child Labour situation in Punjab

As desired by the Commission, I visited Chandigarh and Jalandhur from 7 to 9 March 2004 to review the Bonded Labour and Child Labour situation in the State of Punjab for the year 2003-04. The last such review was made by Justice Dr. K. Ramaswamy, former Member, NHRC on 31 January 2001 with the assistance of the undersigned.

The Review meeting was held in the chamber of Mrs. Gill Principal Secretary, Labour, Punjab and was attended by Shri Jaspal Singh, Labour Commissioner and his senior colleagues. Shri Jaspal Singh gave a brief account of the Bonded Labour and Child Labour situation in the State following the Supreme Court's intervention in the matter in 1996. The following broad picture emerged from the presentation and ensuing discussion:

BONDED LABOUR

Punjab is one of the 13 (now 16) States identified as Bonded Labour-Prone areas by the Union Ministry of Labour. Its incidence is particularly noticed in agricultural sector under a traditional system called "seri" which was specifically abolished by the Bonded Labour System (Abolition) Act 1976. Another prominent

area of existence of bonded labour in the State is the brick-kiln industry depending largely on migrant labour from Bihar, and Jharkhand. Although a number of studies conducted by NGOs and academic institutions have confirmed from time to time the existence of this evil in Punjab, the State Govt. has been consistently denying its presence in Punjab. This stand was taken by Dr. B.C. Gupta, Principal Secretary, Labour in the last review meeting taken up by Justice K. Ramaswamy, former Member. However, the Member rejected the contention in view of regular receipt of complaints by the Commission and gave specific directions for the enforcement of the Bonded Labour Act in Punjab.

Vigilance Committees

The Labour Commissioner confirmed that mandatory Vigilance Committees were constituted in all the 17 districts and 67 sub-divisional headquarters on 20.2.199 and duly notified in the Punjab Govt. Gazette. Mandatory representation of scheduled-casts and scheduled tribes on these Committees has been ensured in accordance with the provisions of Sec. 13 of Act. A high-power screening committee for dealing with rehabilitation of released labourers was also constituted on 8.1.97.

The Commission had observed that Vigilance Committees are not meeting regularly and there has been no detection of bonded labourers anywhere in the State at their instance. The Labour Commissioner informed that all the DMs have been instructed again to hold quarterly meetings of the Vigilance Committees and involve Panchayatraj Institution in identification of bonded labour in their respective areas.

The Principal Secretary Labour was informed that the Commission has suggested to many other States, such as UP, Bihar, Rajasthan, etc. that Divisional Commissioners should be involved in ensuring that the instructions issued by the Govt. to the DMs in this regard are complied with and the Vigilance Committees are made effective in their functioning.

Identification, Release and Rehabilitation of Bonded Labourers

A total of 141 bonded labourers have been identified in Punjab till date with the following details:

Sl.No.	Year	No. of Bonded Labour Identified	District
1.	1999	65	Jalandhur
2.	2000	4	Ferozepur
3.	2001	71	Kapurthala
4.	2004	1	Ferozepur

Rehabilitation of identified bonded labourers does not seem to have been taken with due seriousness as would be clear from the status of identified cases.

1. All the 65 bonded labourers identified in 1999 in Jalandhar were provided release certificates and FIRs were registered against their employers. The Central share of Rs. 6.5 lakh under the Centrally Sponsored Scheme was released by the Govt. of India on 12.12.2001 relaxing the normal requirement of confirmation about the provision of the matching share in the State Budget. It is shocking to observe that the amount received from the Govt. of India has been lying undispersed for over 3 years now. It is obvious that the State Govt. has not bothered to release its share till now. The report received from the Labour Commissioner, Punjab says that the whereabouts of only 21 out of a total of 65 labourers are presently known. The report does not say anything about their economic status. This is a clear proof of the truth of the observation made by the Supreme Court a number of times that the released bonded labourers will have no option but to fall back in bondage if they are not promptly rehabilitated.

2. 4 bonded labourers identified in District Ferozepur in 2000 were issued release certificates and provided the State share of Rs. 10,000 each. The Central share is awaited in their cases. It appears that the Govt. of India is not releasing any more grants without obtaining utilization certificates in respect of the amount provided earlier. Since mere cash disbursement cannot be taken as economic rehabilitation under the Centrally Sponsored Scheme formulated in the light of the directions given by the Supreme Court in 1994, rehabilitation of these persons is also to be treated as pending. The case registered against the employer is still pending and the DM Ferozepur has now been asked to inform the status of this case. The Labour Department has not been monitoring the progress of prosecution cases under the B.L. Act.

3. 71 bonded labourers identified in district Kapurthala in 2001 were freed and an FIR was registered against the defaulting employer. No steps seem to have been taken for their rehabilitation under the Centrally Sponsored Scheme in spite of the fact that the State Govt. recognizes them to be victims of the bonded labour

system. No information could be furnished about the progress of the case against the employer.

4. There has been no detection of bonded labourers in the State in the year 2002-03. One bonded labour was identified and got released in Ferozepur in the current year (2003-04). A case has been registered against the employer. The Labour Commissioner informed that the Department is releasing the amount of Rs. 20,000 for the rehabilitation of this person in anticipation of receipt of grant from the Centre/State.

SURVEY ON BONDED LABOUR

The Government of India has sanctioned an amount of Rs. 10 lakh for conduct of survey on bonded labour in the districts of Amritsar, Jalandhar, Ludhiana, Patiala and Bhathinda. It is a matter of satisfaction that the survey work is being entrusted to agencies like Ambedkar Centre, Punjab University and the Centre for Rural and Industrial Development who have been questioning the contention of the Punjab Govt. that the State is free of the evil of bonded labour. It is hoped that the survey reports will bring out the truth in the matter. The Labour Commissioner informed that the Govt. of India has been approached for including Hoshiarpur also in the survey scheme in view of widespread reports of

allegations of bonded labour in the area. This had also figured in the workshop on bonded labour organised by the NHRC at Chandigarh in November 2003.

The Govt. of India has also offered a grant of Rs. 10 lakh for awareness generation. Principal Secretary, Labour was advised to make use of the offer and launch an awareness campaign by holding workshops & seminars and using media for spreading the message.

CHILD LABOUR

Punjab is considered a Child Labour Prone State with widespread reports about the employment of children in sports goods industry concentrated at Jalandhar. Jalandhar, Ludhiana and Amritsar have been identified as sensitive districts from the viewpoint of child labour. As a result of the survey ordered by the Supreme Court in December, 1996, a total of 28,644 factories/shops and commercial establishments were covered. These included 2193 hazardous establishments. The survey led to detection of 3614 children working in 1681 establishments. Only 91 children were found to be working in hazardous establishments.

Although all the children were disengaged from work, no steps seem to have been taken for admitting them to formal or non-formal system of education. As per the directions of the Supreme

Court, the affected families were required to be economically rehabilitated by offering job to an adult member of the family or depositing Rs. 5,000 per child in the Child Labour Rehabilitation-cum- Welfare Fund of the district concern. A report received from the Labour Commissioner, Punjab shows that only in 21 cases out of a total of 91 the families were traceable. One able body adult member of each family was encouraged to take benefit of the self-employment schemes for Govt. but nothing was actually done because of their insistence on being provided Govt. jobs. The Government did not deposit Rs.5,000 per child in respect of these 21 cases also to the Child Labour Rehabilitation-cum-Welfare Fund, which has been constituted in all the 17 districts of Punjab.

Show-cause notices for recovery of Rs. 20,000 per child from employers were issued in all the 91 cases as directed by the Supreme Court. In 85 cases, the employees have contested their liabilities. 20 cases have so far been decided, all in favour of the employers. Only a sum of Rs. 1,20,000 out of a total recovery of 18,20,000 (6.6 %) has actually been recovered till the date of review. This amount has been used to create the corpus for the Child Labour Rehabilitation-cum-Welfare Fund without any supplementary grant from the State Govt.

There has been no repeat to detection of child labourers employed in hazardous occupations/processes in Punjab after the initial survey of 1997 ordered by the Supreme Court. In the year 2001-02, 2925 inspections were carried out and 17 violations of Child Labour (Prohibition and Regulation) Act 1986 were detected and 20 prosecutions were launched. 2005 inspections were conducted in 2002-03. No details of prosecution have been furnished. However, a statement received from the Labour Commissioner, Punjab shows that a total of 65 cases under the Child Labour Act have been decided during the period 1999-2003. 44 of these ended in conviction and 21 in acquittal. A total fine of Rs. 68,000 was realized. The statement does not show whether any imprisonment was awarded nor does it give any indication about the pendency.

NCLP SCHOOLS

3 districts of Punjab – Jalandhar, Ludhiana and Amritsar are covered under the National Child Labour Project of the Govt. of India.

I visited Jalandhar on 7/8 March, 2004 to see the functioning of the NCLP schools. 27 NCLP schools were sanctioned for rehabilitation of 1350 child labourers detected in sport goods industry as a result of special survey 1997. Shri Inderjit Singh,

ALC, Ludhiana who remained associated with the establishment and functioning of these schools until his recent transfer from Jalandhar briefed me about the background of the project. A UK-based an NGO called Christian Aid Society had conducted a survey in 1997 and reported that 25,000 to 30,000 children engaged in Sports Goods Industries at Jalandhar, which was contested by the sports goods manufacturers The State Govt. requested Shri V.V. Giri National Labour Institute, Noida to conduct an independent survey which was sponsored by ILO and Federation of Indian Chamber of Commerce and Industry (FICCI). The Institute reported that the sports goods industry Jalandhar was employing 1350 full-time and 8650 part-time child workers. The Government of India sanctioned a National Child Labour Project for Jalandhar to open 27 schools to accommodate 1350 children. These schools were opened in September 2000 and entrusted to the following NGOs:

1. Rotary Club, Jalandhar	15
2. Sports Goods Foundation of India, Jalandhar	4
3. INTUC, Jalandhar	2
4. Democratic Trade Union Centre, Jalandhar	1
5. Rashtria Khet Majdoor Union, Jalandhar	1
6. Nehru Yuvah Kendra Sangthan, Jalandhar	2
7. District Youth Services, Jalandhar	2
Total	27

Since all the children were reported to have been found employed in home-based establishments, no steps were considered necessary to prosecute the employers and provide economic rehabilitation to the affected families in accordance with the directions of the Supreme Court given on 10.12.96 in MC Mehta Vs. State of Tamil Nadu. It is worth noting that while this survey had clearly brought out engagement of 10,000 children in sports goods industry, which is considered a hazardous occupations/processes, the survey of 1997 ordered under the directions of the Supreme Court gave nil report in respect of district Jalandhar.

The project started in the month of September 2000 with 27 schools and a total of 1350 students. Girls accounted for 44 % of the total number of 1350 students. 76.81 % of children belonged to schedule castes, 9.92 % to OBC and only 13.27 % to the general category. 1016 students were in the age group of 9 to 10 and 389 in the age group of 11-14. The dropout rate is 11.61% considered rather high but can be explained by the fact that a number of children belonged to migrant families of UP, Bihar and MP who left for the native states in mid-session.

I had a meeting with the representatives of the NGOs/Agencies running these schools. It was also attended by Shri M.S. Kanth, Additional DC as DC Jalandhar Chairman of the

project was out of station on that day. I explained the components of the NCLP emphasizing its feature providing accelerated primary education in 3 years instead of 5. I could see that most of the NGOs/Agencies were not clear on this basic point. Even the organizers had doubts, which were clarified. The project in Jalandhar has completed 3 years in September 2003 but so far only 148 students have passed 5th standard examination and 114 of them have been streamlined into formal system of education. 34 were found unwilling for further study. 316 children have taken examination of 5th standard in February 2004 and the result is awaited. Even if all of them pass, only 34.3 % of the total of 1350 will be considered to have completed primary education in 3 years and 6 months. The Project authorities and the NGOs/Agencies running the schools were not aware of the fact that fresh beneficiaries are required to be selected after completion of 3 years.

All the schools are being run in afternoon from 3-7 pm in the buildings of the Govt. Primary schools, which close around 2 O'clock. The visit to some of these schools revealed that the actual school time in winter cannot be longer than 2 hours. It is difficult to believe that the goal of accelerated primary education can really be achieved under such half-hearted arrangements. The school timings

are also seen to have affected the usefulness of the supplementary nutrition programme, which has been provided in the Project in the form of a mid-day meal to the poor children withdrawn from work.

The interaction with the representatives of NGOs and organizers was found very useful in assessing the actual functioning of these schools. There was unanimity about the school timings being inconvenient and insufficient. It was also alleged that the head masters of the Govt. Primary schools are not very cooperative in making the school buildings available for NCLP schools at 3 PM. The Addl. DC promised to ensure proper arrangements. Among those present was Shri Mohan Singh Saehdeva, Advocate a member of the State Monitoring Committee constituted by the Govt. of Punjab. He pointed out that there has been no meeting of the Committee after its 1st meeting held immediately after its constitution in September 2001. This was brought to the notice of the Labour Commissioner, Punjab in the meeting of 9 January and he promised the Committee would soon be revived.

NCLP schools have been sanctioned for Ludhiana and Amritsar. 40 schools each are being run in these districts, which brings the number of total children benefiting from NCLP in Punjab to 5350.

Accompanied by Shri Ramesh Behl, Additional Labour Commissioner, Shri SP Singh, Assistant Labour Commissioner and Project Manager, NCLP Jalandhar and Shri Inderjit Singh, ALC, Ludhiana and former Project Manager, I visited six NCLP schools. Following observations were made:

1. NCLP schools , GPS Basti Mithu – This school is being run by the Sports Goods Foundation of India. Mrs. Prem Kumari, MA.B.Ed. is functioning as Principal and being paid by the organisation. 4 schools having a strength of 50 each have been clubbed to form 2 schools of 100 each. The schools have been rightly sited and the beneficiaries are the children of families working in Sports Goods Industries. Actually 185 students – 90 male and 95 female are presently attending these schools. At Basti Mithu, 104 students are held. 81 were found present at the time of visit. Perusal of attendance register confirmed absence rate of around 10%, which is very high. Vocational training is being imparted to 10 boys and 5 girls in stitching only. Although medical camps are reported to have been held, individual records of medical check up are not being maintained. Children are being provided dalia, kheer, dates, biscuits or fruits as

supplementary nutrition. Payment of salaries and stipends is found to be regular.

2. **NCLP school, Bati Peeradad** - The school is being run by the Rotary Club, West Jalandhar. The school was started in September 2000 with 100 students – 60 girls and 40 boys who were detected as employed in Sports Goods Industry. The school has been rightly sited in the area of concentration of the rubber goods industry. 32 students are shown in class 1st and 11 in line after the Project has completed more than its sanctioned term of 3 years. This clearly indicated that the requirement of accelerated primary education in 3 years period has not been understood and followed in this district. Amazingly such a serious flaw has remained unnoticed by the Union Labour Ministry, which kept extending the financial sanction. The rate of mainstreaming has been extremely poor. Vocational training is being provided to 7 boys and 6 girls in stitching, knitting and embroidery. Medical camps are being held regularly every quarter under the arrangements of the Rotary club. One case each of Polio, diabetes, TB and ENT have also been detected and follow up is in progress. It was heartening to note that plastic

surgery is being arranged for a child to remove a deformity. The initiative of the Rotary club in improving the personal hygiene of the students by supplying them a set of tooth brush and nail cutter is commendable. However, the supplementary nutrition programme needs a little improvement. Nutritious food like dalia should be included in the weekly menu.

3. **NCLP School, Basti Sheikh** - This school run by the District Youth Service was started in September 2000 with 50 children - 27 boys and 23 girls. There have been 3 cases of drop out. Attendance rate (above 95 %) is good. Supplementary nutrition programme needs improvement. Medical check up is being carried out every six months and follow up is satisfactory. Although the school has exceeded by 6 months the sanctioned term of 3 years, it is still holding 12 children in class I, 20 in class II and 7 in class III. The requirement of accelerated primary education in 3 years time has not been followed. Vocational training is being provided to only 7 girls and 3 boys in embroidery, stitching and making of paper flowers. Mainstreaming has been unsatisfactory.

4. **NCLP School, Model House** - This school is being run by INTUC. It was started on 15.9.2000 with 21 boys and 28 girls. There has been no dropout. Supplementary nutrition is being provided with great interest and in a imaginative manner. Children are given biscuits or some other snacks as they arrive around 3 PM and receive a glass of hot milk after about 2 hours. Medical Check up is not being done regularly. Vocational training is being provided to 13 students of class 5th only. Teacher-Parents' meeting is a regular feature.

5. **NCLP school, Khambra** - This school is being run by Nehru Yuva Kendra. It was found closed at 6.30 PM. However, the teachers along with some students living next to the school building could be detected. The school was started in September 2000 with 29 boys and 21 girls. Only 8 have till now passed class V. Mainstreaming has obviously been poor. Supplementary nutrition programme is not being run properly. Vocational training is being imparted to 20 children in knitting. Medical Officer from the PHC is visiting regularly for health check-up. This was the only school where the salary has not been paid after December 2003 although

the grant has been received and released to the organisation. The second school of this organisation at Khurla Tingre was found closed at 6.20 p.m. Performance of this organisation cannot be considered satisfactory.

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(Chaman Lal)
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