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8

**Report of review of Dr. Lakshmidhar Mishra, Special Rapporteur, NHRC of the measures taken by the State Government of Madhya Pradesh for implementation of Bonded Labour System (Abolition) Act and Child Labour (Prohibition & Regulation) Act in Madhya Pradesh.**

I was at Bhopal on 4<sup>th</sup> and 5<sup>th</sup> January, 2007 and Gwalior on 6<sup>th</sup> January, 2007 for undertaking an indepth review of the measures taken by the Government of M.P. for elimination of Bonded Labour System and Child Labour in M.P. The strategy adopted for this review was threefold:-

I Drafting and circulating a comprehensive questionnaire to the State Government on both elimination of Bonded Labour System and Child Labour to elicit the response of the latter;

II Making a presentation on the constitutional and legal provisions, national policy and programme of action on elimination of bonded labour system and child labour to the senior officers of State Government (of both the administrative department and all other concerned departments) for their familiarization, removal of doubts as also sensitization;

III Undertaking field visits, interacting with project functionaries who are directly concerned with implementation of measures for elimination of bonded labour system and beneficiaries to elicit their reaction about content, quality and impact of the programme and suggestions for qualitative improvement.

I proceeded strictly according to the above strategy. The questionnaires had been sent to the State Government in advance with a request to elicit response both of the State Government and the district administration concerned. Two power point presentations were made by me at the Conference Hall of Secretariat at Ballav Bhawan and Sharva Shikshya Abhiyan Conference Hall on 4<sup>th</sup> and 5<sup>th</sup> January, 2007 respectively. Names of persons who attended both the presentations are given in Annexure-I and II respectively. Field visits took place to headquarters of Vidisha district along with Principal Secretary, Labour and Employment – Shri Rakesh Bansal in course of which I met the Collector and Chairman, Vigilance Committee, Members of the Vigilance Committee, Superintendent of Police, MLA, released bonded labourers and district level functionaries. On 6<sup>th</sup> I visited a Special School under the

management of NCLP, Gwalior and interacted with the Collector and Chairman, NCLP, members of the Project Advisory Committee, parents/guardians, teachers and students. Names of persons who attended the review meetings at Vidisha and Gwalior are given in Annexure-III and IV respectively.

Placed below is a gist of the impressions, observations, conclusions as also suggestions and recommendations.

### **General observations on Bonded Labour in Madhya Pradesh:**

#### **Vigilance Committees:**

- The State Government representative confirms that Vigilance Committees in all 48 districts and sub divisions there under have been constituted.
- In regard to reconstitution of Vigilance Committees which is due once in 2 years it was clarified that Collectors of concerned districts were advised by the Principal Secretary, Labour and Employment Department on 19.6.2006 and again on 15.09.2006 to the following effect:-
  - Two year life of Vigilance Committees of Ratlam, Guna, Bhind, Bhopal, Vidisha, Hoshangabad, Harda, Tikamgarh, Chattarpur, Jabalpur, Katni, Dindori, Satna, Sidhi districts and all sub divisions there under has come to an end.
  - Two year life of district level Vigilance Committees of Ujjain, Sahadol, Umria, Anuppur and Datia has come to an end w.e.f. September, 2006.
  - Steps should be taken for reconstitution of these Committees and proposals to this effect in conformity with Provisions of Bonded Labour System (Abolition) Act and the guidelines issued by the Ministry of Labour should be sent to Government.
  - There is no confirmation on the day of review (4.1.2007) if proposals have been received, approved and notified in the gazette.

- There is no indication if pending reconstitution Vigilance Committees in the present form have been allowed to continue (till reconstitution) and function normally.
- Concern has been expressed by the Labour Commissioner, M.P. in his letter dated 23.6.2006 addressed to all Collectors in continuation of the letter dated 8.7.2005 about (a) Vigilance Committees at the district and sub divisional levels are not meeting regularly once in 3 months (in March, June, September and December) and (b) no reports are being received to this effect.
- Such a concern was expressed as detailed guidelines were issued on 8.7.2004 by Ms. Abha Asthana, ex-Principal Secretary, Labour and Employment to all Revenue Divisional Commissioners and Collectors to the following effect:-
  - Vigilance Committees constitute the primary statutory framework for identification, release and rehabilitation of bonded labourers;
  - They constitute the primary statutory advisory body to advise the statutory authorities at the district and sub divisional level regarding proper enforcement of the Provisions of Bonded Labour System (Abolition) Act;
  - Their constitution and reconstitution should be strictly in conformity with the Provisions of Bonded Labour System (Abolition) Act (Section 13 and Rules issued there under);
  - They should meet once every 3 months;
  - Reports about such meetings should be sent to the State Government;
  - Village wise and urban settlement wise surveys should be conducted and completed by 30<sup>th</sup> September, 2004;

- Bonded labourers identified in course of the survey should be released, release certificates should be issued in each and every case of release and the release certificate along with a photograph of the released bonded labourer should entitle him to a percapita rehabilitation assistance of Rs. 20000/-;
  - The assistance will go upto Rs. 25000/- in case of members of SC and ST under the SC and ST Emergency Relief Scheme, 1995;
  - Efforts should be made to pool resources from a number of sources and integrated imaginatively and skilfully with a view to ensuring avenues of a fixed/permanent source of income so vital for a meaningful rehabilitation;
  - Efforts should be made to complete the process of rehabilitation within one month;
  - All necessary legal and penal action should be initiated against offenders of the law;
  - Special measures should be taken to ensure qualitative rehabilitation of all bonded labourers belonging to members of SC & ST. They should be the first beneficiaries of all schemes meant for other members of SC and ST communities.
- While the instructions and guidelines issued as above are relevant and useful there are 3 aspects of management and functioning of Vigilance Committees which need attention. These are:-
    - Members of Vigilance Committees are expected to go out to the field, (either the full committee or a few authorized members), meet people working in agriculture, brick kilns, stone quarries, operations in forests and other occupations, make discrete enquiries about

their working conditions, satisfy themselves as to whether people are working of their own accord in conditions of dignity and decency, equality and freedom or under economic compulsions akin to bondage and come to the conclusion that they are either free or bonded;

- To enable them to do so, they need to be provided with orientation by a team of resource persons drawn from the State Institute of Public Administration or any other Institute of Social Science & Research of repute and standing to be identified by the administrative department. The duration of orientation could be brief (say one day), non-residential and conducted mostly at the district or sub divisional headquarter where the members live. The Administrative Department of the State Government could plan, initiate and facilitate this process and issue detailed guidelines to the Collectors of all districts and all sub divisional officers.
- There should be a specific institutional arrangement for monitoring and evaluation of the performance of Vigilance Committee either through a State Level Coordinating or Monitoring Committee or through the State Labour Institute, if any. There is no such mechanism at present in the absence of which it is difficult to know what is happening on the ground. A simple format to monitor the events on the ground may be designed and circulated to all Vigilance Committees through Collectors and SDOs concerned. The format may incorporate the following:-
  - Number of meetings of Vigilance Committees held and dates thereof;
  - Important decisions taken;
  - Follow up of implementation of the decisions;
  - Number of field visits organized and dates thereof;
  - Outcomes of such visits in the direction of eradication of bonded labour system;

- Number of bonded labourers identified through the Vigilance Committees;
- Number of cases placed before the Executive Magistrate appointed u/s 21 of Bonded Labour System (Abolition) Act;
- Number of bonded labourers released and number of release certificates issued.
- Number of bonded labourers rehabilitated, units of rehabilitation/assistance, impact on their livelihood, income and quality of life and need for second dose of rehabilitation assistance to prevent relapse into bondage.

The list of items to be contained in the monitoring format as above may appear to be a bit long but they have been suggested considering the 6 functions assigned to Vigilance Committees in Section 14 of Bonded Labour System (Abolition) Act.

**Identification of Bonded Labour System:**

- The Bonded Labour System (Abolition) Act provides a machinery i.e. Vigilance Committee but has not laid down any procedure for identification;
- Correct identification of bonded labour system will be possible only with correct understanding of certain traditional practices like 'Kamiya' system or 'harwaha' system prevalent in certain parts of M.P. such as Satna, Rewa, Sidhi or conditions obtaining in brick kilns and stone quarries in certain other parts like Vidisha and Raisen and correlating the same to the definition of bonded labour system as given in Section 2(g) of Bonded Labour System (Abolition) Act;
- A question may be raised as to what is 'Kamiya' System or 'harwaha' system;

- The system may be explained in the following words:

“There is a harwaha family consisting of a ‘Manseru’ (husband or male agricultural labourer), ‘Mehraru’ (wife or female agricultural labourer) and ‘Gadela’ (children below 14 years of age) which is presumed to have entered into a traditionally established agreement with a bhumiswamy (tenure holder) after obtaining an interest free advance on the occasion of birth, marriage etc. and which renders services or labour on nominal wages and continues to be a harwaha (ploughman) of such tenure holder till repayment of money obtained in advance. The members of the Harwaha family lose the freedom to work for others until and unless they complete the agricultural and allied nature of work with the tenure holder’.
  
- The ‘Kamiya’ system or ‘harwaha’ system can be correlated with Bonded Labour System as defined in Section 2(g) of Bonded Labour System (Abolition) Act on account of the following reasons:-
  - There is an economic compulsion to work due to advances obtained;
  - The contractual wage payable under the system is much less than the notified minimum wage;
  - The attached agricultural labour (harwaha or ploughman) does not have the freedom to leave his present employer and switch over to another employer even if the conditions of work are indecent or disadvantageous to him.
  
- All these issues had been raised in writ petition No. 153 of 1982 before the Supreme Court under Article 32 of the Constitution of India (Jyoti Prakash Vs. State of M.P.). The report of the Asstt. Collector, Rewa submitted to

the apex court in compliance with the direction of the latter had brought out all the ingredients of the Bonded Labour System in the harwaha system. This had been accepted by the apex court and necessary directions had been issued to the State Government.

- Thirty four years later when Chattisgarh State has been carved out of the earlier undivided Madhya Pradesh there are vestiges of the old harwaha system in both Chattisgarh and Madhya Pradesh without being identified as bonded labour system which stands abolished by law.
- It may be desirable to constitute small task forces under the Vigilance Committee in a district or sub division, depute them to pockets where Kamiya system or harwaha system is prevalent, make discrete enquiries about conditions under which the agricultural labourers are working and come to a clear finding about their status as bonded labourers.
- An attached agricultural labour system may not, however, be treated as co-terminus with bonded labour system in such situations where:-
  - there is freedom of movement and freedom of choice of employer or freedom of choice of alternative avenues of employment on the part of the agricultural labourer;
  - where minimum wages are being paid and conditions of work are decent and non-exploitative.
- In other words, each case will have to be objectively and dispassionately screened on its own merit before coming to a correct conclusion.
- Similar enquiries/investigations can be conducted in relation to working conditions of workers in brick kilns or stone quarries or any other sector of employment and correct conclusions can be reached about the status of such workers.
- To conduct an investigation in a discrete manner and to arrive at correct conclusions the following broad strategy could be adopted:-



- an unorthodox approach which is also non-threatening has to be adopted;
  - the investigator should first familiarize himself with the geography, topography, agro-climatic conditions as also with the social and cultural background of the workmen (including interstate migrant workmen);
  - he should adopt a language for his investigation which is simple, colloquial and easily intelligible to workmen;
  - the questions should be put in such a non-threatening manner that they do not evoke any distrust or suspicion but only warmth and bonhomie:
  - once this rapport and bonhomie has been established the persons being investigated will start accepting the investigator as one amongst them and not one outside them;
  - the artificial barriers of caste, time and space will disappear and workmen will open up like sluiceways;
  - they will come out with full facts about their life, the place they come from, if migrated, how, when and through whom, conditions under which they are working and various risks and hazards faced by them.
  - the social investigation, will then become meaningful and the findings thereof will be relevant, accurate and credible.
- In order that this becomes a reality, it is necessary to issue detailed guidelines (as was done by Shri S.R. Shankaran, former Secretary, Rural Development, Government of India when he was Principal Secretary, Social Welfare in Government of Andhra Pradesh (75-78)).
  - In course of review and in response to the questionnaire circulated by me to the State Government, the representative of the latter drew my attention

to 2 circular letters dated 23.6.2006 and 8.11.2006. These in effect are about composition and functions of Vigilance Committee, frequency of their meetings and do not contain any guidelines for identification of bonded labour system as such.

- The Principal Secretary, Labour and Employment should, therefore, get hold of an English translation of the circular letter issued by Shri S.R. Shankaran (this is available with DG(LW)/JS, Ministry of Labour, Government of India, Jaisalmer House, New Delhi), adapt it to the conditions prevalent in M.P. after suitable modifications, if any, and issue a similar circular letter containing guidelines for identification of bonded labour system in M.P.
- Simultaneously, the field functionaries of Revenue, Labour and other departments whose services are being utilized for identification of bonded labour system need to be provided with orientation and training in the strategy and methodology which has been outlined earlier so that they understand and internalize the same and apply it to the ground level situation when called upon to do so.

**Release from bondage:**

- The concept of release is to be understood in its widest sense.
- It is freedom from:-
  - mortgage of property (Section 7 of Bonded Labour System (Abolition) Act);
  - eviction from homestead land (Section 8 of Bonded Labour System (Abolition) Act);
  - payment against extinguished debt (Section 9 of Bonded Labour System (Abolition) Act);
  - personal bondage.

- Since the first three have been elaborately dealt within the framework of law, it may be appropriate to concentrate on the fourth i.e. freedom from personal bondage.
- For this purpose an executive magistrate is to be notified and vested with the powers of a judicial magistrate, 1<sup>st</sup> or 2<sup>nd</sup> Class by the concerned State Government.
- The Magistrate is called upon to try all cases and offences under the Bonded Labour System (Abolition) Act by adopting a summary procedure (which is different from summons procedure).
- The Government of M.P. in exercise of the powers conferred on them by Sub Section (1) of Section 21 of the Bonded Labour System (Abolition) Act have conferred on all DMs and SDMs the powers of a Judicial Magistrate, First Class for trial of all offences under the Act.
- Between 1999-2000 (the year when the subject of bonded labour was transferred from Revenue Department to Labour and Employment Department) and December, 2006, 605 bonded labourers have been released from personal bondage, 270 of them being residents of M.P. and 335 being residents of other states. Of the 270 bonded labourers released who are residents of M.P., the maximum number relates to Raisen (83), followed by Vidisha (70), Chattarpur(47), Gwalior(40), Bhopal (14), Ratlam (7), Shivpuri (4) and Dar/Sahadol 1 each.
- Of the 335 bonded labourers released who are residents of other States, the maximum number identified and released are in Raisen and Bhand, 127 each followed by Indore (46), Sagar (20) and Vidisha (15).
- Release certificates have been issued in both the cases.
- State-wise break up of the 335 migrant bonded labourers is available with the Government of M.P. The break-up is as under:-
  - U.P. - 92;
  - Bihar - 76;
  - Chattisgarh - 167

- The migrant bonded labourers hailed from the following districts:-
  - ❖ U.P. – Allahabad, Aligarh, Bulandshahar, Badayun, Hamirpur, Jhansi, Lalitpur.
  - ❖ Bihar – Gaya, Motihari, Navada.
  - ❖ Chattisgarh – Bilaspur, Durg, Janjgir, Kawardha and Korba.
  
- In the light of the directions of the apex court in successive judgements pertaining to migrant bonded labourers, it is necessary to have access to the following additional informations so that a proper analysis can be made and a few conclusions can be reached:-
  - What are the conditions obtaining in the originating points from where people migrate?
  - Is there a definite trend of such migration i.e. from a few specified pockets to a few other specified pockets and under certain conditions?
  - Do people migrate of their own or are they recruited by recruiting agents?
  - If recruited by agents are the following statutory conditions of Interstate Migrant Workmen's (Regulation of employment and Conditions of Service) Act fulfilled:-
    - Obtaining a licence by recruiting agents;
    - Obtaining registration certificate by the Principal employer,
    - Payment of journey allowance;
    - Payment of displacement allowance;
    - Payment of wages during the journey period;
  - Provision of residential accommodation, medical aid, protective clothing, compensation against accidents and injury caused thereby.

- Were they asked, after release, if they would like to be repatriated to their native habitat or they would like to be rehabilitated in M.P. itself?
- If repatriated to their native State (s), is there any system of monitoring by which their latest status of rehabilitation can be known through contact with the originating State Government?

**Outcome of proceedings u/s 21 of Bonded Labour System (Abolition) Act:**

- The details of cases placed before the Executive Magistrate notified by the State Government u/s 21 of the Act and present status is indicated in the table below:-

**Table-I**

Year	Prosecution Filed	Conviction/acquittal pending	Average duration of pendency of cases
2000-2001	9	8 acquittals and 1 pending	1 to 2 years
2001-2002	3	1 acquittal and 2 pending	1 to 4 years
2002-2003	1	1 pending	--
2003-2004	4 + 1 FIR	1 convicted and 3+1 FIRs pending	3 years
2004-2005	1	1 acquittal	1 years
2005-2006	4 FIRs	pending	--
2006-2007	1 FIR	pending	--
Total	18+6 FIRs	10 acquittals 1 conviction 7+6 FIRs pending	

- The following trend emerges from an analysis of the above statement:-
  - the average duration of pendency of cases is very long;

- 44
- it is evident that in taking up cases u/s 21 of Bonded Labour System (Abolition) Act, the Executive Magistrates are not taking recourse to summary trial;
  - FIRs are pending (1 from 2000-2001, 2 from 2002-2003, 3 from 2003-2004 without a case being registered and being taken up for trial;
  - There are a few convictions (2) and more acquittals (20);
  - Each case is being tried by a formal process of trial by taking recourse to the summons procedure;
  - This is an endless process and is only to the detriment of a bonded labourer as he can never stand up to the rigidities of the legal process due to his poverty, illiteracy, ignorance and social backwardness.
- The only rational, practical and acceptable solution to this formal, rigid and too legalistic process which is being followed is to take recourse to a summary trial soon after receipt of a report from the concerned agencies (Vigilance Committees included) and (a) make identification and release simultaneous (b) effect the release and issue a release certificate on the basis of materials on record and (c) prosecution is to be launched when there is resistance from the bonded labour keeper even after issue of an order by the competent authority to that effect.
  - Simultaneously it would be appropriate to take up programmes for orientation and training of all Executive Magistrates notified by the State Government u/s 21 of Bonded Labour System (Abolition).

**Rehabilitation of freed bonded labourers:**

- As observed earlier, no information is available with the State Government of M.P. about 335 migrant bonded labourers who have been released from bondage in M.P. and have been repatriated to Bihar, Chattisgarh and U.P.

- In regard to the remaining 270 bonded labourers who belong to M.P. and have been identified and released in M.P. it was reported by the State Government that 263 bonded labourers have been rehabilitated. The remaining 7 could not be rehabilitated as they could not be traced at their available address up-to-date.
- The district wise break-up of the 270 bonded labourers is given in Table-II.

**Table-II****District wise break up of 270 freed bonded labourers who belong to M.P.**

Sl. No.	Name of the district	SC	ST	OBC	General	Total	Remarks
1.	Vidisha		52			52	Released at Vidisha
2.	Sagar		10			10	-do-
3.	Raisen		1			1	-do-
4.	Guna		6			6	-do-
5.	Bhopal		1			1	-do-
6.	Raisen	5	51	3		59	Released at Raisen.
7.	Ratlam		7			7	Released at Charkhi Dadri in Haryana.
8.	Shahadol		1			1	Released at Charkhi Dadri in Haryana.
9.	Satna	16	8			24	Released at Raisen.
10.	Vidisha		14			14	Released at Bhopal.
11.	Shivpuri		31			31	Released at Gwalior.
12.	Guna		9			9	-do-
13.	Harda		2			2	Released at Harda.
14.	Khandwa		1			1	-do-

15.	Dhar	1				1	Released at Dhar.
16.	Shivpuri	4				4	Released at Shivpuri.
17.	Chattarpur	20				20	Released at Fatehpur in U.P.
18.	Chattarpur		4			4	Released at Chattarpur.
19.	Damoh		23			23	Released at Chattarpur.
	<b>Total</b>	<b>46</b>	<b>221</b>			<b>3</b>	<b>270</b>

As already indicated whereabouts of 7 freed bonded labourers (4 from Guna, 1 from Sagar, 1 from Bhopal and 1 from Raisen) could not be traced.

- It could not be confirmed if registers containing the following have been maintained by the District Vigilance Committees as required under Rule 7 of Bonded Labour System (Abolition) Rules
  - ❖ names and addresses of freed bonded labourers;
  - ❖ vocation, occupation and income of every freed bonded labourer;
  - ❖ details of the benefits which the freed bonded labourers are receiving (land, inputs for agriculture, training in handicrafts and allied occupations and employment).
- If registers containing these details would have been maintained they would have provided useful clue to the whereabouts of every freed bonded labourer.
- The break up of the patterns of assistance to the freed bonded labourers for their rehabilitation is as under:-
  - Land based - 8
  - Non land based - 255
  - Art/craft/skill based - nil
- In the blue print of rehabilitation circulated to all State Governments/UTs on 2.9.1982 under the signature of Shri B.G. Deshmukh, ex-Union Labour Secretary it was emphasized that the basic approach behind every



rehabilitation effort should be need based and development oriented. The special needs, preferences/priorities and interests of freed bonded labourers should be given due weightage, various alternatives for their rehabilitation should be weighed and balanced, these alternatives should be explained to them and such alternatives should be adopted and implemented which are in conformity with the skills, ingenuity and resourcefulness of the beneficiaries.

For this purpose, it is desirable that there should be a screening committee at the district level to screen all proposals for rehabilitation.

- There is no such screening committees in existence at the district level at present. In the absence of a screening committee all proposals for rehabilitation are being formulated by the office of SDM/DM with the help of officials of Labour Department. This does not appear to be a feasible proposition. In the absence of any screening committee, it may be desirable to entrust the responsibility of formulation of all rehabilitation proposals to the Vigilance Committee at the district/sub divisional level, wherever they are in existence.
- An overwhelming percentage of freed bonded labourers have been assisted with non land based programmes i.e. by way of supply of productive assets for their rehabilitation. In the review meeting held at Bhopal on 4.1.2007 I could not get to know the extent of exact involvement of officers of Animal Husbandry and Veterinary Department which is vital for success of such non land based programmes.
- It may, therefore, be appropriate to spell out the nature of such involvement for guidance of the officers of Animal Husbandry and Veterinary Department of the State Government as under:-
  - The officers of the Animal Husbandry and Veterinary Department should be involved right from the time of purchase of productive assets till the production and dry periods;

- Such involvement should be by way of making the beneficiaries aware of common ailments of the animal and prescriptive remedies, how to ensure proper upkeep and maintenance of the assets, provision of basic medicines at the time of need, other nutrients for the animals and provision of training of the beneficiaries;
- For this purpose, it will be useful if Animal Husbandry and Veterinary Department may bring out well visualized and illustrated pamphlets which would constitute a IEC package for the benefit of our target groups;
- Wherever group approach to rehabilitation is being implemented, community sheds could be constructed for proper upkeep of assets;
- Community pastures should be made available for growing fodder to cater to the requirements of a group of freed bonded labourers;
- For the first month after supply of animals all help by way of supply of cattle feed, medicine etc. free of cost could be extended together with insurance of the assets and Animal Husbandry and Veterinary Department bearing the premium for the insurance cover.
- Similarly as far as members of ST community who have been identified and freed as bonded labourers are concerned, the Forest Department should extend full cooperation to all such beneficiaries whose livelihood rests on collection and processing of minor forest produce (gum karaya, nux vomica, mahul, sal seed, tendu leaf, resin, lac, tamarind, turmeric etc.).

**Evaluation:**

- It was brought to my notice that Baba Saheb Ambedkar/National Institute of Social Sciences (BANISS), Mhow has conducted an evaluation of the content, process and impact of rehabilitation schemes implemented by the districts for the benefit of freed bonded labourers. I could not manage to get hold of a copy of the report for my perusal and comments. However,

in course of discussion with officers of the Labour and Employment Department a few redeeming features of rehabilitation assistance were brought to my notice. These are:-

- At the rate of Rs. 19000/- per bonded labourer (excluding Rs. 1000/- which is paid in cash by way of subsistence allowance) a sum of Rs. 1.33 lakh has been deposited in favour of 7 freed bonded labourers of Thakurpura village of Shivpuri at the State Bank of Indore as desired by them. The beneficiaries have built their own houses by utilizing this amount;
- The same beneficiaries have been allotted mining lease in Noharikhurd village of Shivpuri (survey No. 493 and 494 area of 4 hectares). They have also been given mining tools for earning their livelihood on a stable and durable basis;
- Provision of electricity and supply of potable water has been made wherever assistance has been extended for construction of houses;
- Agricultural land has been provided to the landless beneficiaries @ 0.50 hectare per family;
- Anganwadis have been established for pregnant women and children of these beneficiaries;
- BPL ration cards have invariably been provided to all the beneficiaries.

**Field impressions:**

- Despite the constraints of time (I was at Bhopal only for one and half days) I could, with the understanding, cooperation and support of Principal Secretary, Labour – Shri Rakesh Bansal pay a brief visit to district headquarters of Vidisha between 3 PM to 5 PM (excluding journey time). I met the Collector, SP, local MLA, district level officials, members of District Level Vigilance Committee and interacted with the following 9 freed

bonded labourers who have been rehabilitated over a period of last 5 years. The names of these bonded labourers are as under:-

1. Omkar Tikaram
2. Shantibhai Misri Lal
3. Dillip Shamlal
4. Mohan Ram Singh
5. Kamal Singh Shyamlal
6. Gramsevak Parvat Singh
7. Gangabai Sashiram
8. Parvatibai Sashiram
9. Kamlesh Parvat Singh

They were identified as bonded labourers and released from bondage in December, 2000. They belong to Chauravar village of Basaunda Tahasil of Vidisha District. The interactions brought out the following striking features of their life and work:-

- They all continue to be landless;
  - They get on an average employment for 2 to 3 days (in other words, there is no stability and durability of employment);
  - Their average earnings range between Rs. 50/- to Rs. 60/- for 8 hours of work;
  - Most of them have large size families (6 to 7 members);
  - They have been provided with BPL cards and are entitled to a quota of 35 kgs. of wheat per month. The same, however, is not adequate on account of large size of families. They demanded that they need on an average about 15 kg. of wheat extra.
- Four out of nine of these freed bonded labourers had brought their children (aged about 6 years). All these children appeared to be under-nourished or malnourished. One appeared to be anaemic while another had an infection of severe conjunctivitis. They find it difficult to send their children to school and ensure regular attendance as the schools were located within a radius of 2 kms. and sometimes beyond.

- The dilemmas faced by these beneficiaries are two fold. On the one hand they have large families (average family size 6 to 7) while on the other hand, they have no stability and durability of employment and have limited earnings (Rs. 50 to Rs. 60 per day) which reduced their average purchasing power.

Amidst this morass of poverty and deprivation, there was one important silver lining. This is provided through the Building and other Construction Worker's Welfare Fund. The background to this laudable initiative is like this. The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill and Building and other Construction Workers Welfare and Cess Bill were passed by both Houses of Parliament in August, 1996 and received the assent of the President soon after. The Central Rules were framed in 1998-99. Both the legislations are meant to protect and safeguard the health, safety and welfare of over 15 million building and construction workers all over the country.

In M.P. with the initiative taken by the State Government and the keen interest shown by the present Labour Minister and Principal Secretary, Labour and Employment, a Welfare Fund has been constituted for the building and other construction workers which provides for the following welfare facilities and amenities:-

➤ **Maternity Protection**

Every registered woman employee is eligible to get Rs. 1000/- for delivery with addl. Rs. 1000/- for complicated delivery and treatment and 12 weeks half paid leave);

➤ **Accident Insurance**

Every registered worker is entitled to get Rs. 20000/- for natural death and Rs. 50000/- if death is due to an accident or in the event of permanent incapacitation due to accident);

➤ **Medical Treatment**

Relatives of a registered worker are entitled to an assistance of maximum Rs. 50000/- in the event of their hospitalization for treatment of serious ailment;

➤ **Medical Treatment arising out of accident**

Every registered worker is entitled to Rs. 1000/- by way of first aid, 50% of the cost of treatment on account of injury sustained upto a limit of Rs. 20000/- and compensation of 40% of wages or Rs. 5000/- whichever is less on account of a worker remaining absent and without wages due to an accident;

- Monthly scholarships to children of building and other construction workers (both boys and girls) ranging between Rs.50/- to Rs.500/-.
- Merit scholarships for meritorious students;
- Financial assistance for marriage;
- Ambulance service and funeral rites assistance;
- Construction of rest shelters for building and construction workers.

• **The relevance of this set of benefits for the freed bonded labourers**

Freed bonded labourers, their wives and children will be fully entitled to these benefits wherever they have registered themselves as building and other construction workers.

• **An account of the status of registration and extension of these benefits to building and construction workers (as on 31.12.2006)**

- Number of building and construction workers registered – 1,60,952
- Amount of cess collected – Rs. 92,13,90,042/-
- Amount spent on welfare schemes – Rs. 3,78,94,471/-
- Number of beneficiaries – 33,782
- Number of rest sheds (shelters) constructed – 122
- Amount spent in construction of sheds – Rs. 1.68 crore.

**What needs to be done for prevention of debt bondage:**

- Bonded Labour System is a cumulative product of poverty characterized by landlessness, assetlessness, absence of stable and durable avenues of employment and living wage on the one hand and absence of any worthwhile access to credit for personal consumption and ceremonial needs which leads to indebtedness and bondage.
- M.P. has a total population of 603.48 lakh the break up of which is as under:-

**Table – III**

Rural	443.81 lakh
Urban	159.67 lakh
SC	91.55 lakh
ST	122.33 lakh
Cultivators	110.38 lakh
Agricultural labourers	74.01 lakh
Working population	257.94 lakh
Non working population	345.54 lakh

- A survey was conducted to identify total number of BPL families in 2002-2003. A total number of 40,80,394 BPL families were found which works out to be 42.77% of the total number of families. Of this, the percentage of SC, ST and OBC works out to be 22.27, 34.59 and 35.07 respectively.
- The State Government has adopted a multi pronged strategy to deal with the situation by (a) promotion of rural employment programmes (b) credit mobilization for self employment (c) construction of houses under Indira Awas Yojana and (d) provision of BPL cards (e) allotment of land (both homestead and agricultural) to the landless. On the basis of information made available by the office of Development Commissioner, Government of Madhya Pradesh, the details of this are as under:-

- The problem of rural unemployment is being taken care of by Swarna Jayanti Gram Swarojgar Yojana, Sampoorna Gramin Rojgar Yojana and National Rural Employment Guarantee Scheme;
- During 2006-2007 (till 30.11.2006) credit mobilization for a sum of Rs. 10325.18 lakh for self employment of 28,221 persons has been made possible;
- 22.5% of the amount earmarked for Sampoorna Gramin Rojgar Yojana is meant for members of SC and ST;
- Of the total number of BPL cards distributed to BPL families 908521 families belong to SC and 1411366 belong to ST;
- Under Indira Awas Yojana upto 30.11.2006, 15188 houses have been constructed and delivered while 47566 houses are under construction;
- Of the total surplus land taken over possession (77104.9 hectares) under agricultural ceiling, 54,322.9 hectares of land stand distributed. The break up among SC, ST and others is as under:-
 

▪ SC – 16041	area – 15747.5 hectares
▪ ST – 18383	area – 20771.3 hectares
▪ Others – 12630	area – 17803.9 hectares
- Despite a number of proactive measures for promotion of productive employment and for lifting families above the poverty line, there is no stability and durability of employment for a large number of BPL families who belong to SC and ST and who migrate from M.P. to other parts of the country (U.P., Haryana etc.). They are recruited by recruiting agents, receive advances from them and render bonded labour/service at the destination point on account of their inability to repay the debt/advance. Even though no survey has been conducted on the basis of reports received from district authorities, the extent of migration from M.P. to other parts of India as in 2006 may be indicated as under:-



Dindori -	07
Ratlam -	40051
Jhabua -	37048
Raigarh -	21
Shivpuri -	130

- Even though migration is a fundamental human right under Article 19 of the Constitution and cannot be altogether prevented its incidence can be minimized through (a) intensification of public works at the originating point (b) discouraging exploitative migration by highlighting its deleterious effects on livelihood, income and quality of human life through a IEC package disseminated to the target groups through both print and electronic medium and (c) ensuring that even if male members migrate, women and children are left behind and their functional literacy, education, health etc. are taken care of by the State of origin.
- The Labour and Employment Department, Government of M.P. needs to issue strict instructions for (a) issue of licence to all recruiting agents and (b) for ensuring that journey allowance, displacement allowance and wages during the journey period are disbursed to all migrant workers who are being recruited from M.P. to other States.
- Similarly Labour and Employment Department, Government of M.P. should send the names of all recruiting agents along with names of all migrant workers to the Labour and Employment Department of destination States with a request that (a) registration certificate must be issued by the Principal employers of establishments in those states who are recruiting the workers from M.P. (b) minimum wages as notified in respect of scheduled employments by the destination state government must be enforced and (c) all other statutory facilities and amenities such as residential accommodation, medical aid, specialized treatment for occupational diseases (silicosis, pneumoconiosis, asbestosis, pleurosy etc.) must be ensured.
- Joint study teams comprising of representatives of both originating as well as destination States should, after prior consultation and having agreed on a mutually convenient schedule make it convenient to pay a visit to the work sites at the destination state, interact with the workers to ascertain their

- Joint study teams comprising of representatives of both originating as well as destination States should, after prior consultation and having agreed on a mutually convenient schedule make it convenient to pay a visit to the work sites at the destination state, interact with the workers to ascertain their problems and grievances and take timely action to redress them on the spot. If in course of such joint visits it is established beyond doubt that some or all the migrant workers are working under bonded conditions prompt action should be taken to (a) place all these cases before the Executive Magistrate appointed u/s 21 of Bonded Labour System (Abolition) Act of the destination State (b) plead for their release and get them released (c) get formal release certificates issued and handed over to the bonded labourers (d) have the workers repatriated and rehabilitated at the originating point after ascertaining the wishes of such workers (they should be rehabilitated at the destination point if they so desire).
- In course of interaction with 9 released bonded labourers at Vidisha it transpired that they are all landless. Other bonded labourers elsewhere may be in a similar situation of landlessness. I had in course of my review on 4.1.2007 requested the Revenue Secretary, Government of M.P. to have a survey of all rehabilitated bonded labourers conducted to ascertain their landed or landless status and take simultaneous steps for allotment of land (both homestead and agricultural). She had acceded to this request. This may be followed up.
- M.P. has 8 revenue divisions and 48 revenue districts. The State Government has identified 26 out of these 48 districts which are sensitive from the point of existence of bonded labour system. The State Government representative reported to me that a massive awareness generation programme has been launched in these districts between February to October, 2004. This should be supplemented by a few more steps as suggested under:-
  - DMs have a central role in enforcement of this social legislation; they should, therefore, be activated and sensitized in the field (by DM I

mean DMs of all 48 districts and not confined to 26 sensitive districts only);

- DMs should encourage NGOs and officers of other departments to assist District Administration in unearthing this problem which does not surface easily;
- Every case which is akin to bonded labour system reported should be carefully investigated and prompt action taken on the investigation reports;
- SC and ST students, especially those belonging to bonded labour and landless agricultural labour families and other students who have a rural background should be associated with the work of identification of bonded labour system with proper orientation and training;
- NSS volunteers and volunteers of Nehru Yuva Kendra Sangathan should also be involved in this process with proper orientation and training;
- Rural Labour training camps should be organized in collaboration with V.V. Giri National Labour Institute in all bonded labour prone or sensitive districts;
- Steps should be taken to provide reasonable amount of interest free consumption loan for meeting inescapable social obligations in SC and ST families by establishment of a revolving fund in each of the 48 districts of M.P. Such revolving funds can be managed by Self Help Groups formed in the district;
- The law or regulation pertaining to prohibition of ST land alienation should be strictly enforced;
- ST land wherever illegally or clandestinely transferred in favour of non ST should be restored in favour of STs at the earliest under the relevant Provisions of Prevention of Tribal Land Alienation Regulation;

- All lands of SC and ST should be developed to their utmost productive capacity.

**Concluding remarks about elimination of bonded labour system in M.P.:**

To make any scheme of rehabilitation of freed bonded labourers meaningful, effective and permanent the functionaries of all development departments at the State and district level need to adopt the following approach:-

- This is not a programme of any particular Ministry or Department or Agency; it is the concern of the whole nation;
- No development will be meaningful and worthwhile unless it is accompanied by respect for the dignity, decency and freedom of human spirit and realization thereof;
- A true rehabilitation effort should aim at achievement of this freedom of human spirit;
- All development functionaries should own such rehabilitation effort as dearly as they own their land and building meaning thereby that their identification with and commitment to the effort should be total;
- They should put themselves in the position of all freed bonded labour beneficiaries assuming that this could have happened to them as well;
- They should unhesitatingly share their knowledge, information and skills in favour of the beneficiaries to make them mini animal husbandry men, mini mechanics, mini craftsmen, mini-agriculturists and mini horticulturists to lead a decent, dignified and autonomous existence;
- They should bring themselves down from the pedestal of power, position and authority to the level where these 'exiles of the civilization (as Justice Shri P.N. Bhagwati calls them) live, exercise the correct option and discretion on their behalf in a manner which would be in their best interest and which would convert them from beneficiaries to participants of development;

- They should interpret the provisions of law, ruling and policies and schemes in a manner as would benefit them most;
- That will be real sensitization of functionaries, real involvement of functionaries and true perception of development and something which is the true way of promoting freedom of human spirit.

### **Elimination of Child Labour**

#### **Magnitude of the problem:**

- According to the findings of decennial census of 2001 there are 10,65,259 working children in M.P. The number seems to have come down from 13,52,563 in 1991 which is a positive and welcome development. The break up of this number between urban and rural areas, between boys and girls could not be furnished at the time of review.

#### **Administrative infrastructure:**

- Department of Labour and Employment is administratively responsible for the implementation, monitoring and coordination of all aspects relating to Child Labour (Prohibition and Regulation) Act. The Department does involve Women and Child Welfare, Social Justice, Education, Panchayat and Rural Development in the process of discharge of its responsibility in regard to implementation of Child Labour (Prohibition & Regulation) Act.
- There is a State Resource Centre for Child Labour in the office of Labour Commissioners and a Project Steering Committee at the State level for monitoring, coordination and supervision of all activities pertaining to elimination of child labour. They meet at close and regular intervals to take stock of the developments in this area. It was reported that the decisions taken by these bodies are complied with by the field functionaries.

#### **Determination of the age of children:**

- There is a system of registration of births of all children. This is administered by Women and Child Development Department. However,

Labour Department was not having the following informations at the time of review:-

- Children in the age group of 0-14 years;
  - Children in the age group of 0-6 years;
  - Children in the age group of 6-14 years.
- Children in 0-6 age group are expected to be looked after by anganwadi centres under ICDS and children in 6-14 age group are expected to be enrolled in the formal school system.
  - It may, therefore, be useful to have these informations which could be used as a tool of planning and analysis of a number of activities associated with welfare of children (health, immunization, nutrition etc.) which have a bearing on elimination of child labour.
  - The State Government has notified all Asstt. Surgeons of districts and regular doctors of equivalent rank of the Employees State Insurance Corporation as the appropriate medical authority under Rule 4(2) of M.P. Child Labour (Prohibition & Regulation) Rules, 1993.
  - General experience about enforcement of Child Labour (Prohibition & Regulation) Act in other States shows that whenever a prosecution is filed, the offending employers take a stand that the child in question is above 14 years of age and, therefore, the prosecution is not maintainable. In M.P. also out of 1833 cases filed against offending employers (arising out of the direction dated 10.12.1996 of the apex court in M.C. Mehta Vs. State of Tamil Nadu and others in Civil Writ Application No. 465 of 1986) the latter have been acquitted in 1746 cases. Age of the child is invariably an important point for adjudication in all these cases. The State Government should get all such disputes adjudicated by the competent medical authority u/s 10 of the Act and such determination is final and conclusive. No information on (a) such disputes, (b) adjudication by competent authority & (c) outcome thereof is available.

**Status of Child Labour and enforcement of Provisions of Child Labour (Prohibition & Regulation) Act in M.P.**

- It was acknowledged that children are at work in the following occupations and processes where their employment stands prohibited by issue of a notification by the Ministry of Labour:-
  - Automobile workshop/garage;
  - Domestic help;
  - Dhabas, restaurants, hotels/motels, tea shops, recreation centres etc.;
  - Beedi rolling, labelling and packaging;
  - Manufacturing process using toxic metals & substances;
  - Fabrication Workshops;
  - Brick Kilns;
  - Stone breaking and crushing;
  - Grinding and glazing of metals;
  - Extraction of slates from mines;
  - Rag picking and scavenging.
  
- As in the case of bonded labour, the general trend with regard to enforcement of the Provisions of Child Labour (Prohibition & Regulation) Act in M.P. is that most of the prosecutions have ended up in acquittal. Even in regard to conviction no clear picture is available as to how many of them have ended up in fine and how many in imprisonment. Besides, it is difficult to establish a proper correlation between number of inspections, number of prosecutions and the extent by which inspections have resulted in better compliance with the provisions of law.

**Extent of compliance with the directions of the apex court dated 10.12.1996 in Civil Writ Application No. 465 M.C. Mehta Vs. State of Tamil Nadu & Others:-**

**1. Survey:**

A Statewide Child Labour survey was conducted in April, 1997 which identified 10,246 children in hazardous occupations/processes and 3045 in non hazardous ones. These figures were scrutinized and subsequently brought down to 8826 and 2994 in hazardous and non hazardous occupations/processes respectively. According to the Survey, Damoh, Raisen, Sagar, Tikamgarh, Jabalpur and Rewa were the 6 districts which accounted for the maximum number of working children.

- The State Government is unable to account for the huge difference in the figures of working children between the findings of the survey conducted in 1997 and those of the decennial census of 2001.
- Of the 8739 working children who were identified and released from hazardous work, 6663 only were admitted in schools. The picture is a bit unclear about the rest.
- 3649 criminal cases were launched against offending employers of which 1833 cases have been decided so far of which again in 1746 cases (over 90%) employers have been acquitted. The Department is unable to explain reasons for acquittal in such overwhelmingly large number of cases and the steps taken to challenge such acquittals.
- 3033 revenue recovery certificates were issued against 3854 employers involving 8456 children in hazardous work for recovering compensation amount @ Rs. 20,000/- per working child. It appears that 1537 employers have been granted stay by the High Court in 98 petitions filed by them involving 4930 working children. A sum of Rs. 4.55 lakh only could be recovered in 12 districts namely Indore, Dhar, Sagar, Sidhi, Seoni, Maundisar, Ratlam, Neemuch, Jhabua, Bhopal, Vidisha and Betul. The picture is a bit unclear in as much as even this paltry amount of Rs. 4.55 lakh has not come to the kitty of the Child Labour Welfare-cum-Rehabilitation Fund of the concerned districts on account of the following reasons:-
  - In 2 cases in Indore, the employers have simply given a guarantee of Rs. 40000/- but have not physically deposited the amount;
  - In 1 case in Dhar the employer has deposited only a partial amount of Rs. 10000/- against Rs. 20000/- payable;
  - Same is the position (partial payment) in Seoni.
- If the employers would have fully complied with the apex court's direction a sum of (8826 x Rs. 20,000) Rs. 17,65,20,000/- would have been



collected and come to the corpus of the district(s) Child Labour Welfare-cum-Rehabilitation Fund. What has been recovered is only a pittance of what was payable.

- The administrative department maintains a stand that RRCs in respect of 370 working children could not be issued due to non availability of names and addresses of the employers in Tikamgarh, Katni, Chindwara, Shahadol, Umaria, Sidhi and Morena.
- District Child Labour Welfare and Rehabilitation Committees have been set up in all districts. These are registered societies under the Chairmanship of the Collector of the district with representation of social workers, NGOs and journalists. The Committees are meant to monitor and coordinate all matters relating to survey, rehabilitation and welfare activities in relation to released working children in the district.
- A district child labour rehabilitation and welfare fund has also been set up which will be managed by the Committee as above. The compensation amount recovered from the offending employers will be deposited in the Fund.
- 1074 adult members of the family of working children have been provided with employment. This was to be done for the adult members of the families of 2994 children @ one member per family. It appears that the remaining members being beedi workers did not accept the offer of employment outside beedi industry.
- A State Level Child Labour Cell has been established at the office of the Labour Commissioner, M.P. at Indore for monitoring the enforcement and welfare measures taken for the working children released from work.
- A number of camps (250) for generation of awareness against child labour have been organized throughout the State with the involvement of employers, trade unions and NGOs.

**National Child Labour Project (s):**

- The first NCLP at Maundsar in M.P. was started in May, 88. It was meant to withdraw children from slate making and rehabilitate them through education, nutrition, vocational skill training programme and check up of health.
- This NCLP is on the ground for nearly 20 years. There is a possibility in such Projects continuing at one point for such a long time that the same set of children may be enrolled in the special schools run by the Project year after year. It would be appropriate to carry out an evaluation to assess the extent by which the objectives assigned to the Project have been fulfilled. If the objectives have been fulfilled to a large extent, it may be appropriate to shift the location of the Project somewhere else where there is more pressing need. This deserves serious consideration of the State Government.
- Subsequently 17 NCLPs with 360 special schools have been started. Proposals for starting 2 new NCLPs at Raisen and Tikamgarh have been sent to Government of India.
- Through the 17 NCLPs and 360 special schools, 16098 working children have been withdrawn from hazardous work and enrolled and 6553 children have been mainstreamed into the formal system of education after completing the 3 year cycle in special schools of NCLPs.
- Teachers (720) of NCLPs are yet to be trained even though such training institutions through DIET and DRU are very much in existence in M.P. It is inconceivable as to how in a State which had set the pace and tone of this non-formal educational programme by starting the first NCLP in the country in May, 88 a programme of this dimension could be implemented and could be kept alive on the ground without training of the teachers.
- Evaluation (like training of teachers) of the content, process, quality and impact of the NCLP is yet another area which continues to be weak. Normally such evaluations are to be conducted by Institutes of Social Science Research of repute and standing. Alternatively, if no such

Institute is available in M.P. the task of evaluation could be entrusted to a interdepartmental team of officers from the Labour and allied departments such as Education, Health, Social Welfare, Women and Child Welfare, etc. Instead, it was stated that evaluation is being conducted by SRC and SPSC. These are departmental bodies meant specifically to monitor the pace and progress of the NCLP and have not been trained to evaluate. The indicators and tools of evaluation, concrete outcome and corrective measures taken could not be adequately explained.

- There are a few silver linings in management of special schools under NCLP too. I had the first hand exposure to some of these silver linings while visiting a special school under Gwalior - NCLP which is being managed by Adarsh Samaj Seva Shiksha Samithi, Mall Road, Morar, Gwalior. The NGO came into being in 1978. During the last 28 years of its existence it has made sincere efforts to bring under its umbrella individuals and communities belonging to different socio cultural groups and women who have a flair for dedicated social work. The NGO has been in the fore front of education and has been successfully managing New Model High School, Mall Road, Morar and the track record of performance of this institution has been outstanding. The following innovative features in the management of the special school at Morar struck me:-
  - The students are able to respond to queries of outsiders with freedom and spontaneity, with strength, courage and confidence;
  - The children are hale and hearty, are being subjected to regular check of their health and are neat and tidy in dress and manners;
  - The levels of proficiency in arithmetic and mother tongue are above average;
  - The crafts (with the training imparted by the craft teacher) are objects of beauty and would help in bringing out the best of imagination and creativity of students apart from harnessing locally available materials.

What struck me most was a pictorial depiction of the degeneration and degradation of the value system in the current social milieu where 'to be good is just not to be bad, to be social is just the antithesis of being callous or anti social' by an ex student of the special school in her own inimitable style. It is indeed a matter of pride and distinction that the special school with all the limitations of space has been able to infuse such ratiocinative and creative thoughts in the minds of our succeeding generation.

The Collector, Gwalior – Shri Srivastav has provided the best of leadership and direction to the management of NCLP in his district. The members of Project Management Advisory Committee seem to be equally involved.

**Special measures taken by Government of M.P. for elimination of Child Labour:**

- The powers of Inspectors under the Child Labour (Prohibition & Regulation) Act (Section 17 of the Act) have been delegated to Zilla Panchayat and Gram Sabhas by issue of 2 notifications issued on 13.10.97 and 19.7.2001.
- After issue of notification No. 1029 dated 10.7.2006 (which came into force after expiry of 3 months (w.e.f. 10.10.2006) by the Ministry of Labour and Employment prohibiting employment of children in hotels/restaurants/dhabas, domestic work, recreation centres, SPAs etc. detailed instructions/directions were issued to all Commissioners, Collectors, IGs and DIGs of Police, SPs and all officials of Labour and Employment Department. This was supplemented by launching a drive throughout the state for better generation of collective awareness. As a result of this special drive 82 children have been released in 13 districts and 36 prosecutions have been filed.

**Action Plan for elimination of child labour:**

The Action Plan contemplated by the Labour and Employment Department would cover the following:-

**Convergence:**

- At the State level close linkages will be established with concerned departments such as Education, Rural Development, Women and Child Development, Social Justice; Health etc. so that all issues related to Protection of Children's Rights are addressed in a planned and coordinated manner.
- Similar convergence would be established at the district level.

#### **Formation of District and Block Level Committees:**

- Committees under the Chairmanship of Collectors and with representatives of departments/agencies including NGOs concerned with children's welfare, protection of children's rights and elimination of child labour are under formation.

#### **Voluntary Declaration:**

- The Action Plan contemplates that such a Declaration will be taken from all Government servants, business houses, other citizens of the civil society that they would not employ children below 14 years.

#### **Monitoring:**

- Divisional Commissioner, Labour Commissioner, Addl. Commissioner and Dy. Labour Commissioners would review and monitor the progress of NCLPs in Divisional meetings of Collectors and other officers. Principal Secretary, Labour & Employment will also monitor the same at his level.

#### **Training and Sensitization:**

- The Action Plan contemplates to provide orientation to the following for their familiarization and sensitization:-
  - Representatives of the people (MPs, MLA and MLCs);
  - Representatives of local self governing bodies (Panchayats, Municipalities);
  - Representatives of NGOs and other social welfare organizations;
  - Representatives of Media and communication agencies;
  - Government officials of Labour, Police, Panchayat, Rural Development, Women and Child Development, Tribal Development, Urban Development, Health, Education.

**Generation of awareness:**

In addition to appeals made by CM and LM which have been published in all newspapers to the effect that none should employ children below 14 years, the various other forms of awareness generation which will be on a continuous basis would be:-

- Poster, banner, sticker, slogan and wall writings;
- Street play, nukkad nataks, rallies, elocution competitions;
- Highlights of the issue through Radio, TV, spots, curtain raisers, jingles etc.

**Conclusion:**

- Elimination of child labour is one of the components of protection of Children's rights and the latter is an integral part of holistic development of the most tender human resource, which is our succeeding generation, our future hope, our asset in building humanity. Such a development would be possible through access to functional literacy and numeracy, through access to enrolment and retention primary and elementary education, through primary health care including immunization, food security and elementary nutrition, environmental hygiene and sanitation. Such a development would be possible on a foundation of social justice and equity, where there will be no discrimination between boys and girls, between women and men in matters of equitable access to food, dress, health, medical care and education. Any strategy for elimination of child labour would be meaningful only on this broad perception and framework. The strategy would involve thinking, planning and working together of progressive minds which are rational, secular and scientific and which respect the dignity, decency, equality and freedom of all human resources including children. It will be appropriate if Government of M.P. could adopt such a holistic or integrated approach to protection of children's rights (of which elimination of child labour would be one of the major components) which would include:-

- a total ban on sex determination tests;

- a total ban on foeticide and female infanticide;
- improving the current sex ratio which is adverse;
- a total ban on early child marriage (the average age of nuptiality for girls being 15-16);
- launching a campaign against malnutrition hunger and starvation;
- launching a campaign against caste and sex based discrimination;
- launching a campaign for early childhood education;
- launching a campaign for universal access to free and compulsory primary and elementary education;
- launching a campaign against lack of environmental hygiene and sanitation particularly in the country side.

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**Annexure-I****List of Participants in Review Meeting of Bonded Labour  
by NHRC dated 4.1.2007 – Bhopal.**

<b>S. No.</b>	<b>Name of Participants</b>	<b>Designation</b>
1.	Shri Rakesh Bansal	Principal Secretary, Labour, Govt. of M.P.
2.	Shri Madan Mohan Upadhyay	Principal Secretary, Public Health, M.P.
3.	Shri Indranil Shankar Dani	Principal Secretary, School Education Deptt.
4.	Shri S.K. Shrivastav	Dy. Secretary, Women & Child Development
5.	Ms. Rashmi Sharma	Secretary, Revenue Department, M.P.
6.	Dr. V.K. Shukla	Dy. Secretary, Animal Husbandry, Bhopal.
7.	Shri S.K. Upadhyay	Dy. Secretary, Agriculture Deptt.
8.	Shri D.P. Singh	Dy. Secretary, Labour Deptt.
9.	Ms. Anjusingh Baghel	Addl. Commissioner, Tribal Development.
10.	Shri D.S. Kushwah	Addl. Director, Agriculture Department.
11.	Shri Vijender Nanda	Dy. Commissioner, Tribal Development.
12.	Dr. Y.R. Sharma	Director, Public Health.
13.	Shri L.K. Pandey	Addl. Labour Commissioner, M.P., Indore.
14.	Shri Prabhat Dubey	Dy. Labour Commissioner, M.P., Indore.
15.	Dr. Basudev Sarkar	Dy. Labour Commissioner, M.P. Indore.
16.	Shri L.P. Pathak	Dy. Labour Commissioner, M.P. Indore.
17.	Shri R.S. Yadav	Asstt. Labour Commissioner, M.P., Bhopal.
18.	Shri S.S. Dixit	Asstt. Labour Commissioner, Gwalior.
19.	Shri H.C. Mishra	Asstt. Labour Commissioner, Sagar.
20.	Shri G.C. Nag	Asstt. Labour Commissioner, Satna.
21.	Shri J.S. Uddey	Asstt. Labour Commissioner, Mandsaur.
22.	Shri M.L. Bahoriya	Labour Officer, Jabalpur (Incharge ALC Jabalpur).
23.	Smt. Meghna Bhatt	Labour Officer, Ujjain (Incharge ALC Ujjain).



**Annexure-II****List of Participants of Meeting held by NHRC  
at Vidisha on 4<sup>th</sup> January, 2007**

<b>S. No.</b>	<b>Name of Participants</b>	<b>Designation</b>
1.	Hon'ble Shri Guruvachan Singh	MLA, Vidisha.
2.	Shri Rakesh Bansal	Principal Secretary, Labour, Govt. of M.P.
3.	Shri R.K. Mathur	Collector, Vidisha.
4.	Shri Anil Singh	Supdt. of Police, Vidisha.
5.	Shri D.P. Singh	Dy. Secretary, Labour Deptt., M.P.
6.	Shri R.S. Yadav	Asstt. Labour Commissioner, Bhopal.
7.	Dr. S.K. Dhavak	Distt. Organizer, Tribal Deptt., Vidisha.
8.	Shri Alok Verma	Project Officer, Distt. Panchayat, Vidisha.
9.	Shri H.S. Thakur	Sub-Divisional Magistrate, Ganjbasoda.
10.	Shri M.L. Sisodiya	Dy. Collector, Vidisha.
11.	Shri Manish Verma	Distt. Education Officer, Vidisha.
12.	Shri Gopalsingh Verma	Tahsildar, Tahsil Ganjbasoda, Distt. Vidisha.
13.	Smt. Mithilesh Aggarwal	Town Councillor, Vidisha.
14.	Dr. Pankaj Shukla	Civil Surgeon, Vidisha.
15.	Smt. Noorjahan Qureshi	Women & Child Development Officer.
16.	Shri Avtar Singh Dangi	Advocate.
17.	Shri Babulal	Dy. Chairman, Adivasi Morcha.
18.	Smt. Rajni Malviya	Labour Officer, Vidisha.
19.	Smt. Mithilesh Agrawal	Member, Distt. Vigilance Committee, Vidisha.

20.	Shri Khoobchand Ahirwar	Member, Distt. Vigilance Committee, Vidisha.
21.	Shri Gopilal Ahirwar	Member, Sub-division Vigilance Committee, Vidisha.
22.	Shri Tulsidas Sharma	Member, Sub-division Vigilance Committee, Vidisha.
23.	Shri Arun Shrivastav	Member, Distt. Vigilance Committee, Vidisha.
24.	Shri Dharmendra Singh Thakur	Member, Distt. Vigilance Committee, Vidisha.
25.	Shri Raghuvir Singh	Member, Vigilance Committee.
26.	Shri Avatar Singh Dangi	Member, Gyaspur Sub-divisional Vigilance Committee, Distt. Vidisha.
27.	Shri Sher Singh	Public Representative.
28.	Shri Babulal Adiwasi	Vice President, BJP Nagar Morcha.
29.	Shri Chaturbhuji Chirad	Editor (Public Representative)

**Annexure-III****List of Participants in Review Meeting of Child Labour by NHRC dated 5.1.2007**

S. No.	Name	Designation
1.	Shri Rakesh Bansal	Principal Secretary, Labour, Govt. of M.P.
2.	Shri D.P. Singh	Dy. Secretary, Labour.
3.	Shri L.K. Pandey	Addl. Labour Commissioner, Indore.
4.	Shri Prabhat Dube	Dy. Labour Commissioner, Indore.
5.	Shri M.L. Bahoria	Asstt. Labour Commissioner & Secretary-INDUS, Jabalpur.
6.	Shri Tarun Pancholi	Project Director, INDUS-Jabalpur.
7.	Shri J.S. Uddey	Asstt. Labour Commissioner & Secretary-NCLP, Mandsaur.
8.	Shri G.C. Nag	Asstt. Labour Commissioner & Secretary-INDUS, Satna.
9.	Shri H.K. Ahirwar	Labour Officer & Secretary-NCLP, Betul.
10.	Shri Praveen K. Sharma	Field Officer, NCLP-Ujjain.
11.	Shri Rajeev Gangrade	Field Officer, NCLP-Ujjain.
12.	Shri Mohan Waghre	Project Director, NCLP- Khandwa.
13.	Shri H.C. Gupta	Labour Officer & Secretary-NCLP Khargoon/Barwani.
14.	Shri R.K. Gupta	Asstt. Project Director, NCLP-Barwani.
15.	Shri T.D. Chobey	Labour Officer & Secretary-NCLP, Rajgarh.
16.	Shri Ratnesh Vijaywargiya	Field Officer, NCLP-Rajgarh.
17.	Shri Deepak Jadiya	Field Officer, INDUS-Sagar.
18.	Shri H.C. Agrawal	Joint Director, Women & Child Development.
19.	Shri S.S. Shukla	Dy. Manager, Rajya Shiksha Kendra (Sarva Shiksha Abhiyan) Bhopal.
20.	Shri Farooque Siddiqui	Asstt. Manager, Rajya Shiksha Kendra (Sarva Shiksha Abhiyan) Bhopal.

74

**Annexure-IV**

**List of Participants of meeting held at Gwalior on 6<sup>th</sup> January, 2007**

<b>S. No.</b>	<b>Name of Participants</b>	<b>Designation</b>
1.	Shri Rakesh Bansal	Principal Secretary, Labour.
2.	Shri S.S. Dixit	Asstt. Labour Commissioner & Secretary, NCLP.
3.	Shri O.P. Mishra	Project Director, NCLP.
4.	Shri R.K. Shrivastava	Collector, Gwalior.
5.	Shri Vijay Dubey	CEO – Jila Panchayat.
6.	Shri N.A. Khan	Project Officer – District Urban Development Authority (DUDA).
7.	Shri Raj Sharma	Asstt. Public Relation Officer.
8.	Shri C.S. Pawar	I.T.I.
9.	Shri Vijay Gupta	Secretary – Center for Integrated Development (NGO).
10.	Shri Swami Swaroopanand	Ram Krishana Mission (NGO).
11.	Shri R.D. Singal	District Co-ordinator Nehru Yuva Kendra.
12.	Dr. Archana Shivnekar	Chief Medical & Health Officer.
13.	Shri D.K. Shrivastava	Manager – DTIC, Gwalior.
14.	Shri P.N. Hindoliya	Area Organizer, Tribal Welfare Department.
15.	Smt. Indira Shaini	Project Officer, Women & Child Development Department.