

Report of Shri Chaman Lal, Special Rapporteur on his visit to Varanasi, Bhadoi, Mirzapur, Allahabad and Kanpur from 2-7 September 2005

As directed by the Commission, I have visited Varanasi, Mirzapur, Bhadoi, Allahabad and Kanpur from 2-7 September 2005 to review the Child Labour and Bonded Labour situation in UP with focus on the Districts of the carpet-weaving belt. This periodical review by the NHRC has been mandated by the Supreme Court of India vide its order dated 11.11.97. District-wise review were carried out at Varanasi, Bhadoi, Mirzapur and Allahabad in meetings held with the District officials associated with these issues. Asstt. Labour Commissioner, Jaunpur was called to attend the meeting at Varanasi and Deputy Labour Commissioner Sonbhadra attended the meetings held at Mirzapur and Bhadoi. District Magistrates Mirzapur and Bhadoi attended the Review meetings of their districts. D.M. Allahabad deputed ADM Allahabad to represent him as he was busy in some other meeting. No representative of the DM, Varanasi was present in the Review meeting since the DM was away on training and the C.D.O holding his charge stated that he was not aware of the meeting fixed for 2nd September. Separate meetings were held with the NGOs working in the field of Child Labour at Varanasi, Bhadoi, Allahabad and Mirzapur.

The State Level Review of the Child Labour and Bonded Labour situation was made in a meeting held in the office of the

Labour Commissioner, UP at Kanpur on 7th September, 2004. The meeting was attended by Shri Sharda Prasad, Labour Commissioner, Shri U.P. Singh, Deputy Labour Commissioner, HQs, Shri R.K. Shukla, Labour Enforcement Officer (Bonded Labour), Shri S.K. Sinha, Welfare Supdt. (Child Labour) and Shri R.A. Sharma, Welfare Supdt. (Bonded Labour). The last review of the Child Labour and Bonded Labour situation in UP with focus on the Carpet-weaving Belt was made in my visit to this region from 12-16 March 2004. Another brief review was done at Kanpur in a meeting with the Labour Commissioner and Sr. Officers of the Labour Department on 5-6th November 2004. The reports of both the Reviews were considered by the Commission and sent demi-officially to the Chief Secretary, UP, by the JS on 23rd June 2004 and 16th March 2005 respectively. The Action Taken Reports from the Government of UP are still awaited. However, the ATR in respect of the First Report (March 2004) has been sent to the Principal Secretary, Labour, UP by the Labour Commissioner, UP. This formed part of the agenda of the current review meeting. Action on most of the observations/recommendations was found to have been completed. The pending matters will be mentioned at appropriate places in this report.

The Review presents the following picture of the Child Labour and Bonded Labour situation in UP for the period from 1.1.2004 to 30.6.2005.

BONDED LABOUR

Vigilance Committees

The last review made in November 2004 had revealed that the Vigilance Committees have been constituted at all the 70 District HQs and 292 out of a total of 297 Sub Divisional HQs. There has been no change in the situation as the Vigilance Committees are yet to be constituted at the Sub Divisional HQs Chakia and Sakaldiah (Distt. Chandoli), Kannauj Cantt. (Distt. Kannauj), Gautam Budh Nagar Cantt. and Zevar (Gautam Budh Nagar). The Labour Commissioner has been regularly reminding the State Government about the constitution of these Vigilance Committees. (The Labour Commissioner UP has informed vide his letter No. 4245/B.L (NHRC)/05 dated 22.9.2005 that Government notification in respect of constitution of these committees has been issued on 20.9.2005).

As mentioned in the last review report, the Government of UP was ordered by the Supreme Court on 5.5.04 in Writ Petition (Civil) No. 3922 of 1985 – PUCL vs. State of Tamil Nadu and others to confirm constitution of the Vigilance Committees in all the Districts and the Sub Divisional by 5th November 2004. The State was also required to file the reply by the said date regarding formulation of a detailed plan for rehabilitated and released bonded labourers either by itself or with the involvement of the NGOs. The Review revealed that the State Government has not filed the affidavit (till 7 September 2005).

Identification, Release and Rehabilitation of Bonded Labourers

The State Government was commended in the last report for having cleared all the pending cases of rehabilitation. The Labour Commissioner, UP took special interest in arranging the Central and State Government share for rehabilitation of 398 bonded labourers identified and released till 31.3.04.

55 bonded labourers were identified and released in 2004-05 - 15 in Allahabad, 4 in Mirzapur and 36 in Aligarh. All of them were migrant labourers who went back to their native districts. Necessary action for their rehabilitation under the Centrally Sponsored Scheme from that end was duly initiated.

In the year 2005-06 (till 31.8.05), 224 bonded labourers have been identified in the State as a result of the surveys carried out using funds released by the Union Labour Ministry. 81 of them were migrant. 143 belong to UP and were required to be rehabilitated in the State. 7 of them have already been rehabilitated.

During the period 1996-97 to 2005-06, a total of 2778 bonded labourers were identified and released in UP. This includes 55 (all migrants) relating to 2004-05 and 224 (81 migrants and 143 locals) relating to 2005-06. District-wise details of identifications relating to 2005-06 are as follows:

Allahabad

- 11

Ferozabad	-130
Bhadoi	- 62
Banda	- 1
Fatehpur	- 20

A total of 1053 released bonded labourers belonging to UP were required to be rehabilitated in the State. 32 bonded labourers of UP were received from other States and were required to be rehabilitated in UP. This gives a total of 1085 bonded labourers required to be rehabilitated. 120 of them have either died or become untraceable or have refused to take any assistance. Of the remaining 965, 790 have actually been rehabilitated. The position of the balance

Physical verification of 107 has been completed and they are available in Aligarh (64), Muzafarnagar (26), Baghpat (5), Allahabad (1), Banda (1), Bhadoi (10). A total amount of Rs. 21.40 lakh (Central and State share of Rs. 10.70 lakh each) is required. The Central share of Rs. 10.70 lakh has been released and is being disbursed to the Districts concerned. As part of the State share, Rs. 8.00 lakh have been released and allotted to the Districts concerned.

68 bonded labourers are required to be rehabilitated at places other than the place of their identification. This requires physical verification of 18 of them in Urai (Jalun), 1 in Sonebhadra, 46 in Hamirpur and 3 in Hardoi. After the verification is completed, steps for their rehabilitation will be started. The Labour Commissioner

assured that rehabilitation of these persons would be completed shortly.

The rehabilitation of the released bonded labourers is receiving good attention from the Labour Commissioner and his team of enthusiastic officers as before.

Funds to the tune of Rs. 10 lakhs were received for survey of bonded labour in October 2001 but actually made available towards the end of 2003. The Survey was taken up in the Districts of Mirzapur, Allahabad, Kannauj, Meerut and Gautam Budh Nagar. Although the results of this Survey were not satisfactory, (only 7 bonded labourers were identified in Mirzapur), a saving of Rs. 6.02.291 was effected. It is worth appreciating that the Labour Commissioner, UP has, after obtaining permission from the Union Labour Ministry, used Rs. 6.00 lakh out of the saved amount for carrying out similar surveys in 4 Districts namely Sidharth Nagar, Basti, Bhadoi, Sonbhadra and Banda. These surveys have resulted in detection of 63 bonded labourers -- 62 in Bhadoi and 1 in Banda. It is proposed to take up the survey of bonded labourers in District Chitrakoot, Varanasi, Kaushmbi, Ferozabad and Kanput City in this

year. Financial assistance is being sought from the Union Labour Ministry.

The Government of UP had received a grant of Rs. 10 lakh for awareness generation. The grant has been utilized carefully and efficiently on Radio/TV programmes, Publication of a Booklet on Bonded Labour, Staging of Nukkad Nataks etc. as per the guidelines of the Ministry of Labour and Utilisation Certificate has been submitted to the Government of India.

A grant of Rs. 5 lakh was received from the Government of India for Evaluation Studies in Varanasi, Chitrakoot, Mathura, Mirzapur and Sonebhadra. Studies were conducted by Giri Vikas Adhyan Sansthan Lucknow (Varanasi and Chitrakoot), Academy of Management Studies Lucknow (Mathura) and the Institute of Tourism Studies, Lucknow University (Mirzapur and Sonebhadra). A summary of the findings of these surveys received from the Labour Commissioner, UP in December 2004 was discussed in the Review meeting. The common findings of these studies listed below will be found revealing in understanding the phenomenon of bonded labour in UP.

Magnitude of the Study

Name of the District	Number of rehabilitated Bonded Labourers whose particulars were furnished to the Institute	Number of Rehabilitated Bonded Labourers detected and interviewed
Mathura	10	7
Chitrakoot	65	40
Varanasi	21	18

Mirzapur	105	68
Sonebhadra	142	100
TOTAL	343	233

- Almost 100% of the released bonded labourers have rural background. Over 80% of them are landless labourers.
- Most of the released bonded labourers were employed as agricultural labourers.
- Indebtedness was the pre-dominant ^{cause} case of bondage.
- Representation of SC,ST and OBC classes ranges from 83% (Varanasi and Mirzapur) to 100% (Mathura). Mulims constituted 12.9% of the total number.
- The level of illiteracy was found to be ranging from 65 to 81%.
- Proportion of released bonded labourers enjoying the facility of drinking water was 47% in Mathura, 39% in Varanasi, 47.07% in Mirzapur and 81% in Sonebhadra.
- Availability of electricity was 4.41% in Mirzapur, 13% in Chitrakoot, 44% in Varanasi and 95% in Sonebhadra. Evaluation report on Mathura conducted by the Academy of Management Study, Lucknow is silent on this aspect. Even otherwise findings of Mathura study —one 7 released members, six belonging to one family cannot be considered very reliable.

- The average monthly income before release was Rs. 250 to Rs. 300. It is seen to have doubled after rehabilitation.
- Over 90% have denied any problem of harassment with the erstwhile employer.
- All the released bonded labourer were detected as bonded labourer at stone quarries, carpet looms or brick kilns.
- Assistance under the Centrally sponsored scheme was provided wholly in cash in three Districts namely Sonbhadra, Varanasi and Mathura in contravention of the guidelines issued by the Union Labour Ministry.
- Findings are general and vague about benefits provided to the released bonded labourers under Indira Awas Yojna and other Social Security and Welfare Schemes. This aspect has been covered properly only in studies in Sonbhadra and Mirzapur.
- ✓ • Although a number of rehabilitated bonded labourers stated that there has been a qualitative improvement in their life, it is not supported by the information about their monthly average income which is less than 3000 per family with an average size of six members.
- Influential persons of the community mentioned that prosecution of employers of bonded labourers has remained neglected. They have also expressed the need for increase in the rehabilitary grant.

Prosecution

A total of 231 prosecutions have been launched under the Bonded Labour System (Abolition) Act 1976 since 1996-97 (up to 30th June, 2005) 155 of these pertain to the Districts of the Carpet Belt. Mirzapur tops the list with 64 followed by Allahabad (32) and Bhadoi (30). Only 6 cases have been decided so far - all in acquittal. Prosecution has been totally ignored in the past and has only recently been considered necessary. The Labour Commissioner, UP was requested to send full details of pending prosecutions giving the date of identification and release of bonded labour, date of FIR, date of filing of charge-sheet, name of the Court and present status of the case. This will be helpful in effectively monitoring the prosecution of offenders.

CHILD LABOUR

As mentioned in my last report on visit to Kanpur on 5-6th November 2004, the identification of Child Labour has totally stopped in UP following the issuing of a single line directive by the Government on 29th August 2003 declaring the end of the "Inspector Raj" in the State. However, the Government has modified its order in

December 2004 and allowed inspections of Factories and Establishments on receipt of specific information about violation of labour laws after obtaining permission from the competent authority. This does not seem to have helped the situation at all as regards Child Labour. While the interaction with the NGOs at various places gave me to understand that the employment of children in both hazardous and non-hazardous categories has shown substantial increase during the last 2-3 years, which was also supported by figures of detection till August 2003, the detection of Child Labour is practically Nil in the State after the said directive came into force. The situation has undergone no change since the issuing of the revised instructions. During the period 1.4.2004 to 31.3.2005, only 4 children were identified employed in non-hazardous occupations/processes in the entire State. Detection in respect of hazardous category was Nil. In the current year (1.4.05 to 30.6.05), 30 children have been identified employed in hazardous (Carpet-weaving) in District Bhadoi in the entire State. With this, the number of children identified in UP since the Survey of 1997 ordered by the Supreme Court comes to:

Hazardous	- 29752
Non-hazardous	- 35997
Total	- <u>65749</u>

Educational Rehabilitation of Detected Children

24261 out of a total of 29752 children identified in hazardous occupations have been admitted to Formal or non-Formal System of

Schooling. This gives a fairly satisfactory percentage of 82.7%. In the non-hazardous category, it comes to 89.2%. Excluding the number of children belonging to migrant families, (8210), only 797 out of a total of 65749 that is 1.2% have not been admitted to Schools. Although the picture can be described as too good to be true and does not take into account the actual retention of these children in Schools after enrolment, with the efforts of the Labour and Education Department, the overall situation of education of identified child labourers in the State has certainly shown some improvement during the period of review.

Economic Rehabilitation of Affected Families

The number of affected families in respect of total detection of 29752 children employed in hazardous work (till 30 June 2005) is 24233. Of these, only 4962 that is 16.67% have actually been provided some rehabilitation in compliance with the directions of the Supreme Court. Of the remaining, 7384 families have been shown as already rehabilitated, 5441 unwilling to take assistance available under the Normal Schemes and 5662 migrant families. This leaves a balance of 784 families which need rehabilitation. It is worth mentioning that the number of families awaiting rehabilitation was 2303 in the last Review made in March 2004. A number of pending cases of rehabilitation are reported to have been cleared during the period of Review.

Recoveries from Offending Employers

The number of employers involved in the total detection of 29752 children in hazardous work is 10,741. 7877 prosecutions have been launched against the employers since the First Survey of 1996-97 ordered by the Supreme Court. 7176 R.Cs have been issued for recovering a total amount of Rs. 32,40,60,000. 1471 R.Cs have been stayed by the Court, 1406 have been quashed/returned. A total amount of Rs. 1,03,49,632 has been collected which includes Rs.8,29,783 collected after the last Review (March, 2004). The total collection in the Districts of the Carpet Belt is Rs. 15,38,164 (14.86%). The statement received from the Labour Commissioner, UP shows that a total of Rs. 14,00,06,225 is recoverable against R.Cs which have neither been stayed nor quashed/returned. The number of these R.Cs could not be furnished. Special efforts need to be made to settle these R.Cs which have not been contested and are pending execution. The Labour Commissioner was advised to write to the D.Ms in this connection.

Prosecution

A total of 10916 prosecutions have been launched under the Child Labour Act till 30th June 2005. This includes 3039 of pre-December 1996 period. A total of 2213 of these have been decided so far - 369 in conviction and 1844 in acquittal. This gives a conviction rate of 16.67%. However, the conviction rate during the last two,

years has been nearly zero percent. A total of 8703 cases are pending trial.

NCLP Schools

The National Child Labour Project was initially extended to three Districts of UP viz Aligarh, Ferozabad and Varanasi in 1988-89. It was further extended to Allahabad, Moradabad, Khurja (Bulandshihar), Mirzapur and Bhadoi in 1999. Saharanpur and Kanpur city were brought under this project in 1999-2000 and Azamgarh in 2001. However, the Child Labour schools were actually started in Aligarh and Ferozabad in 1995-96 and at other places from March 99 onwards after the NHRC started monitoring the Child Labour situation.

A total of 496 Schools against a sanction of 530 were in operation in 11 Districts at the time of last review in March 2004. The number of children attending these schools was 24,457. The number of schools has since gone up to 1089.

15 additional Districts (Agra, Bareilly, Gazipur, Jaunpur, Sonbhadra, Meerut, Ghaziabad, Mathura, Itawah, Mau, Rampur, Lucknow, Basti, Deoriah and Banda) were brought under NCLP in February 2004. 512 additional Schools have started functioning in these Districts. The survey work has been completed in Districts Basti and Banda and schools will be opened after sanction is received.

As the survey in the District Deoriah did not reveal any sizeable number of actual/potential child labour, the Labour Commissioner has proposed substitution of Deoriah with Bijnore. Decision from the Union Labour Ministry is awaited.

In October 2004, 21 more Districts of UP have been brought under the NCLP. These are: Fatehpur, Pratapgarh, Faizabad, Gonda, Lakhimpur Kheri, Sitapur, Behraich, Sravasti, Badayun, Unnao, Sultanpur, Barabanki, Rai Bareilly, Balrampur, Gorakhpur, Kushinagar, Maharajganj, Sidharthnagar, Hardoi, Muzafarnagar and Etah. Project societies have been formed in all the Districts. Funds to undertake survey have been received for 20 Districts (Rs. 4,58,500 each District). It is awaited only in respect of Etah. Survey of targeted beneficiaries has been completed in 14 Districts. Sanction to start the following Schools (50 students each) has also been received for the following Districts:

Fatehpur	- 39 schools
Pratapgarh	- 39 schools
Faizabad	- 44 schools
Lakhimpur Kheri	- 29 schools
Sitapur	- 30 schools

Sanction is awaited for the remaining 9 Districts. Survey is yet to be started in six districts namely Gorakhpur, Kushinagar, Maharajganj, Sidharthnagar, Hardoi and Muzafarnagar.

With the operationalisation of all the sanctioned projects, 47 Districts out of a total of 70 in UP will be covered under the NCLP to

benefit 54450 actual/potential child labourers. Out of a total of 1089 child labour schools now being run in 23 districts of UP, 347 have been brought under the Indus Child Labour Project.

INDO-US DOL PROJECT

Five districts of UP namely Moradabad, Ferozabad, Aligarh, Allahabad and Kanpur (City) have been selected for the INDO-US DOL Project which aims at complete elimination of the worst form of the child labour identified in these Districts. The project envisages detection of 4000 children in each District. 1000 children will be identified in the 5-8 years age group and mainstreamed by admission to formal or non-formal school for primary education under the Sarv Shiksha Abhiyan. 2000 child labourers identified in the age group of 9-13 years will be educated in 40 Transitional Education Centres (TEC) run on the NCLP lines. 1000 child labourers identified in 14-17 years of age group will be targeted for Employment Oriented Vocational Training.

The INDUS Child Labour Project is being operationalized under the overall monitoring by the State Level Committee headed by the Principal Secretary (Labour). Aligarh Muslim University, Lucknow University and the Govind Vallabh Pant Institute for Social Sciences Allahabad were engaged for survey in these Districts. The State Resource Centre has been established in the Office of the

Labour Commissioner, UP for the conduct supervision and direction of the project in five Districts.

The project has been operationalised on 1.9.2004 in Moradabad, Aligarh and Ferozabad and on 1.6.2005 in Allahabad and Kanpur (city).

In the age group of 5-8 years, a total of 17,985 child labourers have been identified in these Districts with girls (7009) constituting 38.97% of the total. 11,618 (64.59%) of these are non-school going children. 6598 out of them have been admitted to the Primary Schools.

In the 9-13 age group, a total of 30735 child labourers have been identified, 17,893 (58.20%) are non-school going children. The project provides for admission of 10,000 children to TECs (2000 each District). However, the actual number of children admitted to these schools are:

Aligarh	- 2685 children in 62 schools
Allahabad	- 2050 children in 41 schools
Ferozabad	- 5459 children in 114 schools
Kanpur (city)	- 1554 children in 40 schools
Moradabad	- 2768 children in 90 schools
Total:	- 14516 children in 347 schools

In the 14-17 age group, a total of 22,302 children have been identified. 17,313 that is 77.62% of them are non-school going children. 1250 children each have been finally identified in Aligarh, Allahabad, Ferozabad and Moradabad on the basis of Beneficiaries Targeting System (BTS) for Employment Oriented Vocational Training. Information in respect of Kanpur city has not been furnished. It has been planned to run Vocational Training Centres in the traditional sector in Districts Aligarh, Allahabad and Moradabad by the Project Society. Lock-making and Hardware have been decided for Aligarh, Sculpture, Carpet weaving, Motor repairing, Hand-pump repairing for Allahabad and Scanning. Pattern designing, Fabricating, Chipping and Emery work for Moradabad. Vocational Training Centres have been started by Dr. Reddy Foundation in IETS, Hospitality and CRS from June 2005 in Allahabad and Kanpur city only. The progress is certainly slow.

DISTRICT REPORTS

VARANASI

The Bonded Labour and Child Labour situation in Districts Varanasi and Jaunpur was reviewed in a meeting attended by the district officials and 32 out of a total of 33 NGOs involved in the running of NCLP schools in Varanasi.

CHILD LABOUR

Shri D.K. Kanchan, Additional Labour Commissioner, Varanasi and Shri D.K. Singh, Assistant Labour Commissioner, Varanasi presented the Child Labour situation. There has been no detection of child labour in hazardous or non-hazardous category in this district in 2004-05. The same situation continues in the current year. In the last review made on 12 March, 2004, detection of 31 children in hazardous and 31 in non-hazardous category was mentioned. The total detection in 2003-04 came to 69 in hazardous and 55 in non-hazardous category. With this, the total number of children withdrawn from hazardous and non-hazardous occupations/processes in this district since the survey of 1996-97 is 1703 and 711 respectively. 1092 children withdrawn from hazardous and 591 from non-hazardous category were admitted to schools. Of the remaining, 687 children belong to migrant families. As such, only 44 children out of a total of 2414 (1.8%) could not be admitted to schools. However, these figures cannot be accepted at face value, as it has not been ascertained as to how many of such children continued to study after they were admitted to schools by efforts of the district officials.

The number of affected families relating to the withdrawal of 1703 children from hazardous occupations/processes is 1583. Only 158 of these (9.28%) have been received some rehabilitatory assistance. 493 families were already having some employment, 270 are reported to have refused any help, and 593 families belong to migrant labourers. As such, 69 families remain to be rehabilitated.

805 RCs for collecting a total amount of Rs. 2,20,00,000 from 1187 employers at the rate of Rs.20,000 per child have been issued. The actual recovery is Rs. 3,99,152 (1.8%). Of this, Rs. 57,152 has been collected after the last review. 155 RCs have been stayed and 76 returned/cancelled.

A total of 941 prosecutions have been launched under the Child Labour Act in this district till 30 June, 2005. Of this, 94 pertain to pre-December, 1996 period. 235 of these have been decided till 30 June 2005 – 131 in conviction and 204 acquittal. 606 cases are pending in courts. The conviction rate of 55.74 % is commendable.

NCLP SCHOOLS

National Child Labour Project (NCLP) was extended to Varanasi in 1999 with sanction of 10 schools. 30 additional schools were sanctioned in 2001-02 and another 30 in 2005-06. A total of 70 schools of 50 students each are now sanctioned for this district. Presently, 40 schools holding 2000 students are being run by 33 NGOs. Girls (1197) outnumber boys (803). OBC account for 39.9 %, SC 21.5 % and minorities 38.1 % of the total strength of 2000 children with only 14 (7 %) belonging to general category. Since 1999, a total of 2500 children have benefited from these schools. 2480 (92.2 %) passed class 5th examination and 2310 out of them i.e. 93 % were main-streamed by getting them admitted to class 6th. Only 19 children have dropped out of 2500 initially admitted.

An important feature of the execution of the National Child Labour Project is the Life Insurance Cover arranged for 1748 guardians with annual premium of Rs. 100/-. Six of them died during

the period of the Project. Families of three of them have received the insurance premium. Three claims submitted on 29.3.05 to L.I.C. are being processed. Delay in submission of claims to the L.I.C. is noticed. While initiation is commended, the submission of claims should not have taken so long.

MEETING WITH NGOs

I interacted with the representatives of the NGOs involved in the running of NCLP schools. 32 out of 33 NGOs were represented. The interaction proved useful in identifying the following problems:

- a) **Delay in receipt of grant** -. The NGOs were unanimous about the delay in receipt of financial grant to run schools. This was also confirmed by visit to schools. Although no complaint was made, it was not difficult to feel the sense of unhappiness of teachers and staff who have not been paid wages since December, 2004. What makes it all the more objectionable is that the grant from the Union Labour Ministry has been received to clear all liabilities upto September, 2005. Detailed discussion with the Additional Labour Commissioner and the ALC revealed that a lot of time is taken in the DM office to process these cases. The delay can be seen from the following:

S.No.	Financial year	Date of receipt of grant from the Govt. of India	Date of release of grant to NGOs
1.	2002-03	Ist Instalment - 27.6.2002. 2 nd Instalment - 4.3.2003	2.9.2002 31.3.2003

2.	2003-04	1st Instalment - 10.11.2003 2 nd Instalment - 23.1.2004	27.11.2003 24.3.2004
3.	2004-05	1st Instalment - 14.7.2004 2 nd Instalment - 14.10.2004	8.11.2004 3.1.2005
4.	2005-06	1 st Instalment - 18.4.2005 2 nd Instalment - 30.7.2005	28.7.2005 Not yet

(b) **Health cover to NCLP schools** - Instructions have been issued by the D.M. assigning the responsibility to the nearest Health Centre for the periodical medical check up of the children attending the NCLP schools. The visit to the schools revealed that this arrangement is not functioning efficiently. This was also noticed during the last visit in March, 2004 and the D.M was requested to take remedial action. The situation seems to have deteriorated further. The Additional Labour Commissioner informed that the responsibility for medical check up is now being given to the Employees State Insurance Corporation (ESIC). Dr. Bina Singh, Medical Officer, ESIC was present in the meeting. She informed that health camps have recently been held at some schools. She was requested to arrange eye-check up of all the students attending NCLP schools in the district.

(3) **Opening of accounts in Post Office Banks** - Some NGOs expressed difficulties being faced in the opening of the accounts for disbursement of stipends. Additional Labour Commissioner was requested to bring it to the notice of the D.M., who is ultimately responsible for the efficient execution of the NCLP.

It was distressing to learn from the NGOs that the incidence of child labour is showing increase in both hazardous and non-hazardous categories. Children are still being employed in large numbers in family establishments engaged in Saree weaving. There is a visible increase in the number of children working in way-side hotels and automotive-garages.

I visited four NCLP schools of this district. My observations are given below:

1. NCLP School Jamapur Pindra

This school being run by Sarvjanik Vidayalya Samiti was started on 16.11.04 with 18 boys and 32 girls. 30 children belong to OBC, 7 to SC and 13 to Minority category. The school has been rightly sited in an area of concentration of carpet weaving, silk making and Brick-kiln industries. Selection of beneficiaries appears to be all right. There has been no case of drop-out. All the 50 students were present on the day of the visit. The average daily attendance is above 95%. Supplementary Nutrition Programme (SNP) is being provided as per a weekly menu drawn with a lot of concern. Children are being supplied tasty and nutritious food such as Khichri, Puri Subzi, Dalia, Halwa, Fruits and Egg. Although the accommodation is sufficient, the entire campus is poorly lit. Medical examination being neglected. There has been no visit of the Doctor since the schools was started. In the last session of 3 years, run at the

same place, the Medical Officer has visited only once. Vocational training is being imparted in pickle making and food preservation in a very half-hearted manner. Vocational training does not seem to have received proper attention. Honorarium to staff has been paid up to March 2005.

Since the children's accounts in Post Office/Bank have not been opened till now, stipend money released to the NGO has not actually been paid to the beneficiaries. This is objectionable. Shri D.K. Singh, ALC and Project Director informed that budget has been received from the Government of India up to September 2005. Funds will be released within 15 days.

2. NCLP School Basani, Baragaon

This school run by Yuva Gramin Vikas Samiti was started on 16.11.2004 with 21 boys and 29 girls. Shri Ajay Singh, Secretary of the organization was present. As many as 5 children dropped-out necessitating fresh admission. The school has been rightly sited in the area of concentration of Sari Industry and selection of beneficiaries (OBC: 8, SCs: 9 and Minorities: 33) is satisfactory. 46 students were present on the day of the visit. The daily average attendance is around 90%.

SNP is being run efficiently. Vocational Training needs more attention.

Medical examination of children was started from February, 2005. The Doctor has visited the school on 2.2.05, 27.7.05 and

31.8.05. However, no case requiring detailed examination and specialist treatment has been detected. The honorarium to staff has been paid up to March 2005. Although stipend money has also been released up to March, it has not been paid to the beneficiaries as their accounts in Post Offices/Banks are yet to be opened.

3. NCLP School Alaipur

This school run by Arpan Sanstha was started on 16.11.04 with 20 boys and 30 girls. Six girls dropped out necessitating fresh admissions. 6 children belong to OBC and 44 to Minority category which includes 26 girls. 46 children were present on the day of the visit. Daily average attendance is around 95%. All the students are made to sit in one room. Accommodation is insufficient. The school has been rightly sited in the area of concentration of carpet weaving and Brick-kilns labourers.

There has been no visit of the Medical Officer since the opening of the school. However, the health care is now being provided through arrangements of Employees State Insurance Corporation (ESIC). A Health Camp was arranged on 28.7.2005. Two suspected cases of TB (Safi Armal s/o Abdul Majeed and Ibrana Bibi D/o Udbudiin) were identified for X-ray examination. Follow-up has not been initiated. Vocational training is being imparted in tailoring. The Lady Instructor has identified about 35 children who are taking interest and have the potential to learn this skill. Stipend has been paid up to March 2005. It is commendable that the staff has

been paid honorarium up to July 2005, although the NGO has received Govt. funds up to March 2005.

4. NCLP School Bari Bazar

This school run by Gramin Udhyamita Sansthan was started on 16.11.04 with 29 boys & 21 girls.. Shri Sakal Narayan Maurya, General Secretary was present. The school has been rightly sited in a pre-dominantly minority area with concentration of carpet weaving families. The school is functioning from a Mosque premises and has been provided two Rooms and one Verandah. 48 children were present on the day of the visit. The daily average attendance is almost 100%. The NGC has paid honorarium to staff up to June 2005 although funds have been received up to March 2005. Stipend has been paid up to March 2005.

Vocational training is being imparted in tailoring and the Instructor has identified 15-20 children who can learn this skill. No Government Doctor has visited the school for medical examination. However, a Health Camp was arranged by ESIC. Two suspected cases of Asthma (Bimla and Parmeshwar) were detected. Follow-up action has not been initiated so far. This should be done now.

BONDED LABOUR

No bonded labourers were identified in this district during 2004-05 and 2005-05. 2 bonded labourers – Gehru s/o Sukhdev Mushar, village Belva Barepur and Ramesh Kumar Singh s/o Ram Prasad Singh, Dudrani Gali, Varanasi released in 2003 were to be rehabilitated as part of the pending cases and funds to the tune of Rs. 40,000 were received in March, 2004. The grant could not be disbursed before April, 2004. It is heartening to note that special efforts were made to locate the persons and obtain fresh sanction for their rehabilitation, which was effected on 27.4.05.

JAUNPUR**CHILD LABOUR**

Shri D.K. Kanchan, Additional Labour Commissioner, Varanasi presented the child labour and bonded labour situation in this district. There has been no detection of child labour in any category – hazardous or non-hazardous in 2004-05 and 2005-06 till date. A total of 743 children have been withdrawn from hazardous and 319 from non-hazardous in this district since 1996-97. The review revealed that there has been no change since the last review in terms of (1) admission of withdrawn children to schools, (2) rehabilitation of affected families and (3) execution of RCs. Only a sum of Rs. 5000 have been realised in April, 2005.

A total of 433 prosecutions have been launched under the Child Labour Act in this district till 30 June, 2005. This includes 134 of pre 10.12.96 period. Only 15 cases have been decided so far – 3 in conviction and 12 in acquittal. Only one prosecution was ordered in 2004-05 and one case was decided in the period of review (acquittal).

BONDED LABOUR

No detection of bonded labourer has been made in this district in 2004-05. 4 pending cases of rehabilitation were taken up in 2003-04. Only 2 were actually rehabilitated till the time of last review. The remaining 2 (Smt. Meladevi w/o Ram Chander, village Umri Pandepur and Shri Ramchander s/o Daya Ram, village Umri Pandepur) were also rehabilitated on 23.12.04 by getting the sanction re-validated.

SONEBHADRA

CHILD LABOUR

There has been no detection of child labour in hazardous or non-hazardous category in this district in 2004-05. This trend is continuing in the current year also. The total number of children withdrawn from hazardous work in this district since 1996-97 remains 406 and from non-hazardous 372 as before. 373 children out of 406

withdrawn from hazardous and 233 out of 372 withdrawn from non-hazardous were admitted to schools. After excluding the migrant families, all withdrawn children except 3 children of hazardous and 9 of non-hazardous category were admitted to schools. 11 out of a total of 361 affected families were shown awaiting rehabilitation at the time of the last review (March, 2004). Only one family out of these has been rehabilitated in 2004-05. Of the remaining 10, 4 have on verification been found to be migrant families and 3 have refused to take any assistance. As such, 3 families still remain to be rehabilitated in this district.

156 RCs were issued against 222 employers in respect of 406 children withdrawn from hazardous occupations. The actual recovery against the total recoverable amount of Rs. 48,20,000 is Rs.1,16,600 (2.4 %). Nil amount was recovered in the period of review. 8 RCs have been stayed by court and 84 quashed/returned.

A total of 386 prosecutions have been launched under the Child Labour Act in this district. This includes 200 of pre-Dec.96 period. Only 111 cases have been decided – one in conviction and 110 in acquittal. 27 cases pertaining to years 1993, 1997 and 1999 were decided in 2004-05, all in acquittal.

N.C.L.P. SCHOOLS

NCLP was extended to Sonebhadra district in Feb. 2004. A survey conducted during the period 15.7.04 to 14.8.04 identified 2282 potential child labourers in 5-8 years and 2124 in 8-13 years age-group. 23 NCLP schools of capacity 50 each were sanctioned on 20

April 2005. 20 schools were started in August 2005 with a total of 2000 children. Girls (496) constitute 49.6 % of the total number of children. OBC representation is 25.2 %, SC 34% and ST 34.6 %, 47 children belong to muslim community. There are only 15 children of general category among the beneficiaries. Schools are being run by 7 NGOs selected out of 115 that had applied.

BONDED LABOUR

There has been no detection of bonded labourer in this district during the period of review. No case is pending for rehabilitation.

BHADOI

The review was made in a meeting held in the Collectorate. It was attended by the DM, CMO, Basic Education Officer, CDO, Assistant Labour Commissioner and others. Representatives of Carpet Export Promotion Council (CEPC), Adikar Pariyojna and Care and fair were also present. Before this, a brief interaction with the NGOs earlier involved in the conduct of NCLP schools in the district was also held.

CHILD LABOUR

There has been no identification of children working in hazardous or non-hazardous occupations/processes in this district in 2004-05. However, 24 child bonded labourers have been identified in

this district in the current year in a special drive conducted from 1.4.05 to 30.6.05. With this, the total of children withdrawn from hazardous and non-hazardous occupations/processes since the survey of 1996-97 comes to 696 and 195 respectively.

96 out of a total of 696 children withdrawn from hazardous occupations were admitted to schools. 599 belong to migrant families. As such, only one child could not be educationally rehabilitated. In the non-hazardous category, 139 out of a total of 195 children were admitted to schools. All the remaining 56 belonged to migrant families.

The number of affected families in respect of 696 children withdrawn from hazardous work was 665. Only 36 of them (5.4 %) have been provided some rehabilitatory assistance. 576 among them are migrant families. 32 have already received some assistance and 20 have expressed unwillingness. As such, only one family remains to be rehabilitated. The D.M. assured that this will be done.

Only 227 RCs have been issued for recovering Rs. 89,80,000 from 296 employers in respect of 696 children withdrawn from hazardous work. 4 RCs have stayed by the court and 138 returned/cancelled. A total sum of Rs. 1,96,313 (21.8%) has been recovered with NIL recovery effected after the last review in March, 2004. The DM's attention was drawn to this obligation.

A total of 1656 prosecutions have been launched in this district under the Child Labour Act which includes 1430 relating to pre-December,96 period. 1324 cases have been decided so far – 174 in conviction and 1150 in acquittal. While this shows a conviction rate

of 13%, all the cases decided from 1.2.2002 onwards (301 cases) have ended in acquittal. Following a judgment of the Allahabad High Court, the Subordinate Courts are insisting on the proof of age determined through medical examination in each case which was earlier considered necessary as per the provisions of the Act only "if any question arises between an Inspector and a occupier as to the age of the identified child". The State Govt. has filed an SLP in the Supreme Colurt against this judgment which has made prosecution of offenders almost impossible because of the ease and promptness with which the employers are seen to be managing favourable reports from the competent authority.

NCLP SCHOOLS

National Child Labour Project was extended to District Bhadoi in 1999 with a sanction of 20 schools of capacity 50 each. 1000 children had attended the first phase of the Project (1999-02) and 1000 in the second (2002-05). While 613 had passed class 5th in the first phase, all the 1000 of the second phase cleared 5th standard. Information regarding the number of children admitted to 6th class has not been furnished by the district. Presently, 19 schools with a total strength of 950 children are being run since 1.6.05 in this district. Girls (609) constitute 64 % of the total. Class composition has also not been furnished.

NCLP schools were earlier being run by the NGOs in this district. Some of them were found to be highly motivated and

enthusiastic in their work. The Project Society has taken over the running of these schools since June, 2005. A marked deterioration in the conduct of NCLP schools could be clearly noticed, especially in terms of selection of beneficiaries (age criterion), payment of honorarium and stipend and arrangements for imparting vocational training.

Shri Sanjay Mishra, Lok Sewa sansthan, Shri Uttam Kumar, Bal Kalayan Evam Samajik Vikas Samiti and Shri Hiramani Tripathi, Children and Women Welfare complained that the NGOs have not been paid funds for salaries to the staff and stipends to the children for Feb. and March, 2003. This was admitted by the Project Staff. Shri OP Gupta, ALC and Project Director, who has recently taken over charge in this District, could offer no explanation. It was later learnt that the former ALC Shri Sarju Prasad had dealt with this matter and also visited the Union Labour Ministry to explain the accounts.

Although these schools are operating from 1.6.05, the teachers had received no salaries till the date of visit (4 Sept.). Stipends have also not been paid. The claim that the children are receiving supplementary nutrition in all the 19 schools was found to be false on verification at one of the four schools I visited. Shri Madhusudan Prasad Raizada, DM, Bhadoi was requested to get the position checked at other schools.

The DM expressed difficulties in the selection of NGOs and wanted guidelines to be issued for this purpose. I was later informed

by the Labour Commissioner, UP that comprehensive guidelines have been issued on the subject by the Principal Secretary, Labour, UP which have been elaborated and explained through a number of circulars issued by the Labour Commissioner. It is, therefore, not understood as to why the NGOs are not being involved in the conduct of the schools. It is all the more surprising in view of the fact that a number of reputed, experienced and tested NGOs are ready to undertake this responsibility. The D.M's attention was drawn to the guidelines issued by the Union Labour Ministry for operationalisation of the National Child Labour Projects which duly emphasise the involvement of suitable NGOs in the implementation of the Project. I visited four NCLP schools and my observations are as under:

1. NCLP School, Badgaon

This school was started on 1.6.05 with 22 boys and 28 girls. The school is sited rightly in the interior having concentration of carpet looms. Almost all the children belong to carpet weavers' or musahar families. 19 children belong to OBC, 19 to SC, 9 to minorities and 3 to general category. 7 students dropped-out and the vacancies were filled by fresh admissions. The selection of children in terms of age is faulty. The age bracket of 9-13 years has been prescribed. The average age of children in this school would come to 9 while one could see a number of children of younger age also. 46 students were present at the time of visit. The average daily attendance 45 is

certainly low. Medical check up is being done regularly by the Project's own doctor Dr. Anil Kumar Srivastava. He had visited the school on 16 July, 5 August and 3 September and detected one case of polio and one of eye defect. No follow up action has been initiated. One mentally retarded child Shiraz s/o Razzak was also detected. This reflects poorly on selection of beneficiaries by the Project Society. Vocational training is being provided in tailoring. The Instructor has identified 11 girls who are taking interest in this training and are likely to acquire good proficiency. Teachers have not been paid salaries for a single day since the school started on 1.6.05. Same is the case with disbursement of stipends.

2. NCLP School, Bharatpur

This school is rightly sited in an interior village having concentration of carpet looms. It was started on 1.6.05 with 20 boys and 30 girls. 20 belong to SC, 28 to OBC category and 2 to general category. The average age appears to be 9 years with a number of children below 8 years. Selection of beneficiaries is found to be faulty and against the instructions issued by the Union Labour Ministry. 47 children were present at the time of visit. The average attendance is above 46. Medical check up is being conducted regularly. The Project doctor Dr. Anil Kumar Srivastava had visited the school on 16 July, 5 August and 3 September. Although one case of beri-beri and 2 cases of night

blindness were detected, the follow up has not started. Children are getting proper nutrition as per a weekly schedule prescribed by the Project Director. Vocational training is being imparted in tailoring. The Instructor has identified 10 girls who can acquire good proficiency and should, therefore, receive special attention. Wages/stipends have not been paid at all.

3. NCLP School, Purenagri

This school is rightly sited in an interior village having concentration of carpet looms. It was started on 1.6.05 with 21 boys and 29 girls. The selection of beneficiaries with an average age of 8 years is faulty. 49 children were present at the time of visit. Daily average attendance is above 48. Medical examination is being conducted regularly by the Project doctor who has visited the school on 18 July, 5 August and 3 September. One case of polio (Monu s/o Rajaram) had been detected. It should not be difficult to arrange a Tricycle for him. (DM assured in the meeting that this would be arranged). The presence of 3 mentally retarded children (Balumadhuri, Satish Kumar and Rekha) does not speak well of selection. Although Rs. 1000 is to be paid as rent, the accommodation (only one room) is inadequate. The owner assured that one more room now under construction would be provided. Vocational training is being provided in tailoring to girls only.

The Instructor has identified 10 girls who are keen to learn the skill.

4. NCLP school, Pilkhuna

This school was started on 2.6.05 with 16 boys and 34 girls. 3 dropped out necessitating fresh admissions. 43 children were present at the time of visit. Daily average attendance (40) is poor. The school clerk was found absent. Supplementary nutrition is not being provided. The teacher Brajesh Kumar Mishra stated that children were provided nutrition only for a total of 5 days since the school started on 2.6.05. Surprisingly, the name of Dai (Asha Devi) engaged for preparing the nutrition was not entered in the staff register. The explanation, that her name is recorded in the Nutrition register was not at all convincing. She was absent and the Nutrition register was also not available for inspection. I doubt whether a Dai has actually been employed at this school. Similar irregularities in some more schools situated in the interior cannot be ruled out since the Project Society responsible for supervision and monitoring of the schools, is actually running these schools. Vocational training is being imparted in tailoring and 15 girls are showing good progress. The Project doctor has visited the school on 16 July, 5 August and 3 September and carried out medical check-up. One case of polio (Nagendra s/o Lalu) has been identified. It should not be difficult to arrange suitable crutches for him. A case of dog bite involving 3 students was handled with remarkable dedication by the teacher Brajesh Kumar Mishra.

Besides, the NCLP schools, non-formal education is being imparted in Bhadoi to potential child labourers under the arrangements of the Carpet Export Promotion Council (CEPC), Bal Adikar Pariyojna and Care and Fair. The Carpet Export Promotion Council had been running 59 schools in this district till 2003 when the scheme was abruptly stopped. Shri Ashfaq Ansari of CEPC informed in the meeting that 10 schools with a total strength of 480 students will be started by October end this year. A proposal for 40 additional schools is also under consideration of the Council.

BONDED LABOUR

A pending case of rehabilitation of 7 child labourers identified from the Loom of one Shafi s/o Irshad in village Kurena Nai Bazar was mentioned in the last report. The matter was pending because the SDM, Bhadoi was reluctant to issue release certificates until he was personally satisfied about the status of the rescued children. I had supported his stand and advised the NGO, Bachpan Bachao Andolan (BBA) to produce the children (they were taken to Bal Vikas Ashram, Allahabad after detection) so that the SDM could record their statements to his satisfaction. It is heartening to learn that the matter was settled to the satisfaction of the NGO and release certificates were issued. Copies of these certificates were sent to their native districts in Bihar. I also came to know subsequently from Bihar that the

rehabilitation of these children was successfully taken up by the Labour Commissioner, Bihar.

In a special drive launched in the district during the period 1.4.05 to 30.6.05, a total of 62 bonded labourers were identified which included 24 children. 53 of them belong to other districts of UP and the DMs concerned were addressed for taking up their rehabilitation. 9 belong to Bhadoi and their rehabilitation is being processed. ALC, Bhadoi was asked to send full particulars of these 62 bonded labourers so that their rehabilitation could be monitored.

MIRZAPUR

CHILD LABOUR

There has been no detection of child labour in hazardous or non-hazardous category in this district during the entire period of the review (1.4.2004 to 30 June 2005). The total number of children withdrawn from hazardous and non-hazardous work in this district since the survey of 1996-97 remains 151 and 204 respectively as before.

There has been no change after the last review (March, 2004) as regards (1) educational rehabilitation of withdrawn children and (2) rehabilitation of affected families. All the children withdrawn from work – hazardous as well as non-hazardous, except the migrant children were admitted to schools. 101 out of a total of 142 affected families were provided some assistance for rehabilitation.

Recoveries against the execution of RCs have also shown nil progress with only Rs. 1,09,545 out of a total of Rs. 27,80,000 recovered so far.

The statement received from the ALC shows that only 277 cases were pending prosecution under the Child Labour Act as of 30 June 2005. 18 cases were decided during the period 1.4.04 to 30.6.05 out of a total of 295 leaving the balance of 277. However, the information received from the office of the Labour Commissioner shows that a total of 735 cases are pending prosecution in this district. The discrepancy is too large to be ignored. The Labour Commissioner was requested to get it reconciled.

NCLP SCHOOLS

National Child Labour Project was extended to Mirzapur in 1999. In the first phase of the Project (1999-2002), 949 children had cleared 5th standard and 844 of them were admitted to class 6th. In the second phase (2002-05), only 17 schools were out of a total of 20 sanctioned for the district. A total of 839 students cleared class 5 and 792 of them were admitted to class 6. The achievements of mainstreaming can be taken as satisfactory. These schools, earlier run by six NGOs, were later taken over by the Project Society. The review of March 2003 had presented a dismal state of affairs of these schools showing huge arrears of salaries to staff and stipends to children and suspension of supply of nutrition. I had presently brought this to the notice of the then DM, Mirzapur and requested him for immediate remedial action. In the review made in March, 2004, I found the

situation worsened further although the running of the schools was entrusted to 17 NGOs. It was found in March, 2004 that the salaries to staff had 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. The review report mentions this in detail. The D.M. Mirzapur was requested to carry out a thorough check of the accounts and approach the Union Labour Ministry for making up the shortages in receipt of grant.

The third phase of the Project was started in January 2004 with only 3 schools with a total strength of 135 children (71 boys and 64 girls). 17 schools which completed 3 years in April 2005 are yet to be re-started. D.M., Mirzapur Shri UK Mittal assured that these schools would start functioning from 1.10.2005.

The financial affairs of the NCLP, Mirzapur appear to be in a mess. Huge payments are outstanding under the heads 'Nutrition' and 'Vocational Training Material' pertaining to the period December 2001 to May, 2002 and 'Honorariums to the staff', 'stipends to children' and 'Nutrition' for the period July 2002 to June, 2005. A statement submitted by the Project Director shows total liabilities worth nearly Rs. 47 lakh. As explained in the last review report, these liabilities seem to have arisen as a result of shortfall in the grant released by the Union Labour Ministry, most probably because of flaws in submission of utilisation certificates by the Project Society. For reasons best known to the then DM, Mirzapur, huge amounts relating to salary and nutrition were kept undisbursed and reflected as

incurred liabilities in the utilisation certificates which, it seems, was not accepted by the Ministry.

I had advised the DM to send the Project Director to the Union Labour Ministry to explain the situation and get the matter sorted out. It is sad to know that the situation has further complicated resulting in suspension of payment of honorarium and stipends. I explained this to Shri Mittal, DM, Mirzapur and requested him to give his personal attention to this matter which is his direct responsibility as head of the Project Society.

I visited 2 out of the 3 NCLP schools now being run in this district and my observations are given below:

1. NCLP School, Imambara

This school is being run by Bhagyodaya Sewa Sansthan. Shri Munna Lal Maurya, President was present. The school was started on 1.1.04 with 27 boys and 23 girls – 6 belonging to SC and 44 to Minority category. Only 41 children were present at the time of the visit. However, the daily average attendance is 48 %. The school has been rightly sited in an area of concentration of carpet weaving and Beedi-rolling establishments. Vocational training is being imparted in tailoring. The staff has received honorarium only for 6 months. (Oct. - Dec, 2004 and, and April-June, 2005). Although children's Bank accounts have been opened with Rs. 100/- each collected from the parents, the stipend money released for 3 months from January to

March, 2004 has not been deposited in their account. Children are getting proper nutrition.

There has been no medical examination of children in 2004. It started in January 2005 and the Medical Officer has visited in January, May and August 2005. Two cases have been identified for referral. Follow-up has not been initiated. Shamim s/o Munnan needs Eye surgery. Shri Prakash Chand Tiwari, City Magistrate who was deputed by the DM to accompany me to these schools assured he would get the needful done. Shanu s/o Qasim needs orthoepedic treatment. He is to be shown to a specialist. All the students are being shown attending class IV. However, they were found having books of Class V supplied by the District Basic Education Officer. The quality of supervision over schools (just 3 schools are currently being run) can be well imagined. Shri Shamim Akhtar informed that he is making efforts and will get class IV books distributed within fifteen days.

2. NCLP School Tarkapur

This school is being run by Shanti Bal Balwadi Evam Bal Niketan. Shri Santosh Kumar Srivastav, Secretary was present. The school was started on 1.1.2004 with 24 boys and 26 girls. 10 children found to be less than 9 years in age were withdrawn and admitted to mainstream schools in accordance with the new instructions. Obviously, the selection was faulty which resulted in under-utilisation of sanctioned capacity. The school has now 19 boys and 21 girls on its rolls. 36 were present on the day of the visit. Daily average attendance is poor at 35 (87%).

Health-care arrangements were started in October 2004 that is after 10 months. The Medical Officer has visited in October, December, 2004 and January, April and June, 2005. One case requiring eye-treatment needs to be pursued. One of the children Rukhsar is suffering from Polio. She can be provided a Tricycle. Books (class V) were issued just a week back. Students have not been categorized class-wise. Honorarium has been paid only for six months. Accommodation is insufficient. All the students are made to sit in one room. Students are getting proper nutrition.

Following complaints regarding non-payment of honorarium were received from the petitioners who came to see me at the Guest House:

1. Smt. Chamela Devi, Peon at NCLP school, Chilh - Not paid honorarium for 9 months (April to Dec. 2003).
2. Smt. Shanti Devi, Instructor, NCLP School, Sohata - Not paid honorarium from April to December 2003. She complained that the honorarium for Jan - March, 2004 released to the NGO has also not been paid to her by Kashi Prasad Gram Vikas Sansthan.
3. Shri Akhlesh Kumar, Account Clerk, Chilh - Non-payment of honorarium for 9 months (April to Dec. 2003).
4. Shri Vinod Kumar, Accountant, NCLP School, village Naroia Bazar Mirzapur - Non-payment of honorarium from April, 2003 to December 2003. He has not received honorarium from NGO Kashi Prasad Gram Vikas Sansthan for the period 1.1.2004 to 5.2.04.

BONDED LABOUR

In the last review report of March, 2004, pending rehabilitation of 4 released bonded labourers was mentioned. The district had received the Rehabilitatory grant for them, but it could not be utilised. 3 of them were not found at their known addresses and the fourth one could not get the cheque encashed in period of validity due to illness. After the end of the financial year (31.3.04), the rehabilitation of these was required to be re-processed. It is heartening to note that 3 of them, namely, Jumarati s/o Ishhaq, village Baria, Naresh s/o Munni Lal, village Rampur Marhwa and Kashi Ram s/o Hari Ram Guderia, village Tendua were paid rehabilitation grant of Rs. 20,000 each on 29/30 March, 2005. The fourth one Ramesh Kumar s/o Sumaru, village Patharhia was reported to have died. As directed by the Labour Commissioner, UP, the case for rehabilitation of his widow has been prepared and forwarded to the Labour Commissioner on 30 March, 2005.

Detection of Bonded Labour in Mirzapur District has been very poor although it is widely believed to be infested with migrant bonded labour (largely children) from Bihar working at carpet looms in the villages. 4 bonded labourers were identified on 24.1.2005 in this district. All of them were migrants belonging to district Katihar of Bihar. Copies of release certificates were endorsed to the DM Katihar with the request for taking up their rehabilitation under the Centrally

Sponsored Scheme. It is hoped these have been sent under a forwarding letter signed by a responsible officer. ALC, Mirzapur was asked to check and arrange to send fresh copies of these release certificates to the DM, Katihar if this was not done earlier.

A total of six prosecutions are currently pending under the Bonded Labour Act in this district. 3 were launched in 2002, 2 in 2003 and one recently on 31.5.05.

ALLAHABAD

The bonded labour and child labour situation was reviewed in a meeting with Shri A.K. Rai, DLC and Shri Shalesh Kumar, ALC and the Project Director, INDUS Child Labour Project. A separate meeting was held with the NGOs involved in the running of the INDUS school in this district.

CHILD LABOUR

There has been no identification of children employed in hazardous or non-hazardous occupations/processes in this district in 2004-05 and 2005-06 till 30 June). The number of children withdrawn from hazardous and non-hazardous work since the survey of 1996-97 remains 7007 and 789, respectively as mentioned in the last review held in March, 2004.

All the children withdrawn from hazardous and non-hazardous work excluding the children of migrant families were admitted to

formal or non-formal system of schooling. Educational rehabilitation which was found 94% at the time of review is now 100%.

The number of affected families in respect of children withdrawn from hazardous work is 5146. Only 1114 families were provided some rehabilitatory grant till the time of last review (March 2004). The balance was explained by reporting 538 as migrant families, 2091 unwilling to take any assistance and 1290 as already employed. As such, pending rehabilitation of 113 families was mentioned in the last review report. It is interesting to note the reported disposal of these 113 families in the statement received from the DLC, Allahabad. 123 of these have been added to the list of unwilling where earlier number was 2091 and 10 families have been shown as migrant families. This raises doubts about the correctness of the Institution submitted by the District Labour Department.

A total of 557 RCs have been issued against 486 employers in respect of 7007 children withdrawn from hazardous work for recovery of a total amount of Rs. 5,06,60,000. 9 RCs were issued after the last review of March, 2004. The actual collection so far has been Rs.3,44,324 showing only Rs. 20,000 collected during the period of review. As many as 361 RCs have been stayed by the court and 108 quashed/returned. This leaves a balance of 88 uncontested and pending RCs. Efforts should be made to execute these RCs..

A total of 603 cases have been registered under the Child Labour Act in this district including 140 of 3.10.96 period. The statement received from the office of the Labour Commissioner, UP gives the number as 610. As per the statement received from the

DLC, Allahabad, 150 cases have been decided so far, 2 in conviction and 148 in acquittal. 453 cases are pending. The statement received from the office of the Labour Commissioner gives the following figures:

- | | |
|-----------------------|----------------------|
| 1. Total prosecutions | : 610 |
| 2. Cases decided | : 28 (all acquittal) |
| 3. Pending | : 582 |

The variation needs to be explained.

10 child labourers were identified and withdrawn from hazardous work in this district during the period 1.7.03 to 15.7.03. 7 employers were required to be prosecuted in this case. However, no prosecution has been launched by the Labour Department. The explanation that this decision was taken in view of the Govt. order dated 29.8.03 is not acceptable. By this order, the Govt. has declared the end of 'Inspector Raj' and put a ban on raids and inspections. It cannot be interpreted to mean that offences detected before the date of this order are to be condoned. Labour Commissioner, UP was requested to examine this case personally and issue appropriate orders to the DLC, Allahabad.

INDUS CHILD LABOUR PROJECT

NCLP was started in Allahabad in June, 1999 with sanction of 40 schools of 50 students each. 2000 children benefited from 40 schools run by 44 NGOs from May-June, 2000 to June 2003. In the

next session of the Project, 20 schools were started in October/November, 2003, 2 in January 2004, 14 in October 2004 and 1 in November 2004. All these 37 schools subsequently were brought under Operationalised INDUS Project on 1.10.2004. A total of 2941 children have so far been mainstreamed after clearing 5 class examination in this district.

Of the 37 schools now in operation, 22 are being run by the NGOs numbering 20 and 15 by the Project Society. The total number of children is 1850 with girls (1124) accounting for 60.7 % of the total. OBC representation is 63.35 %, SC 33.62 % and general category 3.02 %.

INDUS Child Labour Project was started in Allahabad on 1.5.04. The survey conducted during May to July, 2004 identified 787 children in 5 – 8 years for mainstreaming, 1526 in 9 – 13 years for Transactional Training Centres (TEC) and 1250 for Job Oriented Vocational Training. 37 schools TEC are actually imparting schooling to 1850 children. 2 vocational training centres have also been opened, one by Dr. Reddy Foundation Lab. (117 children) in ITES hospitality and CRS and another by Jan Shikshan Sansthan (49) in traditional skills such as sculpture, carpet weaving and pump/motor repairing.

I visited four TECs and my observations are given below:

1. INDUS Child Labour School, Kusari – I

This school opened on 1.10.2004 is being run by the NCLP Society. It was started with 21 boys and 29 girls. Four children dropped out necessitating new admissions. 44 children were present at the time of visit. Daily average attendance is less than 45. The school has been sited rightly in an area of concentration of beedi rolling and carpet weaving industry. 44 children belong to OBC and 6 to SC category. The component of health-care is not receiving adequate attention. Records show that a Medical Officer had visited the school on 20 December, 7 January and 4 February, 2005. Supplementary nutrition programme is running efficiently. Accommodation hired at the rate of Rs. 500 per month is not sufficient.

2. INDUS Child Labour School, Gauspur:

This school is being run by the Jan Kalayanikari Vikas Sansthan. It is rightly sited in an area of carpet weaving industry. The school was opened on 1.10.2003 with 36 girls and 14 boys. 27 children belong to OBC and 23 to SC category. There has been no drop out. Although 35 children were present on the day of visit, the average daily attendance is over 48. 7 children have already been mainstreamed into class 6th. Stipends/salaries have been paid upto December, 2004 only. Health care is not being provided regularly. The Medical Officer had visited 15/20 days back but no records are available. Vocational training is being imparted in tailoring. 3 boys and 18 girls are attending regularly.

Supplementary Nutrition Programme is being running efficiently as per a weekly schedule fixed by the Project Director, wholesome nutritional food (Puribhaji, Dalia, Halwa) is being supplied. It is heartening to note that the staff has been paid honorarium upto April, 2005 although the funds have been released to NGO upto December, 2004 only. Stipends have been cleared upto December, 2004 only.

3. **INDUS Child Labour School , Ausanpur**

This school is being run by the Janta Hit Karya Karini Samiti - Shri Vijay Shankar Shukla, Secretary was present. The school was started on 1.10.03 with 15 boys and 35 girls. Only 32 were present (because of Teej festival). Daily average attendance is above 45. All the children belong to OBC category. The school is rightly sited in the carpet area. There has been no drop-out. SNP is functioning satisfactorily. Health-care is not being provided seriously. Medical Officer from PHC, Handia had visited the school on 25.12.04 and 31.3.05 and recorded normal reports in respect of all the children. Individual health cards filled with entry 'NAD' were found lying unsigned. The possibility of somebody other than the Medical Officer coming to observe the formality of filling up forms for Doctor's signatures is suspected. The superficiality of the medical examination can be seen from the fact that a child suffering from polio

(Jaswant s/o Kamla) has also been shown as normal in the individual medical form..

4. INDUS Child Labour School, Keshav Raipur

This school is being run by the Project Society. It is rightly sited in the area prone to child labour. The school was opened on 1.10.04 with 24 boys and 26 girls. 48 children were present at the time of the visit. Daily average attendance is 47. The Medical Officer Dr. R.K. Tripathy has been regularly visiting the school since January, 2004. Responsibility has been given to PHC from 23.7.05 onwards. Vocational training is being imparted in tailoring. 5 boys and 12 girls have acquired good proficiency. Providing of nutrition to children is found to have started from January 2004 onwards. May be that is the case with other schools which are being run by the Project Society. Honorarium and stipends have been paid upto December, 2004 only.

The grant from ILO has been received only for the first instalment of the year 2004. Honorarium/stipends have been paid in INDUS schools upto December, 2004 by utilising the funds received from the Union Labour Ministry under the NCLP. The continuing delay in receipt of second instalment of the grant from ILO is attributed to certain defects in the submission of Financial Progress Report

(FPR), which, as per the statement of the Project Director have now been rectified. The DM does not seem to have been apprised of this. The ADM, Allahabad was requested to bring this matter to the notice of the DM. Non-payment of honorarium and stipends for over 8 months in a project funded by the ILO with a good deal of fanfare is not something the District administration and the State Labour Commissioner should treat lightly.

BONDED LABOUR

As mentioned in the last review report all pending cases of rehabilitation have been cleared in this district. A total of 15 bonded labourers were identified and released in this district in 2004-05. 7 belonged to districts Katihar, Behra, Madhepura, Saharsa and Madhubani of Bihar, 2 belonged to West Bengal (district Malda) and 6 to Jharkhand (district Palamu). All the 15 were migrant labourers and were rescued from the carpet looms – 8 in Koraon and 7 in Handia Tehsil. The copies of release certificates have been endorsed to the DMs concerned. These should have been sent under a forwarding letter signed by the DM or some senior officer on his behalf in order to ensure prompt action at the receiving end. This should be done now.

11 bonded labourers were identified and released in 2005-06 (all on 12.7.05) from the carpet loom of one Raj Kumar s/o Ram Lakhan Maurya, village Harchanderpur PO Bhati, PS: Handia,

Allahabad. 9 of them belong to Bihar (7 to district Saharsa and 2 to Khagaria). Their release certificates have been sent to the DMs concerned for taking up their rehabilitation under the Centrally Sponsored Scheme. 2 belong to UP (Sonbhadra-1 and Allahabad-1). Proposals for their rehabilitation have been forwarded to the Labour Commissioner, UP.

A total of 46 cases are pending for prosecution under the Bonded Labour Act in this district with the following details:

Year	No. of cases	Name of the court
1998-99	35	SDM, Handia
2002-03	7	City Magistrate, SDM, Chayal, Allahabad
2004-05	3	SDM, Karoan
2005-06	1	SDM, Bara

While it is appreciated that prosecutions have been launched in the court of the Executive Magistrates in accordance with the provisions of the B.L. Act, disposal (nil so far) indicates total indifference to this vital aspect of the issue. The D.M. is requested to review the position and expedite the disposal of these cases.

Concluding Remarks


The review of the Bonded Labour and Child Labour situation in UP for the period 1.4.2004 to 30.6.2005 presents a mixed picture.

While remarkable progress has been shown in rehabilitating the released bonded labourers, especially some old cases, not much has been achieved in identifying fresh cases of bondage. Although Vigilance Committees are now in place at all the District and Sub Divisional HQs, they have yet to prove their usefulness by identifying the Bonded Labour-Prone pockets and detecting cases of this pernicious practice rampant at Brick-kilns, Stone-quarries and Carpet-weaving. The efforts of the Labour Department in generating public awareness on the issue deserve appreciation but need to be intensified using the financial assistance available on recurring basis from the Union Labour Ministry.

The situation on the Child Labour front found dismal in the last review held in March 2004 has registered no significant improvement despite the revised instructions issued by the State Government permitting inspections of Factories and Establishments on receipt of complaint or intelligence about the violation of Labour Laws. The detection of only 24 children in hazardous and 4 in non-hazardous occupations/processes in the entire State in the period of Review (18 months) would mean almost NIL detection. This is despite the fact that popular perception indicates increasing incidence of employment of children in Home establishments in both hazardous (most of these are not covered under the exemption clause of Section 3 the Child Labour Act) and non-hazardous occupations/processes. However, one effort of the Labour Department deserves appreciation. This relates to the continuing drive to identify the number of working children in

various Districts through non-invasive surveys and arrange formal or non-formal schooling for them. This has been possible due to a remarkable increase in the reach of the NCLP (extended from 11 to 42 Districts) and launching of INDUS Child Labour Project in 5 Districts of the State.

Prosecution of offenders under the Bonded Labour System (Abolition) Act 1976, and the Child Labour (Prohibition and Regulation) Act 1986, has also started receiving attention from the authorities concerned. This was found to be an area of neglect in previous reviews. The Labour Department has now started monitoring the progress of prosecution. The pendency of cases under the Child Labour Act has come down significantly, although almost all the old cases are ending in acquittal only.


(Chaman Lal)^{39/12}
Special Rapporteur
30.9.05