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Review of Bonded Labour and Child Labour situation in Punjab
(7 to 9 Feb. 2005)

As directed by the Commission, I have carried out a review of the Bonded Labour and Child Labour situation in Punjab in a meeting held at Chandigarh which was preceded by a visit to Child Labour Schools in Amritsar. The meeting was held at Punjab Bhawan, Chandigarh on 9th February 2005. It was attended by Mrs. Harsimrat, IAS, Principal Secretary, Labour & Employment, Shri Som Parkash, IAS, Labour Commissioner, Punjab and Shri Charanjit Singh, Labour-cum-Conciliation officer, Labour Department. The last review of Bonded Labour and Child Labour situation in Punjab was made in March 2004. The report was considered by the Commission on 6.5.04 and forwarded to the Chief Secretary, Punjab demi-officially by the J.S on 28.5.04. The Action Taken Report was received vide letter No. 4/2/99-IL (a)(b)2/510 dated 27.1.05 from the Principal Secretary, Deptt. of Labour and Employment, Government of Punjab. It leaves most of the points raised in the review report unanswered or casually dealt with. This would become clear from the report.

Mrs. Harsimrat, Principal Secretary, Government of Punjab started the meeting by explaining the constraints of the Government of Punjab to comply with the Commission's and the Supreme Court's directions regarding the rehabilitation of the released bonded labourers. It was difficult to understand why clear cut directions of the Supreme Court regarding the rehabilitation of the released bonded labourers can not be implemented even after receiving the requisite financial grant from the Ministry of Labour, Government of India.

Shri Som Parkash, Labour Commissioner presented the status of Bonded Labour and Child Labour situation in Punjab since the last review. The following broad picture emerged from his presentation:

BONDED LABOUR .

Incidence of Bonded Labour

While the Principal Secretary, Labour and Labour Commissioner, Punjab did not make any comment about the 'Seri' system commonly practiced in Punjab, they admitted employment of migrant labour against the payment of huge advance at the Brick-kilns. However, both asserted that the workers are receiving minimum wages and as such the provisions of the Bonded Labour Act are not attracted.

Vigilance Committees

Mandatory Vigilance Committees are in place in all the 17 districts and 67 Sub Divisional HQs. In response to the Commission's observations that these Committees are not meeting regularly, fresh instructions have been issued to all Deputy Commissioners on 28 July 2004 to hold regular quarterly meetings of the Vigilance Committees and involve Panchayati Raj Institutions in identification and rehabilitation of bonded labourers in their respective areas. The Labour Commissioner was requested to confirm whether these instructions are being complied with and the Vigilance Committees are meeting regularly as instructed. However, no definite information was received on this count. It was promised that District-wise

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statement of meetings of Vigilance Committees held after July 2004 would be furnished to the Commission.

Identification, Release and Rehabilitation of Bonded Labourers

There has been no detection of bonded labourers in Punjab after the last review. In the last review meeting, cases of rehabilitation pending since 1999 were discussed. It is distressing to note that there has been no change in the situation. In the last review, identification of 141 bonded labourers in four incidents during the period 1999 to 2004 was mentioned. The Labour Commissioner now informed that actually 142 cases of bonded labourers have been identified in five incidents in the State till now. All pertains to 1999 to 2004 period. Only in one case involving identification of four bonded labourers in Ferozepur in 2000, the State's share of Rs. 10,000 each was paid. In another cases involving 108 bonded labourers, (65 of 1999 in Jalandhar, 42 of Kapurthala in 2001 and one of Ferozepur in 2004), the Central share of Rs. 10,000 each has been received but is lying undisbursed with the Government. The State has not released its matching share of Rs. 10,000 each; nor has it released the amount received from the Government of India for disbursement to the released bonded labourers. In the remaining 30 cases of 2001, details of bonded labourers are not available as the identified labourers are reported to have left for their native places without the knowledge of the District Administration.

The Labour Commissioner informed that there has been no detection of bonded labourers in Punjab as a result of the efforts of the Vigilance Committees. However, he admitted regular receipt of complaints alleging employment of bonded labourers in various Districts. Out of a total of 204 complaints received by the Department, 171 have been investigated, only 5

of these have led to identification of 142 cases of bonded labour explained above. The remaining 33 complaints are still under investigation. He mentioned that in one of the cases of bonded labour a writ filed by an NGO (Civil Writ Petition No.7105 of 1999 Jai Singh vs. State of Punjab) against the State Government was dismissed by the High Court. This was projected as mark of satisfaction of the High Court with the steps taken by the State Government to implement the Bonded Labour System (Abolition) Act 1976.

The Supreme Court of India in its order dated May 2004 in a civil writ petition No. 3922 of 1985 (PUCL vs. TN and others) has directed the States/UTs to chalk out a detailed plan for rehabilitating the released bonded labourers either by itself or with the involvement of two philanthropic organizations or NGOs with proven track-record. The plan was required to be submitted to the Supreme Court by November 5, 2004. These directions do not seem to have been complied with by the Government of Punjab.

The Government of Punjab has received a grant of Rs. 10 lakhs from the Union Labour Ministry for survey of the bonded labourers in 5 Districts namely Amritsar, Jalandhar, Ludhiana, Patiala and Bhatinda. Two reputed agencies namely Centre for Research in Rural and Industrial Development (CRRID) and Ambedkar Centre Punjab University, Chandigarh have been engaged to conduct survey in these districts. The CRRID has just submitted a report for the district of Patiala which is being examined. The Labour Commissioner stated that the results of these surveys would be finalized by 31.3.05 and a report giving the gist of the surveys will be sent to the Commission.

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In the last review, the Principal Secretary, Labour Punjab was advised to make use of the offer made by the Union Labour Ministry regarding Awareness Generation Programme costing Rs. 10 lakh which is totally funded by the Govt. of India. No steps have been taken so far to make use of this offer and undertake the much needed awareness generation programme in Punjab which remains notorious for employment of bonded labour under the Seri system as well as at the Brick-kilns. As per the Commission's records, as many as 384 complaints have been registered in the Commission during the period 1.4.2001 to 31.3.2004. 379 of them were taken up for inquiry.

CHILD LABOUR

Punjab is considered a Child Labour Prone State with widespread reports about the employment of children in Sport Goods Industries, concentrated at Jalandhar. Ludhiana and Amritsar have also been identified as sensitive Districts from the view point of Child Labour. In the last review meeting the results of the survey ordered by the Supreme Court in December 1996 were discussed. A total of 28,644 factories/shops and commercial establishments were covered by the survey. These included 2193 hazardous establishments. The survey led to detection of 3614 children working in 1681 establishments. The largest chunk numbering 1906 were found working in Brick-kilns followed by 936 in Hotels, Restaurants, Dhabas and Tea-stalls. These jobs including the work at Brick-kilns were considered non-hazardous occupations/processes at that time. Only 91 children were detected from hazardous establishments. This included 63 in Textile and 10 in construction work. Surprisingly no detections were made from the Sport

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Goods Industries. The follow-up in accordance with the directions of the Supreme Court was examined in the last meeting. It revealed that no steps were taken to admit the withdrawn children to formal or non-formal system of education. Only 21 out of a total of 91 affected families were traceable. None of them was found willing to take benefit of the Self Employment Scheme (SES) and as such the Government did not deposit Rs. 5000 per child in respect of these 21 cases in the Child Labour Rehabilitation-cum-Welfare Fund which was constituted in all the 17 Districts of Punjab. Show Cause notices for recovery of Rs. 20,000 per child from the offending employers were issued in all the 91 cases as directed by the Supreme Court. The review revealed that a total recovery of Rs. 1,20,000 was made in six cases only. In 85 cases, the employers have contested the orders of recovery. 20 cases were decided till the time of the last review, all (informers) ^{in favour} of the employers. The Labour Commissioner informed that there has been no change since then

There has been no detection of child labour employed in hazardous processes/occupations in Punjab after the initial survey of 1997, ordered by the Supreme Court. However, violations of the provisions of Child Labour (Prohibition) & Regulation Act 1986 in regard to the non-hazardous categories are being regularly detected. During the years 2000 to 2004, a total of 15,316 inspections were carried out and a total of 62 prosecutions were launched. Adding the backlog of 30 prosecutions pending from the period before 2000, a total of 92 cases were put up for prosecution. 62 cases have ended in conviction (fine only) and 21 in acquittal. An amount of Rs. 1,41,300 has been collected as fine. In the year 2004, 4269 inspections were carried out and 23 prosecutions were launched. Including the backlog from

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the previous year, a total of 60 cases were under prosecutions. 31 were decided – 26 in conviction (fine only) and 5 in acquittal. 29 cases were pending as of 31 December 2004. A total amount of Rs. 1,10,800 was realized as fine in 2004. The Apex Court's directions regarding the obligations of the employers to arrange the non-formal education of children working in non-hazardous occupations/processes remain unimplemented in Punjab, as in most other States.

NCLP SCHOOLS

Three Districts of Punjab – Jalandhar, Ludhiana and Amritsar are covered under the National Child Labour Project launched by the Union Labour Ministry in 1987. I had visited NCLP schools of Jalandhar last year. I visited Amritsar on 7th February 2005 to see the functioning of the NCLP Schools.

The results of the survey of 1997 conducted in Punjab under the directions of the Supreme Court show detection of a total of 932 child labourers in Amritsar. This included 60 working in hazardous occupations/processes. Amritsar's contribution (60) to the total detection of 91 child labourers was the largest in the State. However, the status report of NCLP Amritsar mentions detection of 1986 child labourers engaged in different occupations/processes. This was the basis of the sanction of a Child Labour Project to run 40 schools of 50 students each in Amritsar. These schools were opened in September 2001 and allotted to 23 NGOs. The project period in respect of these schools was to expire in September 2004. However, the students were made to appear in the Fifth Class

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examination in February 2004 as per the schedule of mainstream schools. 1074 students of 36 schools appeared in the examination and 650 passed the Fifth standard. Out of these, 440 students have been mainstreamed. The performance of 15 special schools was found to be very poor. The Deputy Commissioner-cum-Chairman of the NCLP Amritsar cancelled these 15 special schools on 24.5.04. This step does not seem to have been taken after careful thought. What was required was to withdraw the schools from the NGOs whose performance was bad and make alternative arrangements. Instead, the targeted beneficiaries have been penalized.

Presently, 25 schools are being run in Amritsar against the sanction of 40. The dropout rate of some of the schools is found to be very high. The school run by Inner Wheel Club (South) recorded dropout of 26 students in 2001, 40 in 2002 and 28 in 2003. Three schools run by Textile Mazdoor Ekta Union recorded a total dropout of 31, 79 and 35 in 3 years. The school run by the National Educational Welfare Society, Amritsar at Shaheed Udham Singh Nagar also recorded a dropout of 20 students. The largest dropout was reported from S.B.S. Memorial and Educational Society which recorded 50 dropout in 2001, 50 in 2002 and 50 in 2003. In the current session, a total of 1221 students are attending 25 schools with sanctioned strength of 1250. SCs account for 68.7%, OBCs 25% and others 6.2% of the total strength. Girls numbering 660 account for 54% of the total strength. Age-wise selection of beneficiaries is good. 430 students are in age group of 8-10 year, 516 in 10-12 years and 275 in 12-14 years.

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I visited 4 schools and made the following observations:

Inner Wheel Club (South): The school has been rightly sited in the Child Labour Prone area and beneficiaries (45 from SCs and 2 from OBCs) have been carefully selected. 10 students are in Class I, 12 in III and 28 in V. The V Class students are presently taking annual exams. The attendance rate in Class I and III is poor. Only 6 students each were found present. Salaries and stipends have been paid up to September 2004. Vocational training does not seem to have been taken with due seriousness. No record could be produced although the Instructor said that knitting classes are being run. Health cards are not being maintained. No regular medical check up has been done, although an eye camp was held in 2003 and health camp in September 2004.

NCLP School Majitha Town : This school is being run by Textile Mazdoor Ekta Union which has been given three schools. The school has been sited in an area where children are normally employed in agriculture and on shops. 43 students are attending Class II and 7 Class V. In class II, only 18 students were found present. Average daily absence rate (15 to 20%) is high. Dropout rate also found to be very high. Supplementary Nutrition Programme (SNP) is not being run properly. Students are getting items like Veg. Parties, Samosa and sometimes only Biscuits. Not much concern has been shown to the nutritional needs which can be met much better within the sanctioned scale of Rs. 5 per child per day. 10 boys and 7 girls are attending vocational training in embroidery and Bookbinding trades. Health care does not seem to have received any significant attention.

Results of mainstreaming are now very poor. In the last session, 37 students had appeared in Class V and only six passed.

NCLP School Mustafabad: This school is being run by Sinner Wheel Club (Main) comprising a group of Doctors' wives one of the office bearers Mrs. Sukhwant Narender Singh, a well known child specialist of Amritsar was present. The school has been rightly sited in an area notorious for employment of children. 27 girls and 23 boys are attending class II (30), III (11) and V (9). 42 students were present at the time of visit. SNP is being run excellently. Students are getting items like bread-butter, dalia, kheer and milk with fruit. The results of mainstreaming in the last session were good. Out of a total of 43 students who took Fifth class examination in March 2004, 42 passed and were mainstreamed. 11 are now taking V class examination. In an eye camp arranged by the NGO, 2 children were identified for supply of spectacles which were provided. However, regular health check up is not being done.

NCLP School Subhash Nagar: This school is being run Tej Prakash Public Welfare Society. The school has been rightly sited in child labour prone area. In September 2001 to March 2004 duration of the project, 38 students cleared class V examination. Presently 50 students - 17 girls and 33 boys are attending class II. Daily average attendance (45) needs improvement. 8 girls are being imparted vocational training in embroidery and 10 boys in stitching. SNP is running efficiently. Children are getting nutritious items like dalia and khichri. Health care has received no attention.

I shared my observations with the DM, Amritsar Kirandeep Singh. He was requested to sort out the matter relating to cancellation of 15 schools by his predecessor and see whether these schools could be started now as the targeted beneficiaries are available. It would not be fair not to pay salary to the staff and stipend to students for the period up to the date of cancellation of the school. This should be looked into and the Union Labour Ministry should also be informed of the action taken.

The D.C. was also requested to issue clear orders for the initial medical examination of all the children and periodical visits by the M.O. from the nearest P.H.C to the NCLP schools. He appreciated the suggestion that a weekly schedule of supplementary nutrition should be prepared and enforced in all schools. Milk could be made an essential item of SNP for 3-4 days in a week. I have no doubt the D.C. would take personal interest and improve the running of the National Child Labour Project in his District.

Chaman Lal
22/2/05

(Chaman Lal)
Special Rapporteur
22.2.05