

Bonded Labour and Child Labour situation in Madhya Pradesh for the year 2004-05

As directed by the Commission, I have reviewed the Bonded Labour and Child Labour situation in MP for the year 2004-05 in a meeting held in the Conference Hall of the State Secretariat, Bhopal on 24.3.05. The meeting was attended by Shri Vijay S. Patidar, Secretary, Labour, Shri S.P.S. Parihar, Labour Commissioner, Shri L.K. Pandey, Addl. Labour Commissioner and representatives from the Departments of Women and Child Development, ICDS and Primary Education. The Project Directors of the NCLPs in operation in the Districts Mandsoore, Gwalior and Ujjain were also present.

The last such review was carried out by Dr. Justice K. Ramaswamy, Member on 26 April 2002 with assistance from the undersigned. The review report dated 7.5.02 was considered by the Commission on 24.5.02. A copy of the report was sent demi-officially to the Chief Secretary, MP by the Commission's Joint Secretary on 19 June 2002. ATRs were received from the Labour Commissioner M.P. vide his letters dated 9.3.03 and 19.5.03. While action on the Commission's observations and directions in regard to bonded labour issues was taken/initiated satisfactorily, not much was seen to have been done regarding the issues pertaining to Child Labour. Pending matters of the last review report formed part of the agenda of the present meeting.

After preliminary remarks by the Secretary, Labour MP on the Bonded Labour and Child Labour situation in MP, the Labour

Commissioner, MP made a detailed presentation on the subjects. The following picture emerged from his presentation and the ensuing discussion.

BONDED LABOUR

The subject of Bonded Labour was transferred from the Revenue Department to the Labour Department in July 1999. In actual practice, this transfer took effect in February 2000. As explained in the last review report, the Commission has taken up the review of Bonded Labour & Child Labour in MP from February 2000 only.

A Working Group on "Vulnerable groups in Labour Force" set up by the Planning Commission in the context of the formulation of the 10th Five Year Plan had identified 20 districts of MP as being sensitive from the stand point of Bonded Labour. Five additional districts have been added to this list on the basis of actual identification, release and rehabilitation of bonded labourers in these districts during the last three years. The Bonded Labour prone districts of MP are: Gwalior, Shivpuri, Guna, Indore, Jhabua, Dhar, Shajapur, Mandsoore, Ratlam, Bhopal, Vidisha, Sehore, Betual, Raisen, Jabalpur, Mandla, Sagar, Chatarpur, Tekamgarh, Panna, Rewa, Satna, Sidhi, Shahdol and Harda.

VIGILANCE COMMITTEES

Only 40 districts out of a total of 48 were reported to be having duly constituted Vigilance Committees at the time of the last review. Most of the Vigilance Committees were due for re-constitution as the term of most of the non-official Members had expired long back. The Labour Commissioner

informed that except Khargon, Devas and Sheopur, all the Districts are now having Vigilance Committees in place. However, the constitution of Sub Divisional level Vigilance Committees in District Morena where the district level committee was constituted on 20.2.05 could not be confirmed. It is worth noting that a majority of these Committees were constituted after the last review undertaken by the Commission. Vigilance Committees in eight districts namely Indore, Barwani, Dhar, Ashok Nagar, Rajgarh, Sagar, Chindwara and Morena were constituted in the month of March 2005 after the date of the review was fixed. Now that the Vigilance Committees have been constituted, their regular meetings have to be ensured. The Labour Secretary was requested to emphasise to the District Collectors the need for actively involving the vigilance committees in identification, release and rehabilitation of bonded labourers and connected matters. The Commission has all along been of the view that the Divisional Commissioner can also act as a catalyst in ensuring effective functioning of the Vigilance Committees.

IDENTIFICATION, RELEASE AND REHABILITATION

A total of 411 bonded labourers have been identified and released in 10 districts of M.P during the years 1999-2000 to 2004-05. 188 of these were migrant bonded labourers. Detailed are as follows:

Sr.No.	Financial Year	Districts where bonded labour Were identified/released	Number of released bonded labour		
			Resident of MP	Resident of other States	Total
1.	99-2000	Ratlam	07	0	07
		Raisen	42	0	42
		Indore	0	46	46
		Total	49	46	95
2	2000-01	Raisen	17	99	116

		Vidisha	70	15	85
		Total	87	114	201
3.	2001-02	Shandol	01	0	01
		Raisen	24	0	24
		Bhopal	14	0	14
		Total	39	0	39
4.	2002-03	Gwalior	40	0	40
		Total	40	0	40
5.	2003-04	Raisen	0	28	28
		Harda	03	0	03
		Dhar	01	0	01
		Total	04	28	32
6.	2004-05 (upto Dec.04)	Shivpuri	04	0	04
		Total	04	0	04
		Grand Total	223	188	411

188 bonded labourers belong to State outside MP: UP -17 (14 released from Vidisha and 3 from Raisen in 2000-01). Chhattisgarh -143 (96 from Raisen and one from Vidisha released in 2000-01 and 46 from Indore in 1999-2000). Bihar: 28 released from Raisen in 2003-04.

The Action Taken Report dated 9.3.03 received from the Labour Commissioner Indore enclosed the names of 160 bonded labourers belonging to Bihar, UP and Chhattisgarh who were identified and released in 1999-2000 (46), 2001-01 (114). It was confirmed that their particulars were

sent to their native districts. The examination of lists revealed the following deficiencies:

46 migrant bonded labourers were released in Indore in 1999-2000. They belong to Bilaspur (Chhatisgarh). It is seen that full addresses giving the name of the village and Post Office had been furnished.

15 bonded labourers out of a total of 85 identified in Vidisha in 2000-01 were migrant labourers – 14 from the Distt. Jhansi (UP) and one from Distt. Bilaspur. Full addresses of the following were not recorded:

1. Smt. Seema w/o Puran Lal, age 75, Distt. Lalitpur.
2. Pyare Lal s/o Doja, 60 years Distt. Lalitpur.
3. Veeran s/o Raju 22 years, Distt. Jhansi.

All of them belong to S.T. category. It would be impossible for DMS Lalitpur and Jhansi to take up their rehabilitation for want of full particulars.

99 migrant bonded labourers were identified and released in Raisen in 2000-01. 96 belong to Chhatisgarh. List of 26 belonging to Bilaspur shows that full particulars of addresses were given in only six cases only. 25 belong to Distt. Kawardha. Their address do not mention anything other than the name of the District. Similarly, the list of 36 belonging to Distt. Korba does not indicate anything other than the name of the Distt. Similar omissions are noticed in the list of 12 belonging to Distt. Janjgir (Champa). Three bonded labourers out of 99 migrant released in Raisen in 2000-01 belong to Distt. Allahabad. Their addresses also do not mention anything other than the name of the Distt. The Labour Commissioner, MP has asked

the DM Raisen to furnish the complete addresses of 99 migrant bonded labourers who were released in 2000-01 – 96 of Chhatisgarh and 4 of U.P.

28 migrant bonded labourers were identified and released in Raisen in 2003-04 (10.2.04). 27 belong to Distt. Motihar and one to Distt. Sewan of Bihar. Their full addresses giving the name of the village and police station are available. It is also seen that on receipt of a letter from the DM, East Champaran, Motihar that 27 of them had received immediate Subsistence Allowance of Rs. 1000 each. An amount of Rs. 28,000 was allotted to DM Raisen for this purpose but Rs. 27,000 were actually utilized. The Labour Commissioner has asked the DM, Raisen to explain the utilization of the balance amount of Rs. 1000/-.

223 released bonded labourers out of a total of 411 were required to be rehabilitated in MP itself. 194 of them belong to ST, 26 to SC and 3 to OBC category. 163 are male and 60 female. 216 out of a total of 223 released bonded labourers have actually been rehabilitated. 42 released before 1.4.2000 were provided rehabilitatory package at the rate of Rs. 10,000 each. 174 released after 1.4.2000 received rehabilitatory package of Rs. 20,000 each. Only the following seven persons released from bondage in Vidisha in December 2000 are yet to be rehabilitated. Rehabilitatory grant is available and has been allotted to the DM concerned but these persons have not been located at the addresses given in the release orders.

1. Babu Lal s/o Toran, 35 years, Distt. Sagar.
2. Ram Prasad s/o Mathura, 42 years, Distt. Raisen.
3. Nandu s/o Setu, Bhopal.
4. Sheila Bai w/o Shankar Lal, 35 years, Distt. Guna.

5. Hari Har s/o Govind Ram, 35 years, Guna
6. Sham Lal s/o Nandu, 55 years, Guna.
7. Kala Bai w/o Sham Lal, ST, Guna.

The Labour Commissioner, MP informed that besides the rehabilitatory package of Rs. 20,000 under the Centrally sponsored scheme, the released bonded labourers have been provided benefits of various Government schemes such as (a) allotment of residential plots to homeless labourers and (b) allotment of agricultural land to landless labourers wherever possible. They have also been issued BPL Ration Cards.

A report received from the Collector Khandwa about rehabilitation of a released bonded labourer was perused. One Sukh Lal s/o Chandan was released from village Nimgaon, Distt. Harda on 29.5.03. He was given immediate subsistence allowance of Rs. 1000/- and thereafter provided a pair of Bullocks costing Rs. 9000/-, agricultural inputs worth Rs. 5680/-, Goats worth Rs. 3940/- and cattle food Rs. 380. He was also allotted 0.84 ha. of land and given possession on 7.3.05. He also received grant of Rs. 20,000 under Indira Awas Yojana to build his house.

I had visited Vidisha in September 2001 and given a report on rehabilitation of 42 released bonded labourers which was mentioned in the Annual Report of the Commission for the year 2001-02. Similarly, the rehabilitation of 31 bonded labourers out of a total of 40 released in Gwalior on 9.7.02 was verified by me visiting the sites. A detailed report showing allotment of land, livestock assets, grant under IAY, special relief under the PDS and health and educational facilities was submitted to the Commission. This finds mention in the Commission's report for 2003-04.

PROSECUTION

A total of 22 criminal cases under the Bonded Labour Act/IPC have been registered since 1999-2000. 20 cases are pending trial – 16 with Judicial Magistrate CJMFC Indore, Raisen and Vidisha and 4 with Executive Magistrate (SDM Huzur, Bhopal, SDM Gwalior and SDM Harda). It is obvious that the provisions of section 21 Bonded Labour Act empowering Executive Magistrates to try offences under the Bonded Labour Act are being used reluctantly. The normal course of filing the cases in Judicial Courts is being followed. Two cases are shown at the investigation stage. These relate to detections of 28 migrant bonded labourers in Raisen on 10.2.04 and 4 bonded labourers released in Shivpuri on 29.7.04.

The Government of M.P. has drawn full grant of Rs. 25 lakhs released by the Government of India for Survey (10 lakhs), Evaluation Studies (5 lakhs) and Awareness Generation (10 lakhs). The grant Awareness Generation was received in June, 2002. Rs. 15.0 lakh were released on 28.3.2003. Dr. Baba Saheb Ambedkar National Institute of Social Sciences (BANISS) Mhow has been engaged in January 2004 to carry out Survey of bonded labour in Districts Vidisha, Raisen, Chhatarpur, Panna and Shivpuri. The Labour Commissioner informed that the Survey would be completed by 2005. The same Institute was given Evaluatory Studies in the same Districts. The Evaluatory Studies have not yet started but are scheduled to be completed by September end. The Commission will be interested in knowing the findings of Surveys and Evaluatory Studies. The responsibility of awareness generation activities was given to an organization called MADHYAM. The grant has been spent on the printing of 14,840 posters, 1500 wall calendars, 2,25,000 pamphlets relating to bonded labourers besides arranging Radio

Talks and Nukkad Nataks in 23 Bonded Labour Prone Districts of MP in accordance with the guidelines issued by the Union Labour Ministry.

CHILD LABOUR

The 1997 survey ordered by the Supreme Court had resulted in identification of 8826 children working in hazardous occupations/processes. All of them were got released and 6663 of them (75.49 %) were admitted to schools.

1074 members of families of identified child labourers were provided alternative appointment under the Poverty Alleviation Schemes. Actual number of affected families was not mentioned in the presentation. Families of a number of detected children engaged in Bidi-making did not show any keenness for alternative employment.

3033 RCs were issued against 3854 employers involving 8465 child labourers for recovering compensation at the rate of Rs. 20,000 per child labour. The difference of 370 (8826-8456) has not been explained. 1817 employers have been granted stay by the High Court in 109 petitions involving 5168 child labourers. Labour Commissioner stated that efforts are being made to get the stay orders vacated. In 70 petitions, the High Court ordered the authority issuing the RCs to give a fresh opportunity of hearing to the party and decide on the basis of evidence and records submitted by the employer. Out of a total of recoverable amount of Rs. 1693 lakh, only an amount of Rs. 4.55 (0.27%) lakh has been actually recovered in 11 districts, namely Indore, Dhar, Sagar, Sidhi, Seoni, Mandsores, Ratlam, Vidisha,

Neemuch, Betul and Bhopal. It is worth mentioning that Rs. 3 lakh has been recovered after the last review when recovery of Rs. 1.45 lakh was reported.

PROSECUTION

3639 prosecutions were launched against 2883 employers in respect of 7576 detected children. 1840 cases have been decided – 88 in conviction and 1752 in acquittal giving a poor conviction rate of 4.78 %. Acquittal of the offending employers has been cited as the main reason of poor realisation of RCCs compensation ignoring the fact that the recovery of Rs. 20,000 does not depend on the conviction of the employer as has been made clear by the Apex Court in its judgment.

It can be concluded from the above that the over all compliance with the directions of the Supreme Court has not been very satisfactory. In my opinion, no useful purpose would be served by pursuing this old matter with the State Government at this stage. The Labour Secretary was, however, requested to write to the authorities concerned for expeditious disposal of the pending cases.

While the last review carried out by Dr. Justice K. Ramaswamy, former Member in April, 2002 had revealed identification of 73 children working in hazardous establishments after the survey of 1997, the number has now been changed to 50 with the following brake-up:

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|---------|--|
| 2000-01 | ✓ 18, identified as a result of 843 inspections. |
| 2001-02 | ✓ 25, identified as a result of 3392 inspections and |
| 2002-03 | ✓ 07, identified as a result of 3381 inspections. |

Follow-up action on these detections (50) in terms of admission to schools, financial help to families and recovery of Rs. 20,000 per child from the offending employers was not intimated in the presentation. Secretary Labour and Labour Commissioner were requested to furnish full information.

There have been no detections in 2003-04 (1111 inspections) and 2004-05 (4044 inspections).

The census of 2001 mentions the number of working children (not child labour) in Madhya Pradesh as 13.52 lakh. This includes children who are employed in agriculture or are self-employed or engaged in family occupations/work as opposed to child labour, as defined under different Labour Laws, who work for wages for an employer in hazardous or non-hazardous occupations/processes.

1991 survey had given the number of working children as 9.57 lakh. In 10 districts of Madhya Pradesh – Jhabua, Betul, West Nimar (undivided), Ratlam, Raigarh, Seoni, East Nimar, Chhindwara and Mandla, all tribal districts, the percentage of working children in total of child population in 5 to 14 years age group was 10 % or more. It was 26 % in Jhabua and 14 % each in Betul and West Nimar. It is heartening to note that 8 of the above 10 districts (excluding Seoni and Mandla) are being brought under NCLP.

National Child Labour Project (NCLP)

Mandsore of M.P was one of the 9 districts, which marked the beginning of the NCLP in the country in 1988. The decision was obviously based on the high incidence of child labour working in Slate-pencil industry. Later on, Gwalior and Ujjain districts were also brought under this Project. The Project Directors of these districts furnished the following information:

NCLP, Mandsore

These schools are being run by the Project Society with no involvement of the NGO sector.

The staff and teachers have been paid salaries upto Feb. 2005. The Project Director mentioned that stipend is being paid at varying rates – Rs. 50 to students upto 8 years and Rs.100/- to students above 8 years. The reasons and authority for this major deviation from the directions issued by the Ministry of Labour could not be explained. It was also learnt that stipends have not been paid after March, 2002. In fact, the payment of stipends was suspended in March, 2002 and has been resumed from January, 2005. This needs to be probed by the Ministry of Labour.

The essential component of Vocational training has been missing in the schools run by this project. The Project Director mentioned that vocational training is proposed for the new schools sanctioned this year after identification of skills is done.

Till recently the children were getting uncooked food – 100 gms wheat per child per day. Now they are provided Mid-Day Meal like other schools.

General Health check-up was done in January, 2005. Results and follow-up was not indicated.

NCLP, Gwalior

The Project was sanctioned in April, 2000. 40 schools of strength 50 each are being run by NGOs numbering 29. 3925 children have benefited so far and 799 (20.35 %) mainstreamed. Results of mainstreaming are very poor.

754 boys and 1165 girls (total 1919) are attending the current span of the project, which started in July, 2004.

Class composition of beneficiaries could not be explained. The information given in the presentation was found to be confusing. Salaries have been paid upto February and stipends upto March, 2005. Vocational training is imparted in 14 schools out of a total of 40 in stitching, embroidery, knitting, soft toys making and jute bag making. Mid-day meal is being provided.

Health check-up was done in December, 2004. Results and follow-up not indicated.

NCLP, Ujjain

The Project was sanctioned in January, 2001, 3066 children have so far benefited and 1216 (39.66 %) mainstreamed. Results of mainstreaming are not satisfactory. In well-run Projects in most States, the achievements under this head are well above 80%.

Presently 37 schools with a total of 1850 students - 976 girls and 874 boys – are being run by NGOs, numbering 35. SCs constitute 47.62%, STs 6.21%, OBC 20.59 % and others 25.56% of the total number of beneficiaries. Representation of 'others' i.e. General category is rather high in this district. This raises doubts about the selection of beneficiaries who must be actual or potential child labourers.

Teachers and staff have not received salaries after September, 2004. Stipends have also been paid upto September 2004 only. Vocational training was started from April, 2002 in 8 schools only.

Health check-up is done every six months. The last one was done in December, 2004. Results and follow-up not indicated.

Expansion of NCLP

NCLP has been extended to 14 more Districts in M.P. Two in 2002-03 and 12 in 2003-04. Project proposals of only 10 additional districts have been forwarded to the Govt. of India. Proposals of four districts are under

preparation. The commissioning of the sanctioned projects is decidedly slow.

INDUS Child Labour Project

Madhya Pradesh is one of the four States selected for the launching of the INDUS Child Labour Project - a cooperative effort of the Ministry of Labour, Govt. of India and the United States, Department of Labour. The other three States are Maharashtra, Tamil Nadu and U.P. The Project envisages complete elimination of Child Labour in the identified districts on a priority basis through a multi-sectoral package of services, which include the identification, withdrawal and educational rehabilitation with emphasis on vocational training of child labourers and economic advancement of their families. 5 districts, namely Jabalpur, Sagar, Damoh, Satna and Katni, having the highest concentration of bidi making home establishments in the State, have been selected for this project. The target groups to be benefited under the INDUS Project are :

- ✓1. 1000 beneficiaries in the age-group 5-8 years, to be identified and enrolled in Sarva Shiksha Abhiyam (SSA) schools.
- ✓2. 2000 beneficiaries in 9-13 years age-group, to be enrolled in Transitional Education Centres. (Bridge schools).
- ✓3. 1000 beneficiaries in 14-17 years age-group to be enrolled in vocational training centers.
- ✓4. 500 parents to be provided assistance for additional income through Self-Help Groups.

Progress made so far is shown below.

S. No	District	No. of children identified as final beneficiaries				No. of children admitted in SSA schools)	No. of Transitional Education Centers (TEC) opened	No. of children admitted in TECs
		(5-8 yrs.)	(9-13 yrs.)	(14-17 yrs.)	Total			
1.	Jabalpur	374	1702	862	2938	374	40	1702
2.	Katni	1318	2471	2294	6083	1318	40	1965
3.	Satna	1333	2383	1694	5410	490	28	997
4.	Sagar	582	2000	1000	3582	331	27	1015
5.	Damoh	1292	1821	3341	6454	1292	40	1821

The progress of opening of the Vocational Training Centers is very slow. Only 2 such centers have been opened in DAMOH and 30 children (out of 3341) selected beneficiaries admitted. Implementing Agencies, viz. CRISP (Jabalpur) and CEDMAP (Kore District) are waiting for MOU to be signed with the ILO. An orientation workshop on vocational training of all the INDUS Officers was conducted on 28 Feb. 05 in Bhopal.

School enrolment

M.P. Government is seen to be seriously trying to tackle the problem of child labour by ensuring that all children of school going age (5-14 years age group) are actually in schools formal or non-formal. This is being done through vigorous implementation of the Education Guarantee Scheme (EGS) and Sarva Shiksha Abhiyan (SSA). It is significant to note that the 'out of a school' children in the target population (5 to 14 years) constituted 6.20 % in 2002-03. This was brought down to 4.70 % in 2003-04 and further

reduced to 2.90 % in 2004-05. The number of EGS Centers in operation with the State is now 3925. 22,659 EGS Centers were up-graded to primarily schools (PS) in 2004-05. 12.35 lakh children are presently enrolled in EGS Centers/up-graded PS.

CONCLUSION

Performance of the State Government is considered satisfactory in the matter of identification, release and rehabilitation of bonded labourers. The rehabilitation of released bonded labourers in District Shivpuri offers a Model Rehabilitation Plan worthy of emulation by other States. This has already been brought to the notice of the *Amicus Curie* dealing with the Bonded Labour matters in the Supreme Court in the writ petition case. Although a number of initiatives have been taken to improve the child labour situation in the State, the results are inadequate and slow in coming. The functioning of the NCLP in 3 districts leaves much to be desired. Operationalisation of the Project in 14 more districts sanctioned by the Govt. of India is slow. Same is the case with the progress of INDUS Child Labour Project. The achievements of the EGS and SSA are, however, satisfactory and are bound to produce good effect on the child labour situation in the State.

Chal

16.5.05

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Special Rapporteur
16.5.05