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Member, NHRC – Justice Shri Y. Bhaskar Rao conducted a review of the status of implementation of Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition & Regulation) Act, 1986 for the State of Andhra Pradesh at the Lake View Guest House, Hyderabad on 19.10.2006. The last such review was conducted by him on 23.6.2006. The names of the officers who attended the review both on behalf of NHRC as well as on behalf of the State Government are placed at Annexure-I. A questionnaire prepared by the Special Rapporteur, NHRC – Dr. L. Mishra formed the basis of review as far as implementation of Bonded Labour System (Abolition) Act is concerned. The review of implementation of Child Labour (Prohibition & Regulation) Act, 1986 was confined to a general discussion by way of questions from NHRC and response of the State Government thereto. The discussion was supplemented by a Presentation made by Shri K. Chandramouli, Project Director, Sarva Shiksha Abhiyan, Andhra Pradesh which explained the measures taken by the SSA to provide education to the children of inter-state migrant workers migrating from the districts of Balangir, Nuapada, Bargarh and Sonepur of Orissa and a few districts of Chhattisgarh and Maharashtra to work in the brick kilns of A.P.

The outcome of the review under different heads is indicated below:-

**Bonded Labour System (Abolition) Act, 1976:**

1. **Administrative Infrastructure:**

The Department of Social Welfare has been made responsible since 1975 for overall planning, implementation, monitoring, supervision and co-ordination of all items relating to implementation of Bonded Labour System (Abolition) Act. The Department has maintained necessary liaison and coordination with officers

of Revenue, Labour, Rural Development, Women Development & Child Welfare and School Education to the extent such liaison & coordination is necessary for identification, release and rehabilitation of bonded labourers.

A State Level Steering Committee with Chief Secretary to the State Government as the Chairman, Secretaries to Government of Social Welfare, Labour, Women Development and Child Welfare, Rural Development, Home, School Education, Law, Medical & Health, Industries & Commerce, Agriculture & Cooperation, Animal Husbandry, MD, A.P. SC Finance Corporation & DG(LW), Government of India as members has been constituted since 9.6.1997 to take all steps to preempt bonded labour system by a series of measures such as:

- Enforcement of Minimum Wages Act and Bonded Labour System (Abolition) Act;
- Review of functioning of Contract Labour (Regulation & Abolition) Act and Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act;
- Ensuring setting up of rural credit facilities such as grameen banks & cooperative societies;
- Studying sensitive occupations (brick kilns, stone quarries) known to employ bonded labourers;
- Critically assessing the socio-economic conditions creating bondage and devising means of curbing them.

It was admitted that the meetings of the said Committee have been infrequent and that action is being taken to have meetings on a regular basis as also to get the decisions taken in the said committee implemented. The said Committee has been constituted in pursuance of the directions of the Supreme Court replacing the earlier State Level Screening Committee chaired by Secretary to Government, Social Welfare Department.

## **2. Institutional & Statutory Mechanisms:**

Vigilance Committees are required to be constituted at the district and sub divisional level under the Chairmanship of DM and SDM concerned u/s 13 of Bonded Labour System (Abolition) Act. They are mandated to discharge a number of statutory functions including identification of bonded labour system, placing all cases of bonded labourers before the Executive Magistrate for securing release, issue of release certificate by the Magistrate, arranging rehabilitation of all freed bonded labourers under land based, non land based and art/craft/skill based programmes, preventing occurrence and re-occurrence of bonded labour system through a series of measures (access to productive employment, education, skill training, credit, land reforms, enforcement of minimum wages, protection of civil rights etc.). Such Committees have been re-constituted in pursuance of the directions of the Supreme Court of India (vide proceedings arising out of W.P. 3922/85 dated 19.11.1996). The constitution of the Vigilance Committees follows the pattern laid down u/s 13 of Bonded Labour System (Abolition) Act. They are now called:-

- District Vigilance & Monitoring Committees;
- Sub Divisional Vigilance & Monitoring Committee.

It is worth noting that in pursuance of the directions of the Apex Court in the above Writ Petition Proceeding, a number of additional functions over and above those laid down by the Law have been assigned to the Vigilance Committees which will help better implementation of the Provisions of Bonded Labour System (Abolition) Act such as:-

- Re-negotiate, wherever possible, working conditions of bonded labourers with the employers;
- Guarantee safety of the bonded labourers;
- Prevent relapse into bondage;
- Receive information about persons who are held in bondage in other States and report that information to Government for action;
- Facilitate rescue efforts both inside and outside the State inside and outside the State involving the police and other officials, NGOs, Lawyers etc.;
- Assist the released bonded labourers in registering an FIR and obtaining the 'release certificate' to be handed over to the freed bonded labourer;
- Serve as reception and rehabilitation committee in respect of released bonded labourers;
- Ensure that the immediate needs of food, health, clothing, transportation and housing arrangements of released bonded labourers are taken care of;

- Provide counselling and psychological support in trauma conditions through trained personnel;
- Assist the family unit of freed bonded labourers (relevant in cases of attached agricultural labourers) for re-integration to the mainstream of social development;
- Ensure that subsistence allowance of Rs. 1000/- per released bonded labourer is paid soon after release;
- Ensure that the statutory provisions relating to extinguishment of bonded debt, non eviction from homestead land, restoration of property mortgaged, recovery of dues and compensation wherever applicable are implemented.
- Ensure that the release and rehabilitation of bonded labourers are simultaneous;
- Ensure that the freed bonded labourer is consulted and his preferences, felt needs and interests are taken into account while formulating a rehabilitation package;
- Provide consumption loan on monthly subsistence in the interregnum between release and rehabilitation or until suitable employment is found;
- Assist the freed bonded labourer in obtaining financial assistance, subsidies through State funds or from nationalized banks;
- Review rehabilitation efforts to assess if second dose of assistance or additional measures are necessary;

- Maintain a list of employers of bonded labourers, recruiters and agents and initiate criminal action against them.

The above functions are significant and praiseworthy additions to the functions listed in Bonded Labour System (Abolition) Act. These functions, however, will be meaningful only if the Vigilance Committees meet at regular intervals and transact business according to these norms and guidelines. The Collectors/DMs were requested to not only constitute these Committees but were to ensure that the meetings of the sub divisional committees are conducted every month and those at the district level once a quarter. Proceedings of the meetings are also required to be sent to Commissioner, Social Welfare who on the basis of the proceedings is required to submit quarterly progress reports to Government.

It was, however, admitted that the meetings of the Committees at the sub divisional and district level have been infrequent. In such a situation, the laudable objectives behind constitution & reconstitution of these Committees and behind issue of a comprehensive circular dated 9.6.1997 by the Social Welfare Department outlining the functions as above would remain largely unfulfilled.

### 3. Identification of Bonded Labour System:-

Identification means verifying the identity of a person; in the context of bonded labour system, it would mean tracing/locating both the identity as well as whereabouts of a person who is working under conditions akin to bondage (debt bondage, customary bondage, forced labour etc.). Such a person is ordinarily not aware of the forces/circumstances which lead to his/her bondage; he/she does not have the wherewithal or counter vailing power to come out of such bondage. Hence the countervailing need for an external agency like Vigilance

Committee to trace him or locate him, establish his identity and secure his release has been recognized by Law. The agency can do so either on its own or on the basis of information from any reliable source. Since the person held in bondage is an animate entity, it would be necessary to enter into a dialogue or interaction with that person to find out under what circumstance he got into a relationship of debt bondage with the bonded labour keeper. Every dialogue requires a script, a methodology and body language/demeanours. The script has to be simple, methodology informal and the body language, one of warmth and conviviality.

Regretfully, there are a number of problems to be encountered in discharging this difficult task. The Act speaks of the Agency i.e. Vigilance Committee but does not speak of the methodology. In Andhra Pradesh, this omission was taken care of by Shri S.R. Shankaran, former Principal Secretary, Social Welfare who conceptualised and put in black and white a methodology of identification in simple and intelligible language but with a lot of imagination and sensitivity. Originally drafted in Telugu and later translated into English this was circulated in mid 70s amongst Collectors of all the 23 districts of Andhra Pradesh (even though it was primarily meant for the nine Telengana districts of Andhra Pradesh).

The methodology is, however, required to be administered by the agency i.e. Vigilance Committee or any other person or body of persons so authorized by the Vigilance Committee. The methodology can be administered only by going to the field and not merely by holding meetings of the Vigilance Committees in closed chambers. No definite information is available on (a) if Vigilance Committees at the district and sub divisional level have gone to the field to

conduct enquiries/investigations; (b) whether they have authorized any other person or body of persons or NGOs or officials of any other department (Labour, Rural Development, Tribal Welfare or Panchayat functionaries etc. (c) whether they have made use of the methodology designed by Shri S.R. Sankaran (d) whether any orientation has been provided to these Committees/their functionaries to enable them to discharge their mandate.

**Fresh Survey for Identification:**

In a meeting of District Collectors held on 2<sup>nd</sup> December, 2004 and subsequently on 30<sup>th</sup> and 31<sup>st</sup> January, 2006, the Chief Secretary asked the Collectors/DMs to identify bonded labourers, working children and child bonded labourers through a fresh survey. They were also requested to initiate criminal proceedings against the employers who employed bonded labourers. It is not clear if Vigilance Committees were involved in this process as is required by law. It, however, appears that the MD, Andhra Pradesh Scheduled Caste Cooperative Finance Corporation in pursuance of the direction issued by the Chief Secretary entrusted the task of conducting fresh survey to local NGOs in eleven districts which are prone to bonded labour system with the assistance of MV Foundation, an NGO which has done pioneering work in elimination of Child Labour in Rangareddy district. Out of 11 districts, 7 districts have furnished their reports as follows:-

Sl. No.	District	Name of NGO	No. of bonded labourers identified
1.	Ananthapur	VOICE	28
2.	Mehaboobnagar	Villagers in Partnership	192
3.	Prakasham	PRERANA	144
4.	Medak	Peace Makers	133+22 (child bonded labourers)



5.	Nalgonda	Krusha Seva Mamstha	528
6.	Khammam	CRESHE	167
7.	Karimnagar	PRAKRITI	210
		Total	1424

4. **Release of identified bonded labourers and prosecution against offenders i.e. bonded labour keepers/abettors of the offence.**

The Principal Secretary, Social Welfare, Andhra Pradesh clarified the following in course of review:-

- The State Government has notified all Executive Magistrates to try offences u/s 21 of Bonded Labour System (Abolition) Act by conferring on them powers of a Judicial Magistrate, first or second class, as the case may be. It is not clear why DMs/ADMs have not been vested with similar powers. The State Government should be asked to do so.
- Additionally, the State Government have by a memo No. 513/H2/85-1 dated 28.5.1985 directed all the Collectors to empower Project Officers/Assistant Project Officers in ITDA and District Tribal Welfare Officers in their respective districts to exercise powers of the Collector u/s 10 of Bonded Labour System (Abolition) Act.
- By the same order, Tahasildars of districts of Medak, Mehaboobnagar and Rangareddy districts who were appointed as Addl. Executive Officers of District Scheduled Caste Society have also been similarly empowered.

- The State Government have also issued elaborate instructions in the light of provisions contained in Sections 161,207,238,239,240,241,242,243, 244,245,246,247,248,249,250,251,252,253,254,255,259,260,261,262,263 and 264 of Cr.P.C.(the last five specifically relate to summary trials) the procedure for summary trial [a procedure which is provided for in Section 21 of Bonded Labour System (Abolition) Act itself] of all cases filed under Bonded Labour System (Abolition) Act.
- The following table gives yearwise break-up of cases tried and disposed off by the Executive Magistrates u/s 21 of Bonded Labour System (Abolition) Act during the last six years:-

Year	No. of cases tried & disposed off
2000-2001	580
2001-2002	2369
2002-2003	73
2003-2004	496
2004-2005	71
2005-2006	114
Total	3703

- All cases of release have been followed by issue of a release certificate. There has not been a single occasion when an Executive Magistrate has refused to issue a release certificate after the ingredients of the bonded labour system have been proved beyond doubt.

- In every case of release the procedure for summary trial as also for launching prosecutions has by and large been followed.
- No information is available as to whether at the time of trial and prior to release, there was any resistance that 'x' was not a bonded labourer and, therefore, should not be released. In all such cases, free legal aid should be made available to the bonded labourer who is seeking his release or whose release is being sought for by the Vigilance Committee concerned.
- In all 35,461 bonded labourers have been released and release certificates have been issued but prosecutions have been launched only in 166 cases so far. This gap which was highlighted by the Member needs to be explained by the State Government.

5. **Rehabilitation of freed bonded labourers:**

- Rehabilitation of freed bonded labourers means the following:
  - Converting a non being into a being;
  - Replacing dependence and social exclusion by independence and social integration;
  - Replacing ignorance and illiteracy by awareness and functional literacy;
  - Replacing diffidence by assurance and reassurance; (that he/she is the free citizen of a free country entitled to the same inalienable human rights as others)
  - Replacing persecution by realization of dignity, decency, equality and freedom which are cardinal principles of human rights.

- Ministry of Labour as early as 2.9.1982 had issued a comprehensive blue print covering 15 components of rehabilitation covering the above principles.

The Principal Secretary, Social Welfare, Andhra Pradesh brought out the current status of rehabilitation as under:-

- A copy of the comprehensive blue print covering 15 points on rehabilitation of freed bonded labourers has been circulated to all Collectors/DMs.
- Similarly a copy of the modified Centrally sponsored Scheme (May, 2000) along with guidelines for release of funds under the scheme has also been circulated to all State Governments/Union Territories on 18.11.2000.
- The powers of sanction of rehabilitation assistance of bonded labourers have been delegated to the District Collectors. A District Level Screening Committee with District Collector as the Chairman has been constituted by G.O. No. 42 dated 14.3.1985.
- As of now, the Screening Committees formed at the district level under Chairmanship of the Collector are formulating and approving concrete rehabilitation proposals and sanctioning the funds required for this purpose. These Committees are also reviewing the pace and progress in rehabilitation of freed bonded labourers.
- Subsistence Allowance @ Rs.1000/- per each bonded labourer is being handed over to the beneficiary by hand in shape of cheque. The State Government should confirm if post offices with savings facilities or banks

are available in rural areas where the payee can deposit the amount in his name after opening a saving bank account.

- As most of the bonded labourers work as agricultural workers, they are being provided assistance under land based schemes. Where government lands are not available, they are being covered under the Land Purchase Scheme.
- The State Government by a Circular No. 174-H/Z/85-1 dated 12.2.1985 took a very significant decision that where house sites are available for a minimum number of 25 persons, construction of housing colony for freed bonded labourers may be taken up under Rural Permanent Housing Scheme. The beneficiary's contribution of Rs. 311/- for this purpose may be met from the rehabilitation grant of Rs. 20,000/-.
- Similarly by issue of yet another socially meaningful Circular No. 2171/H2/83-2 dated 2.11.1983, it was clearly decided by the State Government that all families of freed bonded labourers working in stone quarries who have not been supplied green ration cards should be enumerated afresh and supplied with ration cards so as to enable them to draw their ration and other essential commodities at controlled rates from their price shops of Civil Supplies Department.
- Despite these progressive measures, it was admitted by the Principal Secretary, Social Welfare Department in course of review that the general experience in regard to implementation of rehabilitation programmes for individual beneficiaries has not been satisfactory. The rate of success in many individual beneficiary oriented schemes has been less partly due to

inadequacies of the schemes but largely on account of the sociological background of the beneficiary, his poverty and backwardness, the milieu in which he has lived and grown as also the inability of the beneficiary to stand up to the problems of management of assets and finances on his/her own.

- There was, therefore, an imperative need to switch over to a group or community oriented approach to rehabilitation to be managed by Co-operatives or SHGs or by any other form of collectivity and back the same by intensive orientation/training of members of the group. The advantages in such an approach to rehabilitation are obvious such as:
  - Bringing people belonging to different social origins and settling them together at a common point would promote social integration;
  - It will lead to a sense of belonging, togetherness and social cohesion which will be otherwise difficult to achieve and which is so vital for bonded labourers to stand on a foundation of collective self reliance;
  - It will unite the beneficiaries against possible and organized onslaughts from the community of bonded labour keepers and provide better social protection;
  - It will facilitate functionaries of the development departments to visit the freed bonded labourers rehabilitated at a common point and interact with them about their livelihood, income, quality of life and problems faced by them in their day to day life;

- It will also facilitate representatives of the nationalized and other banks to come and meet the beneficiaries at a common point, discuss with them about the possibility of their obtaining bank loan for development and ways and means of repaying the loan;
- It will promote economies of scale in the rehabilitation operations on the whole.

6. **Special problems of release and rehabilitation of inter-state migrant workers who are identified as bonded labourers:**

In a note circulated by Sudha Shrotia, Director, NHRC on 25.4.2003 addressed to Shri A.K. Gánguli, Senior Advocate, 10 Lawyer's Chamber, Supreme Court, Bhagwan Das Road, New Delhi, the special problems of release and rehabilitation of inter-state migrant bonded labourers were addressed and the Commission had suggested as under:-

- Such rehabilitation should be planned jointly by the originating and destination States;
- The released bonded labourers should be given an option of rehabilitation at the place of detection or in their native places, as the case may be;
- In case they express a desire for repatriation to their native place, the recipient State/UT should make necessary arrangements and send the concerned documents (including a copy of the release certificate) along with a rehabilitation package to the DM of the native district under intimation to DG(LW), Ministry of Labour and NHRC.

The above note of the NHRC prepared in relation to W.P. (Civil) No. 3922 of 1985 and submitted to the Apex Court in response to the directions of the latter (in the wake of suggestions made by Shri A.K. Ganguli, amicus curie) has been circulated to all State Governments. The Department of Social Welfare, A.P. in turn has circulated it to all Collectors for follow up action. The review brought out the following basic information about coming to work in different parts of A.P. workers going out of A.P. to other States and workers from other States:-

- Labourers from Mahabubnagar district (called Palamoori labour) go to Maharashtra and other Western and Northern States normally.
- Recently there was a case of interstate migration from A.P. to Kerala State.
- Labourers from Srikakulam district go to Orissa State and from Ananthpur to Bangalore and other neighbouring districts of Karnataka State.
- Similarly workers from Kerala are working in seafood processing industry at Vizag, West Godavri and Nellore districts of A.P.
- Workers from Bihar are working in steel rolling mills all over the State.
- Workers from Southern Orissa (KBK districts in particular) usually come and work in the coastal districts of A.P.

The review also brought out the following gaps in the information system:-

- Recruitment of labourers from A.P. by recruiting agents is taking place without any licence being issued u/s 9 of Inter State Migrant Workmen (Regulation of Employment & Condition of Service) Act covering number



of workmen recruited, names of States to which recruited, actual location of work site etc.;

- No information is available about complaints regarding poor working and living conditions, violation of terms and conditions of contract and number of persons working under conditions akin to bondage;
- No information is available about visit of joint teams comprising of officers of originating and destination States to the destination points where inter-state migrant workmen are working, a gist of their complaints/grievances, if any, whether any action has been taken to receive the complaints/grievances and redress them.
- No information is available about number of inter-state migrant workmen identified as bonded labourers, released, repatriated and rehabilitated.
- No information is available about the extent of cooperation received from the destination State in terms of release and repatriation of the inter-state migrant bonded labourers. It was, however, stated that judgment of the Supreme Court in Damodar Panda vs. State of Orissa (1998) – III – LLI (Supplementary) 733 (SC) is being invariably quoted to seek desired co-operation and relief from the destination State.

**7. Orientation, familiarization and sensitization of the officers of the department and other field functionaries:**

- Training is an important tool of human resource development. It is a tool of information. It removes doubts, reservations and misgivings. It imparts skills (life skills, communication skills, survival skills, attitudinal skills, behavioural

skills, vocational skills, entrepreneurial, managerial and supervisory skills). It also imparts a positive, proactive and holistic way of dealing with the recipients of such training and ensures that there is a positive and qualitative change in their attitude, approach and perception as also lifestyle. Such training by way of orientation and reorientation is absolutely essential to the officers of the department as well as field functionaries who are concerned with implementation of Bonded Labour System (Abolition) Act.

- A beginning was made with the two day Sensitization Workshop held at Jubilee Hall, Hyderabad on 17<sup>th</sup> & 18<sup>th</sup> October, 2006. It reinforced the political will, commitment and determination of the State Government towards elimination of the bonded labour system. It helped to bring together the functionaries of Labour, Women Development and Child Welfare, Social Welfare and School Education Departments to speak with one energy, voice and conscience that bonded labour system is a blot on civilized society and civilized human conscience and it needs to be eliminated lock, stock and barrel by collective and united action. It helped to clarify doubts, reservations and misgivings. It helped to instil a lot of hope, faith and conviction that elimination of the social scourge of bonded labour is not utopian but possible, feasible and achievable within a definite time frame.
- There were suggestions in the said workshop that similar sensitization workshops should be held at the district, block and Panchayat level so that the central message about elimination of bonded labour system could reverberate to many persons around and down below and the sensitization process could be carried to its logical conclusion. The Principal Secretary,

Social Welfare Department should in response to this valuable suggestion prepare an action plan for organising similar training programme for field functionaries at various levels.

8. **Grievance Ventilation and redressal mechanism and functioning thereof:**

- The general experience has been that complaints of bonded labourers – potential or actual do not surface on account of (a) Pervasive ignorance and illiteracy (b) absence of a grievance mechanism (c) absence of a catalytic agent who can sensitize the bonded labourers to come forward and file their complaints, if any.
- In Andhra Pradesh, there is no specific grievance mechanism exclusively for potential or actual bonded labourers. It was stated that grievance days are observed in the districts on Mondays and bonded labourers can use this as forum for ventilating their grievances.
- This is easier said than done. Bonded Labourers for obvious reasons will not have the resources to leave their native habitat to come to the district headquarters to ventilate their grievances. Besides, they will face a severe reprisal for the same from the bonded labour keepers (the landlords, money lenders etc.). They will lose their employment and wages.
- This problem, therefore, deserves to be viewed with a sense of urgency and seriousness of concern as also empathy and sensitivity. In Rajasthan, in the 80s, the then Chief Minister (Shri B.C. Mathur) had introduced a laudable Scheme 'Administration towards villages'. Camps were being held in villages with a large number of counters (allotment of house sites

and agricultural land, access to employment, access to wages, access to credit, access to skills, provision of essential commodities etc.) and this facilitated ventilation and redressal of grievances of the poor, the deprived and disadvantaged like the bonded labourers in a very effective manner. It was a rewarding experience. Government of Andhra Pradesh needs to decentralize the existing scheme for ventilation and redressal of grievances for bonded labourers and for other weaker sections of society preferably to the Panchayat or village level and create a climate which will facilitate the process in a natural and spontaneous manner.

- There is a legal aid centre in existence in every district of Andhra Pradesh under chairmanship of a senior judge. It is necessary to review the adequacy and effectiveness of this arrangement in terms of (a) nature of legal aid/service needed (this will vary from situation to situation); (b) nature of communication with the aggrieved so that the grievance is clearly and correctly registered (c) time frame (d) cost factor and (e) whether the legal service contributed ultimately to the relief of the aggrieved.

9. **Special Problems of Child Bonded Labourers:**

- It transpired in course of the review that during 2000 to 2004 MVR Foundation have released 5297 Child bonded labourers and admitted them at schools/bridge schools in eight districts.
- It further transpired that Deccan Development Society have conducted a survey of bonded labour system in 120 villages of Medak district and have identified 9000 bonded labourers a good number of whom would be child

bonded labourers. This NGO is conducting Summer School Programmes since 1990 and are sending the children to regular schools for continuing their education.

- It has been reported by the Collector, Hyderabad that the district administration have recently identified 33 child bonded labourers. Of them, 25 who belonged to Tamil Nadu were sent to Chennai duly escorted by Senior Officers of the district. The other eight children who belong to A.P. and who were working on daily wages have been counselled along with their parents and handed over to the latter after obtaining an undertaking that the children will be sent to schools for further education.

#### **Implementation of The Immoral Traffic (Prevention) of Act, 1956 in A.P**

- Andhra Pradesh is both a sending as well as a receiving State for trafficking of girls into as well as out of A.P. Between January to July, 2006, 198 trafficking cases were registered, 780 traffickers were arrested, 140 cases charge-sheeted, 9 cases ended in conviction, 10 cases ended in acquittal and the rest are subjudice. Police officers in A.P have started recognizing the victims of commercial sexual exploitation as a 'victim' under ITP Act and are registering cases against the accused only. 175 cases were registered U/S 8 of ITP Act during 2006 and upto 30<sup>th</sup> Sept.2006. The Addl. DGP CID is AP State anti-trafficking nodal officer. All SSPs/SSRPs/CSPs are nodal officers in their respective districts, railway districts and Commissionerates.
- It was indicated in course of the review that 80 victims from Mumbai and 62 victims from Delhi were released from the captivity of pimps/brothel

owners and brought back to AP. Through the good officers of an NGO of Ananthpur 6 pimps were also arrested by the police.

- Trafficking of girls from Bhogapuram and Poospatirega mandals of Vizianayaram district to Mantada village of Vyyuni mandal of Krishna district was reported which on verification was found true. The victims were released and financial assistance made available to them through Indira Kranthi Patham, District BC and SC Societies and Rajeev Yuva Sakshi Schemes.
- Similar complaints of trafficking of girls from Cuddapah, Chenchu of Mahabubnagar and Lambadas of Kaderi have been received and prompt action taken to release and rehabilitate them.
- A multi-pronged strategy has been adopted by the Women Development and Child Welfare Deptt to prevent potential victims from entering the vice of flesh trade by skill training on the one hand and by provision of a host of income generating activities (goatery, sheep rearing, pickle making etc) to rehabilitate the released trafficked girls.

To illustrate some concrete examples of such rehabilitation efforts:

- In Nellore during March, 2004 CARD (NGO) has rehabilitated 25 trafficked girls/women with assistance from Zilla Parishad.
- 138 rescued victims were sanctioned rehabilitation at an estimated cost of Rs.6, 90,000/- during 2003-04 to 2005-06.
- 25 Dommara girls were imparted skills training through SWARD NGO/DRDA Medak.
- The various skills in which training is being imparted to trafficked girls who have been released as a measure of their rehabilitation are:

- ❖ Provision of training in beautician course/ net making,
- ❖ Provision of jobs as anganwadi workers, worker at STD booth, sales girl, worker at fast-food center, worker at Kakinada shipbuilding yard etc;
- ❖ Trafficked girls who are also school drops have been enrolled in residential bridge school;
- ❖ Allotment of land patta by Collectors concerned;
- ❖ Rehabilitation through short stay homes;
- ❖ Reunion with families.

**Sarva Shikshya Abhiyan as a tool for prevention of child labour and bonded labour:**

- The Project Director, Sarva Shikshya Abhiyan explained at length the efforts made by the Project to impart functional literacy to children of migrant parents migrating from certain dry and draught prone pockets of Orissa, Chhattisgarh and Maharashtra to the brick kilns of Andhra Pradesh with a view to preventing these children to get into bondage and with a view to securing their rehabilitation and holistic development.

Member wanted to know if children are employed in slaughter houses of A.P., whether they are being released from this prohibited category of employment and rehabilitated. He also wanted to know the number of children found employed as domestic help and in hospitality sectors (hotels, motels, roadside eateries, massage parlours) where employment of children has been prohibited by the notification No. SO 1029 (E) dated 10<sup>th</sup> July, 2006 issued by the Ministry of Labour which came into force from 10<sup>th</sup> October, 2006. He emphasized on intensive and continuous publicity through press and electronic media to heighten awareness of both parents and employers, survey for

identification and enumeration and plans for rehabilitation of children released from work through provision of access to education, nutrition (through mid day meal) and skill training.

The Labour Commissioner, A.P. responded by clarifying that engagement of child labour in the hospitality sector is already prohibited under A.P. Shops and Establishments Act. Employers of establishments who engage children below 14 years in the hospitality sector under the provisions of A.P. Shops and Establishments Act are being prosecuted. From 10<sup>th</sup> October, 2006 onwards, these employers will be prosecuted under the Provisions of Child Labour (Prohibition and Regulation) Act, 1986 as well.

The domestic sector employs a large number of children below the age of fourteen. These children belong both to Andhra Pradesh as well as other states. They are also children of migrant parents. All these children remain victims of educational deprivation apart from being victims of Child Labour and sometimes Child Bonded Labour. On release from work, they need to be rehabilitated through education. Such rehabilitation becomes a primary responsibility of Education Department and they have been requested accordingly.

On a query about the current status of Yogins (children who are pledged to God or an unseen force soon after their birth) it was clarified that the system as well as the number was on the decline and most of the Yogins in A.P.(in Nizamabad district in particular) have been released from bondage and rehabilitated. The problem was by and large non-existent.



**Summary of observations and conclusions:**

- Meetings of the State Level Steering Committee should be more frequent. All decisions of the Committee should be implemented in right earnest and in a time bound manner.
- Significant additions over and above what is mandated in Bonded Labour System (Abolition) Act have been made to the functions of Vigilance Committees at the district and sub divisional level. This is encouraging.
- The Sub divisional Level Committees should meet once every month while the District Level Committees should meet once a quarter. This is not the case now. There should be clear guidelines for their effective functioning.
- Vigilance Committees should go out to make enquiries in the field instead of meeting and dispersing at the district and sub divisional level.
- Necessary orientation and training should be provided to the members of these Committees to enable them to effectively discharge their mandate.
- MD, A.P. SC Co-operative Finance Corporation has, in pursuance of the direction issued by the Chief Secretary, Government of Andhra Pradesh entrusted the task of conducting fresh survey to local NGOs in 11 districts without involving the Vigilance Committees in the process. This is a departure from the Provisions of Bonded Labour System (Abolition) Act. The Vigilance Committees should be fully involved in all such efforts.
- It could not, however, be confirmed if 1424 persons identified as bonded labourers in 7 out of 11 districts have been released from bondage and whether rehabilitation plans have been formulated for them.

- Executive Magistrates notified by the State Government and vested with powers of Judicial Magistrates u/s 21 of Bonded Labour System (Abolition) Act have in all tried and disposed off 3703 cases between 2000-2001 to 2005-2006.
- All cases of release have been followed by issue of a release certificate.
- The procedure for summary trial has been followed in every case of release as also for launching prosecutions.
- In all 35, 461 bonded labourers have been released and release certificates have been issued but prosecutions have been launched only in 166 cases so far. This gap needs to be explained by the State Government.
- The powers of sanction of rehabilitation assistance of bonded labourers have been delegated to District Collectors. District Level Screening Committees have been formed and are in existence for the last 20 years. They are approving rehabilitation proposals and sanctioning the funds required for this purpose. They are also reviewing the progress in rehabilitation of freed bonded labourers.
- There is a gap of 3 to 6 months between release and rehabilitation. This could result in relapse to bondage. There are, as a matter of fact, instances of relapse on account of inordinate delay in securing a meaningful, effective and permanent rehabilitation.

- This is notwithstanding a number of progressive measures initiated by the State Government (such as issue of ration cards, provision of housing etc.).
- There is an urgent and imperative need to switch over from an individual beneficiary oriented approach to a community/group oriented approach to rehabilitation on account of the obvious advantages in the latter.
- The information feedback about inter-state migrant workmen either migrating from or migrating into Andhra Pradesh and working under conditions akin to bondage is weak at present and needs to be strengthened.
- There is a need for better liaison and coordination between Governments and agencies of the originating State and destination State to ensure just, fair and decent working conditions for such workmen, approach them, listen to their grievances and redress them on the spot through joint study/survey/surveillance teams.
- A highly decentralized village/G.P. level grievance ventilation and redressal mechanism for all bonded labourers needs to be in place.
- Institutional mechanisms need to be created for orientation and reorientation, familiarization and sensitization of all State, district and field functionaries who are concerned with identification, release and rehabilitation of freed bonded labourers.
- Bonded Labour System (Abolition) Act is applicable to adults, adolescents and children. The latter and working children is particular being totally

helpless and defenceless should deserve high priority in terms of their release and rehabilitation.

- Trafficking of girls, boys and women is the worst form of bonded/forced labour and the worst violation of human rights. All out efforts need to be made for preventing trafficking by skill training and poverty amelioration efforts, release the trafficked children from brothels and from the clutches of pimps/middlemen, rehabilitate them and ensure their reintegration into the mainstream of social development through education, psychological counselling and skill training.

**Annexure-1**

The following Officers from the Government of Andhra Pradesh were present at the Review Meeting on Bonded Labour taken by Hon'ble Member, National Human Rights Commission, Justice Shri Y. Bhaskar Rao on 19.10.2006 at the Lake View Guest House, Hyderabad:-

1. Sri Ajoyendera Pyal, IAS, Principal Secretary to Government, Social Welfare Department, Government of Andhra Pradesh.
2. Sri R.M. Gonela, IAS, Commissioner of Social Welfare Department, Government of Andhra Pradesh.
3. Sri K.V. Ramanana Chary, IAS, Secretary, School Education Department, Government of Andhra Pradesh.
4. Sri R. Karikal Valaven, IAS, Commissioner of Labour Department, Government of Andhra Pradesh.
5. Sri M. Jagdeeshwar, IAS, Managing Director, Andhra Pradesh SC Finance Corporation, Andhra Pradesh.
6. Sri K. Chandramouli, IAS, State Project Director, Sarva Siksha Abhiyan, Government of Andhra Pradesh.
7. Smt. Y.V. Anuradha, IAS, Director, Department of Women and Child Welfare, Government of Andhra Pradesh.
8. Sri R. Ramakrishnaiah, IAS, Director, Tribal Welfare Department, Government of Andhra Pradesh.