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**REPORT OF SHRI CHAMAN LAL, SPECIAL RAPPORTEUR  
ON HIS VISIT TO VARANASI AND KANPUR FROM  
4-7 MARCH, 2006 FOR THE ANNUAL REVIEW OF THE  
BONDED LABOUR/CHILD LABOUR SITUATION IN U.P.  
(4-7 MARCH, 2006)**

As directed by the Commission, I visited Varanasi and Kanpur from 4 to 7 March, 2006 to review the Bonded Labour and Child Labour situation in UP with focus on the districts of carpet belt. The review is mandated by the Supreme Court's directions dated 11.11.1997. District-wise review for the carpet belt was carried out at Varanasi in meetings held on 4.3.06 and 5.3.06. The first meeting covered the districts of Varanasi, Jaunpur and Bhadoi. Districts Mirzapur, Sonbhadra and Allahabad were taken up in the second meeting. These meetings were attended by Shri D.K. Kanchan, Additional Labour Commissioner, Varanasi, Shri B.J. Singh, Deputy Labour Commissioner, Sonbhadra, Shri A.K. Rai, Deputy Labour Commissioner, Allahabad and Asstt. Labour Commissioners of all the six districts of carpet belt.

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, Kanpur on 7 March, 2006. The meeting was attended by Shri Sharada Prasad, Labour Commissioner, Shri U.P. Singh, Deputy Labour Commissioner HQ, Shri Sunil Kumar Sinha, Welfare Supdt, Child Labour, Shri Ram Avtar Sinha, Welfare Supdt. Bonded Labour and Shri Radhey Shyam Singh, Welfare Supdt. The

last review of the Bonded Labour and Child Labour situation in UP was made in my visit to this region from 2-7 September, 2005. The report was considered by the Commission and sent demi-officially to the Chief Secretary, UP by the Commission's Joint Secretary on 25 November, 2005.

Shri Sharada Prasad, Labour Commissioner assisted by Shri U.P. Singh, Deputy Labour Commissioner gave a para-wise status of the earlier reviews of March, 2004, November, 2004 and November 2005. The ATR in respect of the review dated 12 – 16 March, 2004 has been received by the Commission vide Labour Department letter No.2147/36-05-115/NHRC-05 dated 28.9.05. The ATRs in respect of reviews of November 2004 and September 2004 are awaited. Action has been taken/initiated on all points except a few which were discussed in the current review.

The review presents the following picture of Bonded Labour and Child Labour situation in UP for the period 1.4.2005 to 31.1.2006:

## **BONDED LABOUR**

### **Vigilance Committees**

The last review of September, 2005 had shown the constitution of Vigilance Committees as completed at all the District HQs numbering 17 but pending at 5 out of a total of 297 Sub-Divisional HQs. Labour Commissioner, UP informed that Vigilance Committees have been constituted in all these Sub-Divisions, namely, Chakia,

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Sakaidiah (District Chandoli), Kannauj Cantt. (District Kannauj) and Gautambudh Nagar and Zevar (District Gautambudh Nagar), vide Govt. Notification dated 20.9.2005. Information has also been sent to NHRC vide No.4245/BL(NHRC) dated 22.9.2005.

As mentioned in the last review, the Govt. of UP was ordered by the Supreme Court on 5.5.2004 in a writ petition (Civil) No. 3922 of 1985 – PUCL Vs State Govt. of Tamil Nadu and others to confirm constitution of Vigilance Committees in all the districts and Sub-Divisional HQs and file reply regarding formulation of a detailed plan for rehabilitation of the released bonded labourers with or without the involvement of NGOs. This affidavit was required to be filed by 5 November, 2004. The Labour Commissioner informed that Shri Anuvrat Sharma nominated as Advocate on record for UP has obtained on 6.2.06 six week's time from the Supreme Court to file the said affidavit, which is under preparation. - (The Labour Commissioner has informed that the affidavit has been filed on 29.3.2006).

#### **Identification, release and rehabilitation of bonded labourers**

State Government was commended in the last report for having speeded up the rehabilitation of released labourers. The Labour Commissioner, UP has taken personal interest in clearing the back-log of several years.

At the time of the last review covering period upto 31.8.05, identification and release of 224 bonded labourers in the State was mentioned. The current review covering the period from 1.4.05 to 31.1.06 presented that a total of 305 bonded labourers were identified and released in UP during this period. 162 of them were migrant labourers belonging to the following States and were sent to their native districts with request to the DMs concerned (except Nepal) for taking up their rehabilitation under the Centrally Sponsored Scheme:

M.P.	20
Bihar	115
West Bengal	2
Chhattisgarh	19
Nepal	6

Labour Commissioner UP was requested to liaise with his counter parts in these States for the purpose of ensuring that the rehabilitation of these persons is taken up in right earnest. In case a lack of response or any difficulties are encountered, the matter can be brought to the notice of the Commission and also the DG (Welfare), Union Labour Ministry.

143 out of the above-mentioned 305 identified bonded labourers belong to UP and are required to be rehabilitated in the State. Besides this, 7 bonded labourers were received from other states after identification and release. As such, the State was required to rehabilitate 150 released bonded labourers in the period of review:

A total of 2859 bonded labourers were identified and released in UP since 1996-97 when the Supreme Court ordered the first survey. 1806 of these were migrant labourers who were sent to their native places. 1053 labourers were required to be rehabilitated. 39 bonded labourers were received in UP from other States for rehabilitation during this period which includes 7 of the period under review. The Govt. of UP was thus required to rehabilitate 1092 bonded labourers. The Labour Department has found only 967 cases fit for rehabilitation. The balance is explained by 'deaths' 'untraceable' 'mental illness' or 'other causes'

The following status report given by the Labour Commissioner in the meeting presents a very satisfactory picture of rehabilitation of released bonded labourers:

1. 870 released bonded labourers have been fully rehabilitated under the Centrally Sponsored Scheme. This included 87 rehabilitated during the period of review. One bonded labour released in District Bhadoi during the period of review was provided a part assistance this year.
2. Funds under the Centrally Sponsored Scheme have been provided to the D.Ms. concerned in full for rehabilitation of 43 and part rehabilitation of one (relating to Bhadoi).
3. Financial assistance is being sought from the Govt. for rehabilitation of 32 released bonded labourers.
4. 21 cases are pending for rehabilitation for want of physical verification of the released labourers.

Labour Commissioner, UP is taking a lot of interest in pursuing these cases. It is worth mentioning that the matter relating to submission of utilisation certificates to the Union Labour Ministry is receiving his personal attention. The grants received in 2003-04 and 2004-05 were fully utilised and utilisation certificates sent in time. In the year 2005-06, the grant of Rs. 20.90 lakh was received and utilisation certificates for Rs. 17.50 lakh submitted till the time of review (7 March, 2006).

As mentioned in the last review, a saving of Rs. 6,02,291 was effected out of the grant of Rs. 10 lakh received for survey of bonded labour in the districts of Mirzapur, Allahabad, Kannauj, Meerut and Gautambudh Nagar. After obtaining clearance from the Union Labour Ministry, an amount of Rs. 6 lakh out of this saving was utilised in carrying out additional survey in Districts Sonbahadra, Sant Ravindas Nagar, Basti and Sidarth Nagar from the period 1.4.05 to 25.4.05. These surveys led to identification of 63 bonded labourers and an amount of Rs. 2,89,750 was again saved. I am sure the Commission will note the seriousness and sincerity with which these surveys have been carried out in comparison with **Zero** results shown in several other States where much larger amounts were utilised.

Labour Department, UP has shown similar concern and seriousness in utilising the grant of Rs. 10 lakh received for Awareness Generation Programmes and Rs. 5 lakh for Evaluation Studies, which were mentioned in the last review. The Labour Department has received additional grant of Rs. 25 lakh on 3 Feb.

2006 for Awareness generation, Survey and Evaluation Studies. As the grant has been received towards the end of the financial year, it can be spent only in 2006-07. It is proposed to conduct Surveys in districts Chitrakoot, Varanasi, Kaushambi, Faizabad and Kanpur City and Evaluation Studies in Muzafarnagar, Bhadoi, Aligarh, Bulandshar and Urai (Jalaun).

### PROSECUTION

A total of 274 prosecutions have been launched under the Bonded Labour Act during the period 1996-97 to 31.12.05. 193 of these pertain to the districts of the carpet belt. Mirzapur tops the list with 65 followed by Bhadoi (53) and Allahabad (46). Only 13 cases out of these have been decided so far, all in acquittal. 12 of these are from the carpet belt. 76 cases are pending trial in the courts of CJM/ACJM/JM and 102 in the courts of Executive Magistrates. That leaves a balance of 83 cases, which needs to be explained. The particulars of FIRs are not available in some of these cases although these are being shown as pending prosecution. It is quite possible that these cases have not been filed before the competent courts. While it is not possible to do much about the old cases, Labour Commissioner was requested to examine personally the position of cases instituted since January 1998 when the NHRC's monitoring started and initiate necessary action for prosecution of the offenders. He is also requested to examine why there is cent per-cent acquittal with not even one case of conviction under the Bonded Labour Act during this period.

While selecting NGOs for the survey work, preference may be given to those who are working in the field of Bonded Labour and sending to the NHRC and Labour Department, UP complaints about employment of bonded labour. A number of bonded labourers have been detected in UP as a result of the efforts of these NGOs.

I suggested to the Labour Commissioner, UP that randomly selected 5 to 10 per cent of the rehabilitated bonded labourers in important districts may be physically contacted by senior officials on behalf of the DM to find out their present economic condition and effectiveness of the rehabilitatory measures in granting them sustainable release from bondage.

I am happy to record that the Labour Commissioner responded very positive and he was also very hopeful about the intended result of this idea.

### **CHILD LABOUR**

A reference was made in the last review report to the single line directive dated 29 August, 2003 of the State Government declaring the end of "Inspector Raj" and its negative effect on the detection of child labour which totally stopped. The State Government deserves to be thanked for its positive response to the Commission's observation and the initiatives of the Labour Commissioner resulting in the modification of the said order. Visits and inspections for detection of child labour are now being properly regulated to ensure that the Labour Department fulfills its obligations under the Child Labour Act



without causing unnecessary harassment to employers and damage to the climate for investment in the State.

Whereas only 4 children were identified as employed in hazardous occupations/processes in 2004-05, the number of children detected in hazardous occupations/processes during the period of review (1.4.05 to 31.1.06) is 221 which is appreciable although much less than the rate of annual detections during the period from 1998-99 to 2003-04. 1337 children were also detected in non-hazardous occupations/ processes during this period. With this, the number of children identified in UP since the survey of 1997 ordered by the Supreme Court comes to:

Hazardous	29949
non-Hazardous	37333
Total:	67282

#### **Educational Rehabilitation of Detected Children**

24663 out of a total of 29949 children identified and withdrawn from hazardous occupations/processes have been admitted to Formal or non-Formal System of Schools. This gives a fairly satisfactory percentage of 82.3%. In the non-hazardous category, the figure is 87.3%, which raises some doubt about its authenticity. In any case, mere admission of children to schools does not mean much unless their retention is ensured. What can be taken as a credible mode of the Child Labourer's rehabilitation is admission to NCLP schools where incentive of stipend and SNP reasonably ensure continued schooling

of the child for 3 years. It may be added that the involvement of the NHRC has improved the situation considerably over the past six years.

### **Economic Rehabilitation of Affected Families**

The number of affected families relating to detection of 29949 children employed in hazardous establishments is 24360. 127 relate to detections made during the period of review. Only 5004 of these i.e. 20.54% are reported to have received any rehabilitatory grant from the Govt. Of the remaining, 5800 are migrant families, 7445 families are already employed and 5376 are not keen to receive any grant under the Poverty Elimination Programmes. This leaves a balance of 735, which need rehabilitation. I must record appreciation for the promptness with which this particular provision of the MC Mehta Judgment is being implemented in respect of new detections in UP.

### **Recoveries from Offending Employers**

The number of employers involved in the total detection of 29949 children in hazardous work is 10,822. 7649 prosecutions have been launched in this connection. The last review had given the figure of 7877 prosecutions while the number of employers were 10741. This discrepancy needs to be explained. A total of 7226 RCCs have been issued for recovering a total amount of Rs. 32,23,900,00. The figure given in the last review report for 7176 RCCs was Rs. 32,40,60,000. This needs to be explained. Similar

discrepancies have been noticed in respect of number of RCCs stayed by the court and number of RCCs quashed/returned. A total amount of Rs. 1,07,06,134 has been collected so far. A sum of Rs. 13,32,69,647 remains to be collected against enforceable RCCs. Although U.P is the only State where recoveries from offending employers have been quite significant, not much has been collected after the initial enthusiasm for 3/4 years starting from 1998.

## PROSECUTION

A total of 10716 prosecutions have been launched under the Child Labour Act till 31 January, 2006. This includes 3068 of pre-December 96 period. A total of 3272 of these have been decided so far - 406 in conviction and 2866 in acquittal. This gives the conviction rate of 12.4%. A total of 7444 cases are pending. The conviction rate for the past 3 years is almost NIL.

## Special Awareness Generation Campaign

A commendable initiative of the Labour Department during the period of review was a special public awareness and identification campaign for detection of child labour conducted during the period from 15 January to 31 January, 2006. A total of 86 teams inspected 5258 establishments and 409 factories. This resulted in identification of 94 children engaged in hazardous and 1211 non-hazardous work. Besides taking up action under relevant provisions of the Child Labour Act, follow up was initiated in accordance with the Supreme

Court directions given in MC Mehta case. 32 children were admitted to schools. RCCs for the recovery of Rs. 20,000 per child from the offending employers were issued. The campaign included efforts to enforce pending RCCs. An amount of Rs. 2,40,000 was collected during this period in District Agra. 49 of the affected families were provided employment under the Wage Employment Scheme. Seminars/workshops were conducted in 17 child labour-prone districts, which were attended by 7674 persons.

### **NATIONAL CHILD LABOUR PROJECT (NCLP)**

NCLP was in operation in only 2 districts, namely, Aligarh and Faizabad when the NHRC monitoring began in 1998. The project sanctioned in Varanasi in 1988-89 was still awaiting operationalisation. 5 districts were added in 1998-99, 2 in 1999-2000 and one in 2000-01. By March 2004, NCLP was actually in operation in 11 districts running 496 out of a total of 530 sanctioned schools. 15 districts were added in February, 2004 and 21 in October, 2004. The last review (September 2005) revealed operationalisation of NCLP in 12 out of a total of 36 additional districts and satisfactory progress of preparations for starting the project in the remaining 24 districts. The review has revealed the following status:

Following the submission of the survey reports sanction for starting NCLP in 15 districts with a total of 516 schools has been received. The project has been actually operationalised in 7 districts by opening 88 schools. Selection of NGOs is complete in six and the

interviews for selection are going on in 2. However, the number of schools started under the following projects are found to be much smaller than the sanctioned:

Districts	No. of schools sanctioned	No. of schools started
1, Faizabad	44	4
2. Pratapgarh	39	2
3. Sravasti	22	2
4. Rai Bareilly	20	6

Survey has been completed in four districts and sanction for opening of schools has been received for 3. One sanction is awaited from the Govt. of India. Survey is in progress in district Etah.

In 4 districts, namely Deoriah, Maharajganj, Sidarthnagar and Muzafarnagar, the survey revealed a very small number of children working in hazardous occupations/processes. Labour Commissioner, UP rightly considers these districts not eligible for the project. He has, therefore, proposed to the Union Labour Ministry the sanction of NCLP to Bijnore, Shahjahanpur, Kaushambi and Kannauj, respectively.

NCLP is now actually in operation in 30 districts with a total of 1611 sanctioned schools. However, the number of schools actually being run is 1057. 353 of these in 5 districts, namely Aligarh, Allahabad, Ferozabad, Muradabad and Kanpur have been brought under INDUS but actually 327 schools are being run. At the time of finalization of the report (21 April, 06), the number of NCLP schools in operation has gone up to 1136 as intimated by the DLC Shri UP Singh. The number of children attending the schools is 49570.

### **MID-DAY MEAL**

A commendable initiative of the present Labour Commissioner, UP during this period is his success in persuading the Akshaya Patra Foundation Virandavan to extend their Mid-day Meal Scheme to the NCLP schools in district Mathura. The organisation known all over India for providing cooked balanced, hygienic and nutritious mid-day meal to children in rural areas is working out arrangements for extending their scheme to NCLP schools in Mathura within the Budgeted amount available under the head "SNP" which is Rs. 5 per child per day.

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

5 districts of UP, namely Moradabad, Ferozabad, Aligarh, Allahabad and Kanpur (City) are covered under INDO-US-DOL Project which aims at complete elimination of the worst form of child labour identified in these districts. The project envisages detection of 4000 children in each district. 1000 children identified in the 5-8 years age group are to be mainstreamed by admission to formal or non-formal schools for primary education under the Sarv Shiksha Abhiyan. 2000 child labourers identified in age group of 9-13 years are to be educated in 42 Transitional Education Centres (TEC) run on the NCLP lines. 1000 child labourers identified in 14-17 years age group are to be targeted for Employment Oriented Vocational Training. The project is now in operation in all the 5 districts. A total of 327 TECs – 62 in Aligarh, 35 in Allahabad, 114 in Ferozabad, 46 in Kanpur and 70 in Moradabad are imparting primary education to a total of 10685 child labourers.

4885 children have been identified in 14-17 years age group in these districts for vocational training. However, only 737 children out of these have been admitted to vocational training classes so far. At present 297 children are receiving vocational training under the arrangements of the Project Society and 440 are being trained by Dr. Reddy Foundation. Implementation of the Project in respect of vocational training is inadequate.

Labour Department, UP has been actively collaborating with UNICEF for conducting awareness generation and training programmes relating to bonded labour and child labour since 2002. In 2005-06, one-day orientation programme was conducted in 9 new NCLP districts, namely Etah, Bareilly, Rampur, Lucknow, Mau, Sonbahadra, Banda, Faizabad and Fatchpur. One such programme is also proposed for Gazipur. Under the INDUS Project, community workers training (three-day) was arranged for Women Self-Help Groups in Allahabad, Kanpur City, Moradabad, Ferozabad and Aligarh. 5-day Training Programme under Joyful Learning was conducted for teachers of NCLP, Azamgarh, Saharanpur and Bulandshar. These programmes were also proposed for Bareilly, Ghaziabad and Mathura. An innovative programme was conducted on 24 Feb. 2006 at Lucknow in which NGOs associated with INDUS/NCLP got the opportunity of sharing their experiences with reputed NGOs like M.V. Foundation, PRAYAS and APSA (Association of People for Social Action). 2 such programmes were run with 26 NGOs each.

A non-invasive survey for detection of out-of school children (5-14 years) is proposed in Lalitpur district from 21.3.06 to 21.5.06.

**DISTRICT REPORTS**  
**VARANASI**

The review meeting was attended by Shri D.K. Kanchan, Addl. Labour Commissioner, Shri D.K. Singh, Asstt. Labour Commissioner, Shri Hakim Singh, acting CDO, Dr. Vecna Singh, Medical Officer, ESIC, District Education Officer and District Coordinator Sary Siksha Abhiyan, Varanasi were also present.

**BONDED LABOUR**

There has been no detection of Bonded Labour in this district in 2004-05 and 2005-06. The District has received sanction for Bonded Labour Survey costing Rs. 2 lakh on 27.2.2006. The amount was drawn on 28.2.06 and Survey will be conducted in 2006-07. NIL detection of bonded labour in Varanasi which is having 270 brick-kilns, does not speak well of the seriousness with which the problem of Bonded Labour is being viewed in this district. No case of rehabilitation is pending in this district. 21 cases under the Bonded Labour Act are pending trial – 11 in the court of ACJM First class, 9 in ACJM IInd and 1 in CJM.



## CHILD LABOUR

One child was detected in hazardous and 48 children were detected in non-hazardous work during the period of review. 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 1704 and 759, respectively. The children detected in hazardous work belonged to migrant families. Action for admission to schools was, therefore, not taken. 6 out of 48 children withdrawn from non-hazardous work were admitted to schools. The number of affected families relating to the withdrawal of 1704 children from hazardous occupations/processes is 1584 including the migrant of the detected child of this year. In the last review report, the pending rehabilitation of 69 families was mentioned. There has been no progress during the period of review regarding (a) rehabilitation of affected families and (b) recovery of Rs. 20,000 against RCCs issued.

A total of 941 prosecutions have been launched under the Child Labour Act in this district. One prosecution relating to the detection during the period of review is under process. 606 cases were found pending trial at the time of last review. 7 cases were decided during this period, all in acquittal.

## NCLP SCHOOLS

With the opening of 30 additional schools - 14 on 24.12.05 and 16 on 12.1.06, the number of NCLP schools is now 70 as sanctioned. All the schools are being run by the NGOs, numbering 33. A total of 3500 children are receiving accelerated primary education with benefit of Supplementary Nutrition and Health Care. Girls numbering 2039 constitute 58.2% of the total. SC constitutes 24.94%, OBC 37.88% and Minorities 36.25%. The deficiency of vocational training pointed out in the last review has been removed. Vocational training is being provided in trades such as stitching, knitting, weaving etc. Health Care is being provided by ESIC. A Doctor and one Staff nurse are detailed on every Tuesday, Thursday and Saturday for this purpose.

Salaries and stipends have been paid to the staff and students of old 40 schools upto September, 2005. Funds have been received on 20 Feb. 06 for clearing all dues for the period October 2005 to March 2006. As regards 30 new schools, financial grant for 3 months was received. Since there was delay in starting these schools and the amount was shown unspent, the Union Labour Ministry adjusted it in the second instalment of old 40 schools. As such, no payment has been made under any head for the new 30 schools. Bank accounts for disbursement of stipends are yet to be opened for the children of additional 30 schools. Supplementary Nutrition Programme is running efficiently.

Health cover provided by ESIS is found to be effective. Health check up of the children of NCLP, Varanasi was also arranged through Indian Medical Association on 2.3.06 and 3.3.06. 3 Medical Officers are being appointed as per the revised scheme. One month training of teachers has been arranged for 60 Instructors of 40 schools through the District Institute of Education and Training (DIET). The same is being arranged for the teachers of newly started 30 schools.

### **JAUNPUR**

Shri D.K. Kanchan, Additional Labour Commissioner, Varanasi and Shri D.K. Singh, ALC, Jaunpur presented the Bonded Labour and Child Labour situation in this district.

#### **BONDED LABOUR**

There has been no detection in this district during the period of review. No case is pending for rehabilitation. 3 cases were pending prosecution at the time of last review. One has been decided during the period of review in acquittal.

#### **CHILD LABOUR**

There has been no detection of children employed in hazardous occupations/processes during the period of review. 29 children were identified working in non-hazardous occupations. With this, the number of children withdrawn from hazardous and non-hazardous

work since 1997-98 comes to 743 and 348, respectively. There has been no progress in terms of educational rehabilitation of withdrawn children and economic rehabilitation of affected families. 300 RCCs have been issued against 411 employers for recovering the total amount of Rs. 1,15,00,000. 122 RCCs have been stayed by the court and 13 returned/cancelled. Recoveries made so far amount to Rs. 3,86,200 which includes Rs. 10,000 recovered during the period of review.

A total of 433 prosecutions have been launched under the Child Labour Act in this district till the date of review. Only 15 cases have been decided till the time of last review - 3 in conviction and 12 in acquittal. There has been no progress in the situation since then.

#### **N.C.L.P.**

District Jaunpur was brought under NCLP in 1999. However, sanction for starting 50 schools was issued on 15 March, 2005. Budgetary grant to the tune of Rs. 21,82,000 was received in April, 2005. 28 schools were started in September/October, 2005 by 6 NGOs. The actual number of children and their sex-wise composition could not be furnished. Although funds were available, salary/stipends have not been disbursed till the time of review (4 March, 2006). It has been confirmed in writing by the Project Director, NLCP on 25.3.06 that all dues including SNP money has been cleared to the NGOs upto December, 2005.

**BHADOI**

Shri O.P. Gupta, ALC, Bhadoi presented the Bonded Labour/Child Labour situation.

**BONDED LABOUR**

70 bonded labourers were identified and released in this district in 2005-06 (till 31 January). This included 60 migrants – 29 adults and 31 children. 39 belong to Bihar, 19 to Chhattisgarh and 2 to West Bengal. 10 are local bonded labourers including one child. Rehabilitation grant has been disbursed in full (Rs. 20,000) to 2 and in part. (Rs. 10,000) to one. It was learnt in the State Review Meeting that the funds have been released for the pending rehabilitation (7<sup>3</sup> full and 1 part).

As regards the rehabilitation of migrant Bonded Labourers, the DMs of the Districts concerned have been approached. The copies of the letters written to the DMs of district concerned in respect of migrant labourers were perused.

A total of 60 prosecutions have been launched – 51 in the courts of CJM/JM-Ist and Iind, 8 of SDM, Bhadoi and 1 of SDM, Gianpur. 14 cases have been decided so far – 13 by Judicial and 1 by Executive Court, all in acquittal.

## CHILD LABOUR

31 children were detected in the hazardous and 10 in the non-hazardous occupations/processes during the period of review. With this, the number of children withdrawn from hazardous and non-hazardous occupations since 1996-97 has gone up to 719 and 205, respectively. 97 withdrawn children were admitted to schools, 617 belong to migrant families. As such, 5 children were not admitted to schools. The number of affected families relating to 719 children withdrawn from hazardous work was 688. 594 of these were migrant families, 32 were already employed and 20 were unwilling to take employment under Poverty Elimination Programmes. Only 36 out of a total of 688 families were provided economic rehabilitation. For the balance six including one child labour (Movin s/o Indrish) financial package has been received. There has been no change in the status of RCCs issued for collection of Rs., 20,000 per child from the offending employer. The figure remains 227 as before although 31 children were detected in hazardous occupations/processes during this period. Against the total recoverable amount of Rs. 8,98,000 from 298 employers, a total sum of Rs. 1,96,313 has been recovered with NIL recovery during the period of review.

## PROSECUTION

A total of 1656 prosecutions were launched in this district under the Child Labour Act. (332) were found pending at the time of last review. While no fresh prosecutions were launched since then 5

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cases have been decided, all in acquittal. ALC Bhadoi informed that in cases relating to detection of 23 children from hazardous work after the last review are at processing stage, no fresh RCCs have been issued nor has prosecution started.

#### N.C.L.P.

NCLP was extended to Bhadoi in 1999 with sanction of 20 schools of capacity 50 each. At the time of last review, 19 schools with a total strength of 950 children were being run by the Project Society since June, 2005. Now 20 schools are being run, all by NGOs numbering 20. One school was started on 26.9.05 after the last review. Girls numbering 660 constitute 66% of the total. SCs represent 28.8%, OBC 61.8%, Minorities 0.44% and General category 0.50 %.

Post Office accounts for disbursement of stipends have been opened for 850 children out of a total of 1000. ALC assured that balance will be completed by 30 April, 2006. Health Care is being provided by Medical Officer Anil Kumar Srivastava appointed by NCLP. He has been visiting the schools regularly, as would be evident from the following detections of ailments:

Eye	35
Ear	45
Polio	8
TB	1
Epilepsy	2
Skin	2
Night blindness	5

For the session 2002 – 05, salaries/stipends have been paid only upto January, 2005. The arrears for the month of February, March and April (upto 8 April) are pending for want of budget grant.

As regards the 2005-08 session, no payment has been made at all. It was learnt in the review meeting at the State HQ that the 1st and 2<sup>nd</sup> instalment of Rs. 45,45,534 has been released on 22.2.06.

### SONEBHADRA

Shri B.J. Singh, DLC presented the bonded labour and child labour situation in the District.

#### BONDED LABOUR

There has been no detection of bonded labour in this district during the period of review. One bonded labour Ashok s/o Shinnath, village Pandari, Tehsil Robertganj, Sonebhadra released in Allahabad on 12.7.05 was required to be rehabilitated in this district. DLC informed that the proposal with rehabilitatory package has been forwarded to the Labour Commissioner, UP vide No. 4846 dated 3.12.2005.

#### CHILD LABOUR

There has been no detection of children employed in hazardous occupations/processes during the period of review. 14 children were detected from non-hazardous work during this period. The total number of children withdrawn from hazardous and non-hazardous



work in this district since 1996-97 comes to 406 and 386, respectively. Last year's review mentions pending educational rehabilitation of 3 children from hazardous and 9 from non-hazardous work. DLC Sonebhadra stated that none of them could be admitted to school and the matter should be treated as closed, as they are not available.

As regards the pending rehabilitation of 3 families, they have been provided assistance under the Indra Awas Yojna only. As regards the pending RCs, Rs. 900 was collected during the period of review raising the total amount from Rs.1,16,600 mentioned in the last review to Rs. 1,17,500. There has been no progress in prosecution with the number of cases pending trial remaining static at 275 mentioned in the last review. However, DLC informed that the trials are progressing and some cases are at the final stage.

#### NCLP

NCLP was extended to Sonebhadra in February, 2004. 23 NCLP schools of capacity 50 each were sanctioned on 20 April, 2005. Only 20 schools were reported running at the time of last review in September. With the opening of 3 more schools now, all the 23 schools sanctioned are being run by 7 NGOs. Girls, numbering 575, constitute exactly 50% of the total, SCs constitute 21.73%, STs 48.86% and OBCs 23.78%. General category representation is only 1.82%. Salaries to the staff have been paid upto December, 2005. DLC assured that funds are available upto June, 2006 and salaries for January and February will be released by 15.3.06. However, disbursement of scholarships has not been started although 21 schools

were opened in July, 2005. DLC informed that bank accounts have been opened only in respect of 800 children out of 1150. He assured that the remaining accounts would be opened by 15.4.06.

Vocational training is being imparted in all the schools in trades like stitching, knitting, photo framing, carpentry, kite making, leaf plates, envelop-making, etc. All the teachers have been put to training by DIET.

### MIRZAPUR

Shri Shamim Akthar, ALC presented the bonded labour and child labour situation.

### BONDED LABOUR

There has been no detection of bonded labour in this district during the period of review. In the last review, pending rehabilitation of widow of one released bonded labour, named Ramesh Kumar s/o Sumaru was mentioned. Package for rehabilitation forwarded to the Labour Commissioner is still pending. ALC, Mirzapur informed that six more such cases have been detected. 2 of them were released in October, 1996, 2 in January, 1997 and 2 in December, 1997. All these cases including the one mentioned in the last review report are old cases. Labour Commissioner, UP is requested to study these cases and examine the possibility of covering them under the Centrally Sponsored Scheme.

## CHILD LABOUR

One child was detected from hazardous and 11 from non-hazardous occupations during 2005-06 (upto 31 January). With this, the number of children withdrawn from hazardous and non-hazardous work in this district comes to 152 and 215, respectively. 107 children withdrawn from hazardous work were admitted to schools. The remaining 45 belonged to migrant families. In the non-hazardous category also all but 11 children have been admitted to schools excluding 49 of migrant category. As regards the economic rehabilitation of the affected families relating to children withdrawn from hazardous work, 101 out of a total of 143 families have been provided some assistance under the Rural Development Schemes. The remaining are either migrants (37) or already employed (3) or unwilling (2).

156 RCCs were issued against 186 employers for recovery of Rs. 20,000 each in respect of detection of 406 children. It is intriguing that the total collection reported as Rs. 1,09,545 at the time of last review is now shown as Rs. 62,495 including Rs. 30,000 collected in December, 2005. This is a serious discrepancy which the Labour Commissioner, UP has also noticed. He is looking into it. The last review had shown a pendency of 274 cases under the Child Labour Act. 3 more cases have been decided during the period of review, all in acquittal. No fresh cases have been instituted in respect of 11 detections of 2005-06.

**NCLP**

NCLP is in operation in this district since 1999. A total of 20 schools of 50 strength each have been sanctioned. At the time of the last review only 3 schools with a total strength of 135 were running. 17 schools, which had completed 3 years in April, 2005, were not re-started till then. It is a matter of satisfaction that all the 20 sanctioned schools with a total of 980 are now being run by NGOs numbering 10. Girls, numbering 466, constitute 47.55% of the total strength. SCs constitute 20.6%, OBCs 37.65% and Minorities 40.10%. General category representation is 1.63% only.

Honorarium to the staff has been paid upto January 2006. Stipends have also been paid upto January, 2006 through bank. It is heartening that the bank accounts have been opened for all the 980 children in this district. Vocational training is included in the programme in all schools. Health care and SNP arrangements are functioning satisfactorily.

I had mentioned in the last review report the pending liabilities of salaries and stipends relating to the second phase of the project (2000 – 2005). The position remains as dismal as before with no progress achieved. Labour Commissioner, UP is aware of this. I understand the Union Labour Ministry wants the entire accounts audited before accepting the claim of the Project Society. There should be no hesitation in agreeing to this. The DM and the P.D, NCLP of the concerning period had acted arbitrarily and created a situation which is defying every attempt for solution by the present incumbents.

**ALLAHABAD**

Shri A.K. Rai, DLC and Shri Shailesh Kumar, ALC and Project Director INDUS presented the Bonded Labour and Child Labour situation.

**BONDED LABOUR**

33 bonded labourers were identified and released in this district in 2005-06 (till 28 Feb. 2006). In the last review report (2-7 Sept.2005) detection of 11 bonded labourers was mentioned. 26 of these were migrant and were sent to their native districts. Names of their native districts and the confirmation regarding dispatch of release certificates to the DMs concerned were not furnished. Labour Commissioner, UP was requested to pursue. 7 bonded labourers belonging to UP - 6 to Allahabad and 1 to Sonebhadra. Rehabilitation package in respect of one belonging to Tehsil Bara, Allahabad has been received. Rehabilitation package in respect of 5 of Tehsil Karaon has been forwarded to the Labour Commissioner, UP. Rehabilitation of one is being arranged in district Sonebhadra.

While the number of bonded labourers identified in 2005-06 has increased from 11 in September, 2005 to 33 as of 28.2.06, there has been no change in the number of prosecutions which remains 46 as before. Details of prosecution in respect of detection of 2005-06 are required to be furnished.

## CHILD LABOUR

There has been no detection of child labour engaged in hazardous occupations/processes in this district in 2004-05 and in 2005-06 (upto 7 September 2005) as mentioned in the last report. 3 children have been detected in hazardous and 34 in non-hazardous work after the last review. The number of children withdrawn from hazardous and non-hazardous work has gone up to 7010 and 823, respectively. Educational rehabilitation of withdrawn children has been cent percent barring the children of the migrant families. The number of affected families relating to withdrawal of 7010 children from hazardous work is 5146. 538 were migrants from other States. 1290 had already received some economic benefits under Rural Development Schemes. 2091 were found unwilling to receive any economic assistance. A total of 1114 families were provided some economic assistance leaving a balance of 113 families. It may be mentioned that there has been no progress in this regard since the review made in March, 2004.

A total of 558 RCCs have been issued against 463 employers in respect of 7010 children withdrawn from hazardous work for recovery of a total amount of Rs. 5,07,50,000. Only one RCC was issued after the last review of September, 2005. With no further recoveries made during this period, the collection remains as Rs. 344324 as mentioned in the last review report.

A total of 603 cases have been registered under the Child Labour Act in this district including 140 of pre-December 1996 period. 150 cases were decided - 3 in conviction and 147 in acquittal. Convictions deserve specific mention:

- Additional ACJM 9<sup>th</sup>, Allahabad convicted Shri Mool Chand s/o Magroo Patel u/s 14 of Child Labour Act, 1986 to 3 months rigorous imprisonment and fine of Rs. 10,000 on 30.7.98. The case was registered in 1993.
- ACJM 9<sup>th</sup>, Allahabad convicted Shri Onkar Nath Yadav s/o Zohari Yadav of M/s Onkarnath Yadav Carpet Factory to 3 months R.I. imprisonment and fine of Rs. 10,000 on 6.10.98. The case was registered in 1993.
- CJM, Allahabad convicted Syasat Ali u/s/ 14(1) of Child Labour Act for one year R.I imprisonment on 13.1.06. This is the only conviction in this District after the receipt of Supreme Courts directions in December, 1996.

In the last review report, identification and withdrawal of 10 child labourers from hazardous work in July 2003 was mentioned. 7 employers were required to be prosecuted in this case. DLC Allahabad stated that the matter has become time-barred and complaint could not be filed in the court. Labour Commissioner, UP was requested to examine this matter personally and take appropriate action so that such irresponsible instances are not repeated.

## INDUS CHILD LABOUR PROJECT

NCLP was started in Allahabad in June, 1999 with sanction of 40 schools of 50 students each. These schools were brought under INDUS w.e.f. 1.10.04. At present 41 schools with a total strength of 2045 children are being run under INDUS Project - 23 by NGOs and 18 by NCLP Society. Girls numbering 1220 constitute 59.95% of the total. SCs constitute 36.41%, OBCs 37.98%, Minorities 22.85% and General category 2.75% of the total strength. Salaries and stipends have been paid up to October 2005. The financial difficulties noticed at the time of last review report because of delay in receipt of grant have been overcome. 1250 children have been identified in 14-17 years age group for Employment-Oriented Vocational Training. Only 110 of these are presently receiving this training. The vocational training component of INDUS is progressing rather slowly as the entire number (proposed: 1000) is to be accommodated within the project period of three years.

## CONCLUDING REMARKS

The review of Bonded Labour and Child Labour situation in UP for the period 1.4.05 to 31.1.06 presents a very satisfactory picture on both Bonded Labour and Child Labour fronts. With the constitution of Vigilance Committees in the 5 Sub-Divisions which were not having these committees at the time of the last review, the mandatory requirement of constituting vigilance committees in all districts and Sub-divisions of the State has been fulfilled. There has been



substantial improvement in achievements in terms of identification, release and rehabilitation of bonded labourers. 305 bonded labourers have been identified and released in 2005-06 (upto January 31) against only 55 in 2004-05, 186 in 2003-04, 254 in 2002-03 and 180 in 2001-02. The funds received from the Govt. of India for survey on Bonded Labour have been spent with utmost care and concern for the public money and resulted in actual detection of 63 bonded labourers. Rehabilitation of 88 released bonded labourers was effected in the period of review and funds for additional 43 rehabilitations provided to the District Magistrates concerned. The Labour Commissioner, UP was hopeful that 32 proposals pending with the Govt. of India are likely to be cleared within 2005-06. The submission of utilisation certificates to the Union Labour Ministry has been remarkably prompt. Due interest is being shown by the authorities concerned about rehabilitation of migrant bonded labourers sent to their native places after identification and release. The Labour Department is promptly initiating the proposals for rehabilitation of released bonded labourers under the Centrally Sponsored Scheme.

The situation on the child labour front has brightened up after a dismal performance in 2004-05. With the modification of the Govt. orders regarding visits and inspections of factories and establishments by officers of the Labour Department ordered in response to the Commission's observations, detection of children engaged in prohibited occupations/processes has again started. While no child was detected from hazardous work/process in 2004-05 in UP and only 4 children were detected from the non-hazardous work, the figures for 2005-06 (upto 31 January, 2000) are 221 and 1337, respectively.

Economic rehabilitation of the affected families in respect of recent detections has also shown considerable improvement. However, achievements in terms of recovery of Rs. 20,000 per child from the offending employers has not been very satisfactory. Prosecution of offenders under the Bonded Labour and Child Labour Act continues to receive attention from officers of the Labour Department, UP. The pendency is reduced although cases are ending mostly in acquittal. This can be explained by the fact that all earlier cases which are now being decided were based on inadequate and faulty investigation.

U.P can be credited for speedy operationalisation of the NCLP schools sanctioned under the 10<sup>th</sup> Five Year Plan. From 11 districts concerned till 2003-04, the number of districts actually running NCLP schools has gone upto 30. NCLP schools are expected to start shortly in 8 more districts. 9 more districts are expected to be covered next year. A distinct improvement is noticed in the performance of NCLP schools, particularly the SNP and Health Care arrangements. The INDUS Project is also progressing satisfactorily in 5 districts of UP.

Labour Department UP has taken full benefit of the assistance offered by UNICEF for activities aimed at creating awareness in public against the child labour and training the staff of NCLP schools and the office bearers of the NGOs running these schools.

*Clal*

(Chaman Lal)

Special Rapporteur

25.4.06