

Report of review conducted by Dr. Lakshmidhar Mishra, IAS (Retd.), Special Rapporteur, NHRC on the pace and progress of implementation of Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition and Regulation) Act, 1986 for Karnataka State from 15th to 18th May, 2007

The decision to have an indepth review of the pace and progress of implementation of Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition and Regulation) Act, 1986 for Karnataka State was taken only after a prior consultation with the Chief Secretary to Government of Karnataka – Shri P.B. Mahishi, Principal Secretary, Rural Development and Panchayatiraj – Shri M.R. Sreenivasulu Murthy, Principal Secretary, Labour – Shri K. Jothiramlingam and Secretary, Rural Development and Panchayatiraj – Shri G.V. Gongwad. The dates for the proposed review were also fixed in consultation with them and in a meeting held at Vikas Soudh in the room of Principal Secretary, Labour on 18.4.2007.

To make the review more meaningful two comprehensive questionnaires – one each on bonded labour (14 point) and child labour (8 point) was prepared by me and sent to the Principal Secretaries of concerned Departments sufficiently in advance with a request to keep the responses ready for discussion.

The responses to both were handed over to me after my arrival at Bangalore on 15th and they formed a part of the discussion at the wrap up meeting which took place on 18th after the field visits on 16th and 17th and prior to my departure.

Soon after my arrival on 15th (AN) I proceeded to make a detailed presentation on the salient features of the 2 legislations, as also the National Policy and Programme of Action to the senior officers of both the Departments from 3 PM to 6 PM and later to the district level officers of Bangalore (Rural) district (from 6 PM to 7.30 PM) at the Conference Hall of Vikas Soudh. The central objective of making this presentation was as under:-

- to familiarize officers of the State and district administration about provisions of the Constitution, Law, judgements of the apex Court on the subject, National Policy and Programme of Action thereunder;
- to remove doubts and misgivings, if any, and establish complete conceptual clarity about concept and definition of bonded labour system and child labour;
- to draw up a short term and long term perspective plan for preventing occurrence and recurrence of both these social evils;
- to reinforce the political will, determination and commitment at all levels for elimination of these evils.

The questions which the presentation spread over two and half hours evoked were:-

- Are attached agricultural labourers bonded labourers?

- How to deal with special problems of Interstate Migrant Labour working allegedly under bonded conditions?
- Can a person rendering casual labour for a few days or hours be treated as a bonded labourer?
- How to segregate the two processes – prosecution and conviction of bonded labourers and release and rehabilitation of bonded labourers?
- What is the concept of summary trial?
- Under what circumstances a working child becomes a child bonded labourer?
- What type of relationship is envisaged between members of Vigilance Committees, district, sub divisional, taluk and block level functionaries, Panchayat Secretaries, NGOs and Voluntary Social Action Groups with a view to establishing complete convergence in terms of their thinking and action?
- To what extent the national and state policy going in for setting up of SEZs, acquiring private land of SC and ST communities and relegating them to the background after taking away their principal source of livelihood and income without adequate compensation has resulted in new forms of bonded labour?

I responded to these queries which was followed by an animated discussion. Shri Kiran Kamal Prasad of Jeevika (an

NGO based at Bangalore) and member, core group for NGOs, NHRC participated in the discussion. On my request and with the approval of State Government, he also accompanied me on my visit to villages in Bangalore (Rural), Tumkur and Davangere and assisted me in the interaction with freed bonded labour beneficiaries and potential bonded labourers in these 3 districts.

Historical Background:

Bonded Labour System (Abolition) Act, 1976 was passed by both Houses of Parliament on 9.2.76, received the assent of the President soon after but was given retrospective effect from 25.10.76, the date when the Bonded Labour System (Abolition) Ordinance was promulgated. The Act deals with definition of bonded debt, bonded labour, bonded labourer and bonded labour system. In the explanation to the definition of 'agreement' given in Section 2 of the Bonded Labour System (Abolition) Act, 1976 the expression 'Jeetha' which is prevalent in Karnataka on a large scale occurs. 'Jeetha' in day to day real life means an attached agricultural labourer attached to the landlord/moneylender for a specified period (invariably going upto 1 year and beyond).

To quote from the body of the text of that explanation:-

'The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour namely:-

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-galu, Hali, Hari, Hawaii, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthea, Lakhari, Munjhi, Mat, Munish System, Nit Majoor, Paleru, Paduyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti'.

Soon after the Bonded Labour System (Abolition) Ordinance was promulgated on 25.10.75 and debt bondage stood legally terminated or extinguished, Government of Karnataka took pains to identify and release over 60,000 bonded labourers within a period of 2 years i.e. 1975-77. This was incidentally the single largest number of bonded labourers identified and released in the whole country. A sizeable number of these persons came from the category of 'Jeetha' or attached agricultural labourers. Even though details of the methodology adopted for identification are not available at this point of time, it is evident that (a) there was political will and determination to carry out this process with a lot of urgency and seriousness of concern (b) a very large number of field functionaries must have been deployed with a clear political and administrative mandate to go about the task in a prescribed time frame.

The pace of the progress, however, slowed down and the enthusiasm with which the earlier process was carried out was lost so much so that there was no significant addition to the number even 7 years later i.e. 10.9.82 when as DG(LW) JS, Ministry of Labour, I had visited Karnataka for a review of the

entire process. There was at the same time a huge gap between the number of bonded labourers identified (over 60,000) and the number of labourers rehabilitated (31,510) as on 30.6.82.

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Forced/bonded labour in one of its worst forms in Karnataka surfaced when the Karnataka Rayat Sangh brought to the notice of NHRC in June, 2000 that 45 stone quarry workers in Hangarhalli in Mandya district were kept in chains under inhuman conditions. They were not even allowed to go out to answer the call of nature and were chained all throughout. Of them there was a couple who had just got married but were unable to experience conjugal bliss as they were also chained. This episode which was broadcast and telecast and reported widely in print media sent shockwaves. The State Government who were resting complacent that bonded labour system had been abolished lock, stock and barrel had to review their stand and order resurvey throughout the State in 2000-01 and 2001-02. As a result of this during the period 2000-06, 2177 bonded labourers have been identified (of them 141 are interstate migrant workers). This together with the bonded labourers who were identified in the earlier years between 1975-1999 makes it a total of 63,886 bonded labourers identified and released as on 31.3.2007.

A complete statement showing the district-wise break up of bonded labourers identified, released and rehabilitated, amount spent towards rehabilitation upto March, 2000 and between April, 2000 to March, 2007 is given at Annexure-A.

Administrative infrastructure:

The Rural Development and Panchayatiraj is the administrative department in overall charge of the subject. This is a welcome change over from Labour and Revenue Departments in the past as (a) this is also administrative department for the three tier Panchayatiraj structure (b) this is the administrative department for implementation of all village development programmes including poverty alleviation and promotion of rural employment programmes (c) at the apex level this can act as a centre of convergence between various line departments and facilitate implementation of quality rehabilitation programmes for released bonded labourers by pooling resources from a variety of sources and integrating them imaginatively and skillfully for a more meaningful and effective rehabilitation.

Two positive steps have been taken by the State Government which will strengthen this view point. These are:-

- I The Karnataka Panchayatiraj Act, 2000 has been amended by insertion of Section 58A making it mandatory for every GP to report any case of enforcement of Bonded Labour System (Abolition) Act in the GP area to Government failing which it shall be construed as a default for the purpose of Section 268 of the Act.
- II A three member Committee has been constituted by the State Government with the President of District Panchayat as Chairperson and with the DM and

CEO, District Panchayat as members. The Committee will explore ways and means of securing convergence of available funds for a qualitative rehabilitation of freed bonded labourers on priority.

At the State level, a high power committee under the chairmanship of Addl. Chief Secretary has been constituted. The Committee held its last meeting on 15.3.2007 and had proposed to meet at least once in 6 months. The current incumbent – Mrs. Neerja Raj Kumar was good enough to sit throughout the 2½ hours of presentation on bonded and child labour on 15.5.2007 (AN) and actively participated in the deliberations (which was reflective of her deep personal interest in and commitment to the subject).

Institutional and statutory mechanisms:

Vigilance Committees have been constituted in all 27 districts and 52 sub divisions of the State but their tenure of 2 years being over proposals for reconstitution have been pending for consideration and finalization at the level of State Government for some time.

It was impressed on the Principal Secretary, Rural Development and Panchayat Raj that :-

- The Vigilance Committees should comprise of women and men of character and caliber, experience and professional competence so that they bring life, meaning and direction to the proceedings of these bodies;

- Pending reconstitution which should be expedited, the old committees should be allowed to function in a normal and natural manner as required under Rule 4 (1) of Bonded Labour System (Abolition) Rules, 1976;
- A systematic plan for training, orientation and sensitization of all members of Vigilance Committees should be drawn up with Provision for recurrent training till the desired impact has been created;
- Vigilance Committees cannot do justice to their mandate by sitting in armchairs in the confines of DM's or SDM's office; they have to go out to conduct discrete enquiries by addressing simple and friendly questions in a non threatening manner to the potential bonded labourers;
- Once they come to the conclusion that the potential bonded labourers are genuine bonded labourers they have to place a copy of their enquiry report before the Executive Magistrate appointed by the State Government u/s 21 and vested with judicial powers to try out all offences under Bonded Labour System (Abolition) Act.
- Much of the success in the process of the release of the identified bonded labourer and expedition with which such release can be secured would depend on the courage, conviction and transparency with which the case is made out by the Vigilance Committee

before the Magistrate on the one hand as also the definitional and conceptual clarity in understanding and sensitivity of the Magistrate concerned on the other.

Next to Vigilance Committees, Executive Magistrates vested with powers of Judicial Magistrate 1st or 2nd Class constitute the next important statutory mechanism to try all cases under Bonded Labour System (Abolition) Act. There is a bit of lack of clarity or ambivalence in the existing procedure in vogue adopted by the Government of Karnataka in as much as:-

- Vide notification No. SWL 20 LBD 76(1) SO 946 Bangalore dated 30.3.76 the Government of Karnataka have conferred on all the DMs all powers and imposed all duties for the purpose of Section 10 of Bonded Labour System (Abolition) Act within their respective jurisdiction;
- On the same date vide SO 947 the State Government have conferred on all DMs the powers of Judicial Magistrate, First Class for trial of all cases u/s 21 of Bonded Labour System (Abolition) Act within their respective jurisdiction.
- Prima facie and from the point of law there is nothing illegal or objectionable behind issue of these two notifications.
- Since, however, the DMs have multifarious duties and responsibilities (partly administrative and partly quasi

judicial) to discharge and are heavily preoccupied they would find it almost impossible to do justice to this important mandate vested in them by Government.

- It would have been appropriate to sub-delegate these powers and functions to ADMs, SDMs and other Executive Magistrates so as to create a larger framework or institutional mechanism considering the magnitude of the problem of bonded labour in Karnataka.
- This has not been done.
- Strangely enough and contrary to the spirit of the notification referred to above the SDMs are trying out all cases u/s 21 of the Bonded Labour System (Abolition) Act.
- They, in the absence of any proper orientation and training without experience (in Karnataka ACs soon after training function as SDMs) and without exposure to the ground level realities are not able to do justice to this very important provision of law.

During my stay at Davangere on 16th and 17th 2 cases were brought to my notice which go to confirm this impression. In the first, Hanumanth Manjunath was rescued by the father Kuriakose Puthenpurayil, Director of Don Bosco School on 31.10.2003 from Nagraj of Nathuwalli, Davangere. In the second, the names of the boys who have been rescued from the clutches of one Gangappa, a pig owner of Harihar taluk [the

pig farm located on the bypass road near Harihar are Manjappa (12) and Sunkappa (10)]. The entire seven member family including 3 children was kept in virtual house arrest for the past 4 years by Gangappa. The entire family hailing from Jagalur was toiling hard in the pig farm all these years in return for Rs. 55,000/- loan borrowed from Gangappa are Manjappa (12) and Sunkappa (10). In both the cases, the AC, Davangere (the SDM) has taken a stand which is not supported by the principles of jurisprudence laid down by the apex court in Bandhua Mukti Morcha case (AIR 1984 Supreme Court 802 W.P. No. 2135 of 1982) or Neerja Chaudhury case (AIR 1984 SC 1099 W.P. No. 1263 of 1982) and, therefore, not legally sustainable. The pith and substance of his stand may be explained as under:-

- there is no documentary evidence that Manjunath's father (who is long since dead) took the loan;
- The alleged bonded labourers in the second case were attached to the pig owner, were going out to sell the pigs on behalf of the owner and, therefore, they had all the freedom of movement on earth;
- They were getting wages in kind i.e. food.

The findings are devoid of merit and cannot be sustained on account of the following reasons:-

- I The apex Court in Bandhua Mukti Morcha case had observed that 'there would be no occasion for a labourer to be placed in a situation where he/she is

required to supply forced labour for no wage or for nominal wage unless he/she has received some advance or other economic consideration from the employer'.

II The apex Court in the same case further observed:-

'Whenever it is shown that a labourer is made to provide forced labour the Court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration and he, therefore, is a bonded labourer. This presumption may be rebutted by the employer and also by the State Government if it so chooses but unless and until satisfactory evidence is produced for rebutting this presumption the Court must proceed on the basis that the person is a bonded labourer entitled to the benefits of the Provisions of the Act.'

III In yet another judgement dated 18.9.82 on W.P. No. 8143 of 1981 (AIR 1982 SC 1473) the apex Court had observed:-

'The word force must be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leave no choice of alternatives to a person and compel him to provide

labour or service even though the remuneration received for it is less than the minimum wage. When a person provides labour or service to another against receipt of remuneration which is less than the minimum wage, he/she is acting under the force of some compulsion which drives him/her to work and, therefore, any such labour or service provided by him falls within the scope and ambit of forced labour under Article 23.'

- IV Before coming to the conclusion that minimum wages are being paid in kind through food the SDM should have computed the cash value of wages paid in kind and found out if the same is the equivalent of notified minimum wage at the relevant point of time or not. If it is less than the notified minimum wage it becomes a case of forced labour (AIR 1982 SC 1473).
- V As a part of the annual contract the boys were required to go out to the market for sale of pigs at the behest of the master, come back and hand over the sale proceeds to the master. This is not same as freedom of movement in any part of the territory of India. The boys were not free to leave the master in question and seek alternative avenues of employment elsewhere even if there was ill treatment until and unless they repaid the loan taken by

their father (the details of which they were unaware as the documentary evidence was with the employer).

- VI The trying Magistrate has completely omitted use of expression 'or' in Section 2(g) while arriving at his conclusion. By now it is abundantly clear that in view of use of 'or' all the 4 consequences in Section 2(g) are not required to be in existence nor are they required to be proved.
- VII The onus of proof for existence of loan/debt/advance is always on the bonded labour keeper and not on the bonded labourer.
- VIII Section 21 of the Act speaks of a summary procedure of trial to be adopted which is not the same as summons procedure. The legal position gets further reinforced or fortified when it is read along with observations of the apex Court in Bandhua Mukti Morcha case. To quote from the text of that judgement:-

'the State Government should not have insisted on a formal, rigid and legalistic approach in the matter of implementation of a statute which is an important instrument for ensuring human dignity.'

'It would be cruel to insist that a bonded labourer should have to go through a formal process of trial with the normal

procedure for recording of evidence.
That would be a totally futile process.'

'A bonded labourer can never stand up to the rigidity and tyranny of the legal process due to his/her poverty, ignorance, illiteracy, social and economic backwardness.'

'It would be extremely difficult, if not impossible, for the labourers to establish that they are bonded as they would have no evidence at all to prove that any advance or economic consideration was provided to them by the employer.'

In sharp contrast with the letter and spirit of these observations of the apex Court which under Article 141 are binding on all other courts in the country, the trying Magistrate in both the cases has examined and cross examined 17 witnesses and has taken over 4 years to dispose off the case in favour of bonded labour keepers. The net result of this judgment is thoroughly demoralizing and may be described in the following words:-

'The day Bonded Labour System (Abolition) Ordinance was promulgated by the President it sent shockwaves down the spine of all bonded labour keepers'.

'The judgement of the SDM, Davangere instills a psychosis of fear, anxiety and uncertainty into minds of a few hapless and helpless child bonded labourers while providing unmerited and uncalled for relief to the bonded labour keepers'.

On 16.5.2007 I visited Kananur gate, Kudur Hobli, Magadi Taluk and interrogated Balayya, father of Manjunath (19). As would be evident from the subsequent narration, there is very little parallel to the indignities hurled on the latter and the brutalized treatment to which he has been subjected by the landlord/employer. The latter was working with Subhas Singh, the landlord for nearly 3 years (2003-2006).

According to the terms of the contract he was to report for duty at the master's place at 6 AM in the morning and work uninterruptedly without any rest or sleep till 10.30 PM. The nature of work included, tending the cattle, feeding them, milching them, clearing cowdung and pounding the roots for preparation of herbal medicine etc. On 13.10.2006 Manjunath was ill, could not go to work and was taking shelter in his father's house. The master came and called him out loud. In the latter's own words:-

'Manjunath, come and work'.

'I am unwell, master and, therefore, cannot come. Please forgive me.'

'Your father has taken a loan of Rs. 5000/- from me. Please pay it back immediately if you cannot come and work'.

'Master, I can repay it only by working. Since I am unwell I cannot work today. Please, therefore, give me a second chance'.

The landlord dragged Manjunath out of the house, held him by his neck, beat him black and blue, used vulgar language (called his mother and grandmother by name which is very offensive) and kicked him again and again. Manjunath fell down. The landlord lifted him, kicked him again and again till the lips of Manjunath were bruised, his face battered and he fell down unconscious.

- Manjunath was an attached agricultural labourer. Even though according to the terms of the annual contract he was to receive Rs. 5000/- at the end of every year, he actually received much less such as:-

2003-2004	-	Rs. 4500/-
2004-2005	-	Rs. 3000/-
2005-2006	-	Rs. 3000/-

- At the rate of minimum wage notified by the State Government for agricultural labourers i.e. first Rs. 62/- and later Rs. 69/- w.e.f. 31.3.2007 for 8 hours of work he is entitled to receive over Rs. 22,000/- per annum (approximately).
- Besides, there was no weekly off and he was required to work for all the 7 days a week without any rest/spread

over (he is legally required to work for 6 days while being entitled to receive wages for full 7 days).

- He is entitled to receive OT wages for the 7th day in a week (when he was not required to work but made to work by force), for 4 days in a month, for 48 days in a year and 144 days over a period of 3 years.
- At double the ordinary rate of wages, he is entitled to receive wages for full 288 days.
- Besides, he is further entitled to receive overtime for 8½ hours of work (16½ hrs – 8 hrs) every day. Computed at double the ordinary rate of wages he is entitled to receive OT wages for 17 hours every day, 510 hours every month and 6120 hours every year. For 3 years in a row it would amount to 18360 hours of work.

The total wages to which Manjunath would be legally entitled are:-

- I At the rate of Rs. 62/- per 8 hrs of work per day for 360 days or Rs. 22,320/-.
- II At the rate of Rs. 62/- per day for 288 days of OT or Rs. 17,856/-.
- III OT for 18,360 hours of work @ Rs. 7.75/- per hour
X 18,360 = Rs. 1,28,520/-.

Total gross wages payable come to (Rs. 22,320/- + Rs. 17,856/- + Rs. 1,28,520/-) or Rs. 1,68,696/-. He has already received wages amounting to Rs. 10,500/-. Net wages payable, therefore, are Rs. 1,58,696/-.

- This amount must be recovered by filing a claim u/s 20(1) of Minimum Wages Act before the competent authority.
- A release certificate should be issued by the competent authority u/s 21 of Bonded Labour System (Abolition) Act.
- Simultaneously cases should be registered against Subhas Singh, the employer at the jurisdictional Kudur P.S. in Crime No. 110/07 u/s 323 and u/s 506 IPC u/s 3(1) (10) Prevention of Atrocities (SC and ST) Act and relevant Provisions of Bonded Labour System (Abolition) Act.

I issued necessary instructions to this effect to the Dy. Commissioner, Bangalore (Rural), the Chief Executive Officer, Bangalore (Rural) Zilla Parishad, Sub Divisional Magistrate, Ramnagaram, officers of the Labour Department and Tahasildar, Magdi in Bangalore (Rural) district.

My field enquiry brought out a number of other interesting revelations such as:-

- The Tahasildar, Magadi taluk had forwarded to the AC on 28.10.2006 all the complaints and report of investigation after coming to the conclusion that the allegations in the complaint were true;

- The Tahasildar, Magadi had also directed the Sub Inspector of Police, Kudur, P.S. on 9.11.2006 to register a criminal case against the landlord/employer;
- The Sub Inspector of Police has till the date and time of my visit not complied with the direction of the Tahasildar;
- The Tahasildar had conducted a thorough enquiry and had found that the allegations were true and had submitted a timely report. This notwithstanding the case was found to be shuttling back and forth between the office of DC, AC and Tahasildar with queries and back references;
- The aggrieved belonged to Adi Karnataka (SC) community and the case deserved the promptest possible attention and action;
- Instead it was found that there was a delay of over 8 months in providing relief to the aggrieved despite a formal complaint;
- The landlord and the employer had the temerity to plead before the Tahasildar in course of the investigation into the complaint that Manjunath had asked for extra money from him for his father's drinks;
- Balayya, Manjunath's father is an asthmatic patient, was looking withered and forlorn and candidly stated that he never drinks (which was confirmed by his wife) and the question of his son asking for money for his drinks was an uncalled for insinuation on his character;

- Other than a small plot of homestead land (about 10 cents) and a dwelling unit standing on it he does not have any agricultural land.
- Both husband and wife work as agricultural labourers in the land of other landlords.
- While Balayya gets Rs. 40/- for 8 hours of work, his wife gets Rs. 35/- which becomes a violation of Provisions of Equal Remuneration Act, 1976.

Rehabilitation of freed bonded labourers:

If identification of bonded labourers in its true sense and ultimate analysis is discovery of a non being, an exile of the civilization, rehabilitation of freed bonded labourers means converting a non being into a full being, replacing poverty by economic self reliance through employment and income generation, replacing ignorance by awareness and critical consciousness, illiteracy by programme and legal literacy, diffidence by assurance and reassurance, deprivation and alienation by a sense of belonging and fulfilment of basic needs and violation of human rights by realization of dignity. It is evidently not possible to achieve all these by one single stroke over night. It has to be a gradual and sequential process resting on a step by step approach. This calls for (a) combination of psychological rehabilitation with physical and economic ones (b) constant vigilance and surveillance so that the freed bonded labourer does not lapse back to the bondage of the erstwhile master. The first dose of assistance may be a

failure necessitating a second dose and a repeat dose. Additionally, the peculiar sociological framework resting on the obnoxious caste system makes it extremely difficult for the freed bonded labourers to live and grow as free citizens of a free country with dignity and honour. There are instances where there is denial of employment in few cases and denial of wages in a few others. Any protest or resistance to this will only result in greater persecution and oppression. To deal with such situations and to correct such aberrations we need a very empathetic and sensitive administration with infinite patience and resilience which can come to the rescue of the helpless and defenceless bonded labourers through timely remedial action.

This regrettably does not always happen and what happens is exactly the opposite of what is desirable. Social defence and countervailing social power is the only answer to put an end to the pervasive misery and suffering of the freed bonded labourers and restore to them the much needed balanced combination of security with freedom.

In Karnataka of 63886 bonded labourers identified and released 57,316 bonded labourers have been rehabilitated as on 31.3.2006 leaving a balance of 6570 bonded labourers for rehabilitation.

The impressions which I got after visiting and interacting with five freed bonded labourers who have been rehabilitated in Kavanadaala and Thimmalpura village of Dodder Hobli of Madhugiri taluk in Tumkur district was not very much different

from what has been described in the preceding paragraphs. These impressions may be summed up as under:-

- All the freed bonded labourers belong to Adi Karnataka community (SC).
- They do not remember their date of birth and hence their present age.
- They have large families ranging between five to six members.
- Their old parents are invariably staying with them.
- They have a small plot of land and with liberal assistance under 'Ashreya' Scheme have got a low cost dwelling unit (measuring 13' X 20'). The assistance under this scheme which was Rs. 20,000/- three years ago has now been raised to Rs. 30,000/- w.e.f. 1.4.2007.
- As far as ownership of agricultural land is concerned, they have none; in other words they are generally landless.
- Wherever they have agricultural land it ranges between $\frac{1}{2}$ an acre to 2 acres.
- Since the produce from this is not adequate for biologically sustaining a family of five to six they have to work as agricultural labourers in the land of others.

- However, employment is not available throughout the year. There is no stability and durability in that employment.
- There is a lot of antipathy from the community to provide employment to the freed bonded labourers.
- Such antipathy comes out of the prosecution and conviction of erstwhile bonded labour keepers who wield a lot of influence in the village community. It is the natural and logical outcome in a highly stratified caste based division of the social order.
- While men work as agricultural labourers (wherever they get such employment) women are engaged in collection of buds of jasmine and kakad flowers.
- In the former, the wages range between Rs. 40/- to Rs. 50/- while in the latter it ranges between Rs. 15/- to Rs. 20/-.
- In either case, the wages are lower than minimum wages.
- Earnings being limited there is no possibility of saving.
- Wherever there is such a possibility and SHGs have been formed in the village the husband and wife are able to put Rs. 20/- per week or Rs. 80/- per month into the corpus of SHG.

- BPL, Antyoday, Annapurna and Bhagyajyoti scheme have come quite handy to such poor and deprived people.
- BPL card holders are entitled to get 20 kgs. of rice (Akhaya) and 3 kgs of wheat (though not regularly).
- Those who are Antyoday card holders are entitled to receive 28 kgs. of rice and 6 kgs. of wheat.
- These schemes have helped to promote a decent livelihood and meet the day to day requirements of essential commodities (rice, wheat, ½ kg. of sugar and 3 litres of koi).
- Large families (with five to six members) may, however, find the quantities of food and non food items supplied through PDS as above as insufficient.
- Most of the families prefer to consume ragi (which has got carbohydrate and protein). The PDS, however, does not cater to this major consumable food item.
- After their release the bonded labourers were assisted with units of goats and sheeps within Rs. 20000/- which is the optimal limit in Centrally Sponsored Scheme for rehabilitation of freed bonded labourers.
- Due, however, to lack of animal husbandry and veterinary cover, many of these productive assets have perished.

- A portion of the livestock has also been sold to meet contingent liabilities on account of
 - marriage expenses (marriage of sister and daughter);
 - expenses on account of medical treatment of self and family members;
 - other ceremonial expenses and sundry liabilities.
- Such contingent liabilities do not seem to come to an end; they are constantly on the increase.
- In one case, the beneficiary reported that he had disposed off all the goats and has utilized the sale proceeds to buy two calves.
- The explanation he gave for disposal of the goats was that on account of old age and disability he could not afford to take the goats to the forest for grazing everyday.
- While the compulsions for sale of the goats are understandable he did not calculate the economics of the transaction.
- Now he has the additional liability of feeding the calves and wait till they mature for milching (calves in Karnataka could be used for ploughing land provided the person who owns the calves has agricultural land). In this case that

possibility is not open as the beneficiary is landless and too old to plough the lands of others.

- With yet another beneficiary it was observed that:-
 - he is single though his parents are staying with him;
 - he is collecting tendu leaves during April and May;
 - the collected tendu leaves are tied into smaller bundles of 7-8 leaves and sold to middlemen @ Rs. 0.40 paise per bundle;
 - on an average about 200 such bundles are formed and sold to fetch Rs. 80/-.
- Under an exchange system with a landlord he is entrusted with the responsibility of taking care of a female calf. He has to look after the calf till it gives birth to another calf. When this happens the landlord takes back the mother for milching leaving the calf behind with the beneficiary. The beneficiary till this period is obliged to feed the animals but can use the cowdung. He eventually owns the calf which is left with him. The terms of the exchange system are obviously unequal and totally disadvantageous to the bonded labourer.
- The period of bondage ranges on an average between 10 to 15 years.

Redeeming features:

- The freed bonded labourers and their family members met and interacted constitute one of the finest specimens of humanity.
- They are healthy, of powerful build (except the elder members of the family) and have a robust zest for life. Many of them were found to be quite hard working and enterprising. They have made additions to the low cost dwelling unit with the help of locally available building materials and by investing their own labour to make it liveable. The environment within the household and outside is immaculately neat and tidy.
- They are not addicted to alcohol or any other narcotic drugs; they do not smoke either.
- All of them have the realization now that being a jeetah is the worst thing that could have befallen to their lot; they would not like to get into it again nor would they allow any of their children to be a jeetah.
- They have now developed a simple, frugal, austere but clean life style.
- They do not want to incur loan/debt/advance once again for they have realized that there is an inexorable nexus between indebtedness and bondage. They do not want that debt should regulate their destiny any longer.

- Even though parents are illiterate they are sending their children to school. They have a natural propensity and desire to do so.
- They have understood the meaning and importance of dignity of labour.
- A bonded labour (Siddappa, S/o Byrappa) (who worked as a bonded labourer for 15 years) with whom I interacted with difficulty in a pool of darkness (as there was no electricity) has a family of 4 members (wife and three children). The eldest son studied but failed in final SSLC 3 years back and is now working as a daily labourer for Rs. 40/- a day. The second child (a girl) wrote the 2nd PUC Examination this year but failed. The youngest son has just passed I PUC examination. The eldest son who has a very strong build has been appearing in examinations to be recruited as a police constable but has not succeeded so far. The DC, Tumkur who was with me advised him to appear for the examination to be conducted in June, 2007 at Tumkur for selection to the military. With 2 acres of land allotted by Government, Siddappa got a borewell sunk through Ganga Kalyan Scheme but it failed. He did not lose heart and took an additional loan of Rs. 50,000/-. The second attempt was a success. He had planted some neem trees on the ridge of the agricultural land. As the trees matured he has got the timber for putting up an additional structure adjacent to his existing dwelling unit as also for household

furniture. He has also planned to instal doors and windows to the existing structure.

As we were leaving the household of Siddappa and coming to the main road to depart, Marakki, an elderly lady, wife of Hanumantharappa came running to me and appealed to me to sanction a new house for the family as the dwelling unit where they were putting up was collapsing as a result of heavy rain. The DC, Tumkur told her that she may not be sanctioned a new dwelling unit but given Rs. 5000/- to enable her to repair the mud house. I requested the DC to process and have this sanctioned expeditiously. The DC instructed the young Tahasildar who is only 2 day old in his post to collect the application and send his recommendation. The Tahasildar agreed to do so.

The central objective of unfolding the 2 stories as above is to demonstrate the following redeeming features in the character of the freed bonded labourers/their family members:-

- They have fallen and bled in the long sojourn of their lives but still they have buoyant and infallible optimism and they do not want to give up so easily;
- Poverty and deprivation notwithstanding, they send their children to school with the fond hope that they should study well and do well in life (like the fond hope of any other average parent) but should never get into the jaws of death of bondage;

- Contrary to their expectations, some children have done well in studies, some have failed while others have managed to barely scrape through but the unbounded hope and faith of parents that they will succeed and fortune will smile for them again has sustained them in the grim battle of life so far;
- Membership of SHG, wherever feasible, has yielded immensely good results and has opened up vistas of new opportunities;
- True facts come out of their lips like opening of sluice gates in a hydroelectric project. Their penchant for truth, simplicity and guilelessness makes them instantly loveable.

There are two very positive steps launched by the State Government to make rehabilitation more meaningful and effective. These are:-

- I The State Government have introduced a new State Sector Scheme called, 'Bonded Labourers Rehabilitation Assistance Scheme' w.e.f. 20.1.2006. Under this Scheme a sum of Rs. 300/- per month will be provided to every newly identified and released bonded labourer of the State for the first 2 years (24 months) from the date of release to enable them to meet their immediate needs. This amount is over and above Rs. 1000/- which is taken out of Rs. 20,000/- the maximum amount of grant

under the Centrally Sponsored Scheme and paid towards one time subsistence allowance of every freed bonded labourer soon after release and before the rehabilitation plan is fully implemented with the balance amount of Rs. 19000/-. The State Government is providing the additional financial assistance of Rs. 300/- with a view to preventing the beneficiary from relapse to bondage.

- II The State Level Banker's Committee has directed all the Lead District Managers to make available basic no frills account either with nil or very low minimum balances as well as charges and provide to the freed bonded labour beneficiary a simplified General Purpose Credit Card (GCC) facility without insistence on collateral with a revolving credit limit of Rs. 25,000/- to enable hassle free access to credit for the released bonded labourers.

Grey areas:

- Avenues of full and freely chosen productive employment through out the year are limited.
- The beneficiaries and their family members earn much lower than minimum wage.
- They are not aware of the amount of notified minimum wage to which they are entitled nor are they aware of the procedure for filing claims u/s 20 (1) of Minimum Wages Act in the event of short payment.

- Family size being large, consumption and ceremonial needs being heavy, the possibility of saving is limited (except where both husband and wife are working, family size is small, there is an SHG and they have accepted membership). They do not have any other economic wherewithal by which they can meet consumption and ceremonial needs.
- Increasingly contingent liabilities on account of daughter's or sister's marriage and expenses on account of medical treatment of family members and self is the source of maximum anxiety and concern for the freed bonded labour families. Institutional marriage arranged through negotiation today is a pretty expensive affair (on an average the expenditure ranges from Rs. 20,000/- to Rs. 25,000/-) as it is linked to an artificial status symbol and false sense of ego. There is no way by which the freed bonded labourers can meet this expenditure from out of their grossly inadequate earnings.
- Specialized treatment of injuries caused by accidents is yet another major concern. Absence of health/medical insurance of the beneficiaries and family members makes matters extremely difficult.
- Pervasive landlessness is yet another major concern. Allotment of agricultural land per household would have made a lot of difference. This has not happened even though there is an institution called Ambedkar

Corporation which is in existence for some time and which with assistance from Revenue Department can purchase land upto Rs. 1 lakh which can be made available to the district administration for distribution to the landless. The former could formulate a proposal for allotment of land in areas where ex bonded labourers continue to be landless after making a thorough assessment of the ground level situation.

- As far as mortality of productive assets is concerned this could have been avoided if the involvement of the officers of Animal Husbandry and Veterinary Department was assured. Regrettably such involvement is lacking. Functionaries of other Departments do not own the programme of rehabilitation of freed bonded labourers with the same passion and animation with which they conduct the affairs of their routine departmental activities. This is notwithstanding the fact that State Government have issued a circular for recording in the annual confidential character roll the attitude and approach of Government officials towards eradication of bonded labour system in the State. This was evident at Tumkur on 16.5.2007 (An) when officers of Agriculture, Irrigation, Animal Husbandry and Veterinary, Women and Child Development, Health, Sarva Shikshya Abhiyan, Law and Police were conspicuous by their absence even though intimation about the meeting and invitation to attend the meeting were sent to them sufficiently in advance. This shows that the desired seriousness of concern for effective rehabilitation of

freed bonded labourers is wanting amongst these functionaries. The fact that some of them subsequently turned up when the DC specifically sent for them does not mitigate the seriousness of the situation. There was hardly any participation from any one of them in the meeting.

- No analysis has so far been carried out on the following:-
 - current earnings of freed and rehabilitated bonded labourers;
 - their current consumption and ceremonial needs;
 - the gap between earnings and expenditure;
 - how the gap is being bridged?;
 - is it being bridged by recourse to indebtedness?
 - Does it lead to a situation of debt bondage?
- Such an analysis is a must to take preventive measures with a view to preventing occurrence and recurrence of bonded labour system.

Elimination of Child Labour in Karnataka

Magnitude of the problem:

At the macro level:

- Children in 0-18 age group constitute 40.5% of the country's total population (1027 million);

- In terms of absolute number, it is 408 million;
- Children in 0-14 age group are 350 million (34%);
- Children in 0-6 age group are 158 million (5%);
- About 150 million children in different age groups are malnourished;
- Even though there are statistical variations between the assessment of Government and that of NGOs and Sarva Shikshya Abhiyan is on the ground all over the country for over 5 years, 40 million + children are still out of school (non school goers + out of school children); 53% of them are girls.

The purpose of this macro level enumeration is that elimination of child labour as an issue cannot be viewed in isolation; it has to be seen in close conjunction with the following issues:-

- sex determination tests or amniocentesis which stands abolished by law (PNDT Act, 1994);
- birth of the child; IMR and MMR;
- sex ratio;
- registration of the child under the relevant law for such registration;

- access of the child to food for all, education for all, health for all, immunization for all, nutrition for all, sanitation for all etc.;
- correlation between age, nutrition and growth and determination of age;
- mindsets of employers;
- mindsets of parents and guardians;
- mindsets of the civil society;
- survey, identification and enumeration of working children;
- withdrawal of children from work;
- rehabilitation of such children through access to nutrition, education, vocational skill training, recreation, checkup of health etc.
- education, health and nutrition in the making of a complete woman and man.

These issues are not the concern of one Ministry or one Department or one Agency; they are the concern of the whole nation. The appropriate strategy should, therefore, be holistic, integrated and convergent and not a compartmentalized one.

The magnitude of the problem of child labour in Karnataka may be viewed in this perspective. Numerically speaking, the number of working children which stood at 9,76,247 according to 1991 Census has come down to 8,22,615 according to 2001 Census. This has been possible by way of introduction of series of measures through NCLP and SCLP as also other externally funded projects and implementation of programmes related to universal literacy and education for all. This is undoubtedly a welcome development.

Occupationally speaking, children in large number are employed in certain occupations which are also found in Karnataka such as:-

- spinning/weaving;
- Dhabas/restaurants/hotels/motels/recreation centers;
- Domestic help;
- Building and Construction;
- Beedi rolling, labelling and packaging;
- Auto Workshop/vehicle repairs;
- Agarbatti, dhoop, soap and detergent making;
- Puffed rice making (mandaki batti).

In terms of an action plan for elimination of child labour, we need to concentrate on these occupations and processes where employment of children has been prohibited by law.

Administrative infrastructure:

Department of Labour is responsible for overall planning, implementation, monitoring and coordination of all matters pertaining to enforcement of Child Labour (Prohibition and Regulation) Act.

It was encouraging to note that right from the beginning a holistic, integrated and convergent approach has been adopted to deal with the challenges involved in elimination of child labour. The following departments have been involved in this gigantic task of elimination such as:-

- Women and Child Development Department (ICDS, Anganwadi Centres);
- Education Department (early childhood education, primary and elementary education, adult education etc.);
- Rural Development and Panchayatiraj Department (Development functionaries at the State, district, block level, Panchayats at the district, block and village level);
- Urban Development Department (Corporations, Municipalities);
- Social Welfare Department (all institutional mechanisms concerned with welfare of women and children at various levels);

- Revenue Department (functionaries of the department at various levels responsible for land reforms);
- Police (functionaries of the department at various levels responsible for conducting raids and unearthing working children).

A State Level Coordination Committee has been constituted under the Chairmanship of Additional Chief Secretary to coordinate all matters pertaining to elimination of child labour as also to review the pace and progress of implementation of action plan for elimination of child labour in Karnataka. This body has been meeting at regular intervals (15.3.2002, 12.9.2003, 5.2.2004, 7.2.2006) and the decisions taken in the meeting are being implemented.

There is yet another State Level Committee under the Chairmanship of Principal Secretary, Labour which reviews on a quarterly basis the work of Project Directors of the districts regarding implementation of NCLPs (17) and SCLPs (10) as also the implementation of the various directions of the Supreme Court in M.C. Mehta Vs. State of Tamil Nadu and Others (Civil Writ Application No. 465 of 1986) pronounced on 10.12.96. This body has met twice so far on 15.11.2006 and 25.4.2007.

Determination of the age of children:

The Department could not throw any light on the following:-

- if there is a system of registration of births of all children;
- if so, number of children who have been registered so far;
- disaggregation of the number of children in 0-6 age group who are expected to be in anganwadi centers and number of children in 6-14 age group who are expected to be enrolled in the formal school system.

The Department is advised to prepare and maintain at the State and district levels a computerized database covering the following:-

- children in 0-6, 0-14, 0-18 and 6-14 age groups; break up between boys and girls;
- children in 3-6 age group enrolled in anganwadi centers under ICDS; break up between boys and girls;
- children in 6-14 age group enrolled in primary and elementary schools; break up between boys and girls;
- children enrolled in Non Formal Education Centres (NFE); break up between boys and girls;
- children who are out of school; break up between boys and girls;

- children who have been withdrawn from work and enrolled in special schools of NCLP and SCLP; break up between boys and girls.

Such a computerized data base will constitute a credible tool of future planning. It will also be an effective tool of monitoring.

The State Government have not so far (20 years since enactment of Child Labour (Prohibition & Regulation) notified any prescribed medical authority as required u/s 10 of the Act. Instead they have designated in the State Rules the Medical Officer/Assistant Surgeons of the local Government Hospitals to issue necessary age certificate.

The prescribed medical authority as required u/s 10 of the Child Labour (Prohibition & Regulation) Act is a quasi judicial authority vested with powers under the law to adjudicate disputes which may arise in the realm of determination of the age of a child. The decision of the prescribed medical authority is final and cannot be challenged in a Court of Law. This is different from the issue of an age certificate which is an administrative matter. Merely on account of the fact that medical officers are accompanying inspection teams and no dispute has arisen regarding age of the child, constitution of a prescribed medical authority which is a statutory responsibility cannot be waived or dispensed with.

In the light of this clarification the State Government without any further delay should constitute a prescribed medical authority and should issue a notification accordingly.

Prohibition of employment of children: enforcement thereof:-

Enforcement is a sequential process or a step by step approach. It starts with registration of the establishment under the relevant law [Factories Act, Plantation Labour Act, Beedi and Cigar Workers (Conditions of Employment and Service) Act, Motor Transport Workers Act, Shops and Commercial Establishments Act etc.] followed by inspection at prescribed intervals, unearthing of irregularities, filing of prosecution after issue of show show cause notice, trial, conviction/acquittal, as the case may be.

It was encouraging to note that over the last 5 years (2002-03 to 2006-07) there has been a progressive increase in the number of inspection of establishments where children are employed in hazardous occupation/process, between 2002-04 progressive increase in inspections and between 2002-05 progressive increase in number of prosecutions but the number of inspections and prosecutions has come down from 2004-05 and 2005-06 respectively without assigning any reason. As against 1,07,284 inspections conducted over a period of 5 years, only 3312 prosecutions have been filed but only 211 cases ended up in conviction, 1860 cases ended up in acquittal and the remaining 1241 cases are pending. In all the cases which ended up in conviction and sum of Rs. 18.70 lakh has been collected towards fine.

It is necessary to have an analysis as to why the pace of inspections and prosecutions could not be sustained. It is equally desirable to know why barely less than 10% of the

prosecutions ended up in conviction and the rest ended up in acquittal. In case, on the basis of this analysis as above, it appears that there are cases of offending employers who are committing the same offence again and again, we need to launch an advocacy campaign for the education, awareness generation and sensitization of erring/offending employers in consultation with central employer's organizations (including Chambers of Commerce). For such Workshops, we need to design an appropriate structure (thirty to thirty five participants for each workshop, discussion oriented, participative and communicative), curriculum, course content, textual materials, identification of resource persons, evaluation of the content, process and impact of the entire exercise etc. ILO has been organizing such workshops for education, awareness generation and sensitization of employers and it may be appropriate to take its help.

At Davangere it was a harrowing experience for me to inspect a couple of puffed rice making units (mandaki batti as they are called in Kannada). There are over a 400 of them in the heart of the city. On an average 4 persons are employed in each batti; the number may go upto 12 in a few cases. More important than the number is (a) the employment of children in these battis at a very tender, formative and impressionable stage of their development (b) the unclean, unhygienic and unsafe work environment inside the batti (c) the unbearable temperature inside the batti ranging between 600° C to 2100° C (d) too much exposure to dust, heat, smoke, fume and toxic substances inside the batti could result in dissipation of human

body and spirit (e) registrable under Factories Act, 1948, the battis are seldom inspected by the Factory Inspector – a gross dereliction of duty (f) accidents do take place causing burn injury but neither the accident is reported, nor first aid provided nor the aggrieved/victim taken to any hospital for specialized treatment (g) in not a single case of accident causing burn injuries workmen's compensation has been paid (h) average wages/earnings are low but even if they are raised they can hardly compensate the irreparable damage which is being caused to the human body and in particular to the body and mind of the young who are suffering in silence the unbearable misery caused to them on account of the dangerous work environment characterized by dark and dingy cells without adequate lighting and ventilation. To make matters worse, the battis are located in the heart of the city amidst a lot of stench, dirt and filth (earlier even tyres and tubes were being used as fuel for the furnaces) and causing enormous amount of pollution to the city.

The battis are owned by influential members of the minority community who have a major sway over the trade, industry and commerce in the city. It's a sad commentary on the political leadership, local administration, NGOs, employer's and trade union organizations, law enforcing agencies that such a large number of pollutant units who are contributing to insufferable human misery are being tolerated in the name of employment generation. The quality of employment which is being generated from these pits of death and destruction is anybody's guess.

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There is one silver lining amidst this enveloping gloom. The grit, courage and determination with which the Dy. Commissioner, Davangere – Shri Mallikarjun conducted series of raids on these battis and speed with which he succeeded in releasing over 400 children in the teeth of mounting opposition from the vested interests deserves to be complimented. He could not order closure of the battis despite their severely pollutant character but certainly provided a flicker of hope for these children who after release have been enrolled either into special schools of NCLP or those of SCLP or mainstreamed into the formal system of education.

The State Labour Department needs to launch a special drive to withdraw all children who are employed in hazardous occupations and processes like mandaki batti (it was reported that over 100 children are employed in some of these battis even now) and rehabilitate them through education, nutrition, checkup of health and skill training. It also needs to keep a close and constant vigilance and surveillance over entry of children into hazardous occupations and processes in future.

It needs to launch a special drive to dispose off the pending prosecution cases. It needs to organize special orientation and sensitization programmes for officers of labour law enforcement with a view to imparting new professional skills in (a) conducting inspection of large number of establishments in a short time span (b) preparing simple, clear and precise inspection reports in a bullet and dagger format with special emphasis on acts of omission and commission on the part of employers of establishments (c) filing prosecutions in time (d) conducting prosecutions like advocates with consummate skill with a view to carrying them to their logical conclusion and securing conviction in maximum number of cases (e) maintaining close surveillance and vigilance both at the original prosecution as well as at the appellate stage and not allowing any prosecution to fail or end up in acquittal. It would be useful if the senior officers of the department (Labour Commissioner, Addl./Joint/Dy. Labour Commissioners) organize group counseling for junior officers/inspectors to encourage and motivate them to do better while keeping a close watch over their performance.

Compliance with directions of the Supreme Court in Civil Writ Application No. 465 in M.C. Mehta Vs. State of Tamil Nadu and Others dated 10.12.96

As Union Labour Secretary and as ombudsman of the apex Court I had the occasion to review the pace and progress of implementation of directions of the apex Court with Shri B.K. Bhattachary, the then Chief Secretary to Karnataka Government in 1998-99. Since then there have been some

positive steps taken and improvements observed in the status of compliance as would be evident from the following:-

- 14,718 children have been withdrawn from hazardous work and enrolled in both formal and non-formal education centers;
- children who were enrolled into special schools of NCLP/SCLP have, on completion of the 3rd year cycle in the said schools been mainstreamed into the formal system of education;
- a sum of Rs. 21 lakh has been recovered as punitive fine from the offending employers @ Rs. 20,000/- per child who was pushed to hazardous work by any employer;
- Child Labour Welfare-cum-Rehabilitation Fund has been constituted in all the 27 districts under the Chairmanship of DMs concerned and a sum of Rs. 21 lakhs collected from offending employers has been credited to the said Fund;
- Similarly for failure to provide a job to one able bodied adult member in each family which is sending its children to hazardous work a sum of Rs. 90,65,000/- has been credited to the District Child Labour Welfare-cum-Rehabilitation Fund by the State Government;
- The two amounts together i.e. Rs. 111 Lakh (Rs. 1.11 Crore) have been invested in high yielding fixed

deposits in the nationalized banks. The interest accruing on the FDRs is being utilized for the benefit of the children who have been enrolled in the special residential schools under the SCLPs;

- A cell has been opened in the Labour Department to coordinate all items of work arising out of the judgement of the apex Court dated 10.12.96;

- All Inspectors (under the Labour Department) responsible for enforcement of the Provisions of Child Labour (Prohibition and Regulation) Act have been made fully accountable to the DM of the district in terms of discharge of their responsibilities.

Karnataka is the only State in the country where there is no distinction between children employed in hazardous and those employed in non-hazardous work in view of the fact that there is total prohibition of child labour in all sectors. This is a very positive development. The State has fully lived upto the spirit of the judgement of the apex Court in P. Unnikrishnan Vs. State of A.P. (1993) and has, within the framework of Article 21A of the Constitution fully accepted its responsibility to provide free, compulsory and universal education to all children in 6-14 age group as a matter of their guaranteed fundamental human right.

The track record of performance of the State Government leaves scope for improvement in the matter of identification and

enumeration of working children through survey. In pursuance of the directions of the apex Court a survey was no doubt conducted in 1997 but a total number of 96,267 working children could be found which is barely 10% of the total number of working children. Similarly through a repeat survey in 2001 it found barely 39,300 working children which is less than 5% of the total number of working children. Besides, majority of these working children was found to be working in non-hazardous occupations and processes and a microscopic minority in hazardous ones.

The primary reasons for this low figure could be attributed to the following:-

- A survey of this nature should have been both household and establishment wise; instead, it was confined only to establishwise survey;
- Survey teams were constituted but these teams proceeded to conduct the survey with a lot of publicity and propaganda and not with any measure of circumspection and discretion;
- Consequently as the survey teams approached the establishment children were withdrawn from work and sent underground. The Inspectors had no clue as to where the working children had disappeared;
- As against this, going to the families, establishing contact with neighbourhood would have made a lot of difference.

Rehabilitation of working children who have been released/withdrawn from work

The National Policy on elimination of child labour was announced in Parliament in August, 1987. The said policy has 3 district components such as:-

- All children who have been withdrawn from hazardous work should be rehabilitated through access to education, nutrition, check up of health and vocational skill training programme by adopting project based action plans in areas of high concentration of child labour engaged in wage employment;
- A holistic and integrated approach to child development should be adopted by focusing general development programmes to benefit children wherever possible;
- A legal action plan to emphasize strict and effective enforcement of the Provisions of Child Labour (Prohibition and Regulation) Act, 1986, the Factories Act, 1948, the Mines Act, 1952, the Plantation Labour Act, 1951, the Motor Transport Workers Act, 1961, the Beedi and Cigar Workers (Conditions of Service and Employment) Act, 1966, Shops and Commercial Establishment Act in different States. The first component of the National Policy on elimination of child labour is being/has been implemented in Karnataka through the following Projects:-

I National Child Labour Projects (NCLPs);

- II State Child Labour Projects (SCLPs);
- III Converging for children: towards the elimination of girl child labour in Magadi;
- IV Pilot Project on elimination of child labour through collaboration of UNICEF and NORAD in Davangere.

The content, process and impact of these 4 projectized approaches to elimination of child labour are illustrated as under:-

I National Child Labour Project:

Karnataka was rather a late starter in NCLP in as much as it was launched in Karnataka in 1995-96 while it had been launched in many other parts of India in 1988-89. By 1995-96 Government of India on the strength of proceedings of a National Conference held in September, 1994 had identified 100 child labour endemic districts throughout the country. Initially in Karnataka, Government of India had identified the following 13 districts for implementing NCLPs:-

- Bangalore Rural
- Bangalore Urban
- Belgaum
- Bellary
- Bijapur
- Dakshin Kannada
- Dharwad

- Gulbarga
- Kolar
- Mysore
- Raichur
- Tumkur
- Chitradurga

To start with, 3 NCLPs were sanctioned in Gulbarga, Dharwad and Bijapur. Subsequently the NCLP allotted to Gulbarga was shifted to Raichur during 1998-99. After reorganization of districts, Dharwad was bifurcated into 3 districts namely Gadag, Haveri and Dharwad.

Consequently the NCLP sanctioned for Dharwad was split into 3 projects. During 2001-2002 NCLP was sanctioned for 2 more districts namely Bangalore Urban and Bangalore Rural.

In terms of current status, 16 NCLPs have been sanctioned for 16 (out of 27) districts, 295 special schools (day schools) have been opened and functioning, 14,122 children have been withdrawn from hazardous work and enrolled into these schools. The NCLPs at Chitradurga, Davangere, Haveri, Koppal, Mandya and Tumkur are not yet operational.

The following stages are involved in the process of operationalization of any NCLP:-

- identification of children employed in hazardous work;
- withdrawal of the children from such work;

- location of site for hiring premises for the school building;
- community mobilization and creation of a climate which will be conducive to smooth running of the school;
- selection of teachers;
- designing the curriculum, course content, textual materials through a workshop of creative thinkers, writers and artistes;
- pretesting them, recording the outcome of pretesting, bringing it back to the workshop and validating their suitability before adoption;
- teacher's training (primer specific);
- imparting instructional lessons;
- learner evaluation followed by teacher's evaluation to come to the conclusion that complete self sufficiency in reading, writing and arithmetic as also minimum levels of proficiency in mother tongue, arithmetic, social sciences and environment have been reached;
- mainstreaming into the formal system of education on completion of 3 year's cycle.

If there is clear understanding about the importance of adopting such a step by step approach all the 16 NCLPs should have been made operational by now and the interregnum between the date of sanction and date of operationalization would have been minimal. This regretfully has not been the case as was confirmed in course of my visit to Tumkur and Davangere districts. The district administration on the whole does not have any clue about the inordinate delay in operationalization of the Project (NCLP) at Tumkur and Davangere. The Labour Department has not undertaken any review nor issued any guidelines to adopt a step by step approach for smooth operationalization of the Projects (wherever the same continue to be non operational).

No formal evaluation – concurrent or summative of the NCLPs which are operational has yet taken place (a decision to undertake such evaluation has been recently taken) even though as per the admission of the State Government 54,304 children have been mainstreamed to regular schools so far. The State Government seems to be having certain reservations about the feasibility of NCLP through day schools (or special schools as they are called). These are:-

- The primary objective of any NCLP is to eventually mainstream the children to regular schools. This objective cannot be easily achieved when children drawn from economically weaker sections find it difficult to attend the day schools without residential facilities and without access to the basic facilities like food, shelter and clothing;

- The parents being poor are not in a position to provide food, shelter and clothing to the children. These economic compulsions often push children to work after school hours;
- These reservations drove the State Government to go in for a separate Action Plan (different from Government of India's NCLP) during May 2001. The Central focus in the Action Plan to eliminate child labour in its entirety by 2007. Opening special schools with residential facilities and providing access to food, clothing and shelter for effective rehabilitation of working children released from work is the fulcrum of this new Action Plan.
- Operationalization of the Action Plan led to launching of SCLPs with residential facilities. As the objective of total elimination of child labour could not be achieved by 2007, the deadline has been extended to a further period of 5 years i.e. upto 2012. So far a sum of Rs. 9.29 Crores has been released (including Rs. 6 Crores for and upto 2006-07).

State Child Labour Project (SCLPs):

- SCLP has been launched in 11 districts i.e. Belgaum, Bangalore (Urban), Kolar, Chickkamagalore, Hassan, Mysore, Chamrajnagar, Davangere, Shimoga, Gulbarga and Kodagu.

- During 2006-07 permission was given to open 40 residential schools. Thirty nine such schools are already fully operational with 1640 children enrolled.
- Davangere accounts for maximum number of schools (21) with maximum number of children (903) enrolled. One school has been opened exclusively for children who were working as domestic help.
- The schools are being implemented by NGOs.

A visit to 2 SCLP residential schools in Davangere district on 17th May, 2007 generated the impressions as under:-

- the school building at one place was a RCC structure while in the second it had a metalled sheet roof which generates a lot of heat around noon time making it almost unbearable for children to continue studying upto 4 PM;
- the overall environment i.e. classroom, dormitory for stay, kitchen, dining hall, playground etc. were neat and clean;
- the children were dressed in neat and clean uniforms; their personal hygiene was very good;
- the dormitories where children stay are also neat and clean;

- the teachers were trained and inspired confidence of the learners;
- the level of proficiency in mother tongue, arithmetic and social sciences was good even though there is scope for improvement for some;
- the dietary pattern conformed to minimum calorie levels as also to the culinary preference of the students;
- there was a total sense of identification with the classroom environment with a high sense of discipline;
- the handwriting of a few students in Kannada was neat and orderly and was a sheer treat.
- one student was found absolutely brilliant as a singer in Kannada, the content of the song i.e. 'arise and awake and rest not till the goal is reached; there is no quick fix solution to the problem of life and no substitute for hard work' was heartrending.

Suggestions for improvement:

- the pace of dictation of passages by the teacher should be more frequent;
- the teacher should encourage intensive practice through drills and exercises and self evaluation by the learners;

- all such drills and exercises must be seen and corrected by the teacher with signature and date;
- there should be continuous encouragement and exhortation of learners to do better;
- in addition to what has been displayed on the walls, portraits of freedom fighters from Karnataka (like Rani Chinnamma) or social reformers (like Vasaveswar) along with some of their prophetic statements should be displayed. These will be a source of inspiration and motivation for both teachers and students;
- there should be continuous search for talent among the students in dance, drama, music, painting, sculpting, cartooning and so on. Functions should be organized to accord recognition to such talents in presence of their parents/guardians;

The performance of SCLPs in Karnataka has been evaluated by the Centre for Decentralization and Development of the Institute for Social and Economic Change, Nagarhabhie, Bangalore and the evaluation study report has been received in early 2007.

Some of the findings which emanate from the report and which are worth reproducing here are as under:-

- North Karnataka districts (Bijapur, Gulbarga, Bidar, Raichur, Dharwad) with high rates of poverty and backwardness show a high incidence of child labour;

- High incidence of child labour in a structurally unequal society is found among SC, ST, OBC and minorities;
- SCLP is more progressive than NCLP since it envisages residential bridge schools for 6 years while NCLP provides only day schools for 3 years;
- Some of the other innovative and striking features of SCLPs are:-
 - Active collaboration between Government and NGOs;
 - Convergence of efforts on the part of relevant line departments;
 - Convergence of all child labour abolition programmes and projects;
 - Training and capacity building inputs to different stake holders.

The problems, constraints and challenges confronting SCLPs as have been brought out by the evaluation study report are:-

- The relationship between Government and NGOs was found strained in a few cases although there was not a single case of breakdown of that relationship so far;

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- There were instances of lack of cooperation from the health department. Often doctors were not available to determine the age of a child when a working child was identified;
 - The overall attitude and approach of enforcement officials of Labour Department was negative and not very supportive of NGOs;
 - The budget made available for certain components of the Project (house rent, teacher's salaries) managed by NGOs was insufficient; there were delays in reimbursement of expenditure;
 - There were serious problems in terms of availability of hostels and residential school facilities in relation to number of children completing bridge school education which inhibited the process of mainstreaming;
 - There was negative political intervention in identification and release of working children;

**A few success stories from NCLP at APSA dream school
L.B. Shastri Nagar, HAL Post, Bangalore-17.**

1 Case of Babu:

Babu's (12) father Murgesh previously a construction worker now works as a sweeper with Bangalore Corporation on daily wages while his mother Rani works as a maid. Babu had never been to school as his parents never encouraged him to study. Babu under compulsions of grinding poverty first joined

as a construction worker and after 6 months started life as a rag picker.

During this period he was referred to APSA by an ex-student of APSA. Soon after joining APSA, Babu's talent started unfolding. He was found to be very articulate evincing keen interest in his studies as well as art, theatre and music. He responded well to instructional lessons imparted by the teacher in the class room, cooperated well with the teacher, house parents and other fellow students.

His creativity found its full form when he took part in a drawing competition organized by the Environment Department of Karnataka, competed with mainstream students and won the first prize. The prize was awarded by the President of India at Jnana Jyothi Auditorium of Bangalore University on 6.6.2006.

After successfully finishing his NCLP Class at APSA Babu has been mainstreamed into a Government Primary School at Ulsoor and has now been promoted to Class VII of the same school. He dreams to be a good artist after finishing his education.

II Case of Nandini:

Nandini (13), a 2nd Standard dropout from a Lambani family from Tumkur district lost her parents when she was quite young. She does not remember seeing her father. Her mother Rathna worked as a maid and father Koriyanna as coolie. She has 3 elder sisters and one younger sister. Two of her elder sisters have been married and now live elsewhere. The third

sister left home on her own and never returned. Her younger sister lives with her grand parents and not studying.

Nandini left her grand parents and started working as a domestic help at Bangalore 3 years back. Her domestic chores included (a) work in the kitchen (b) looking after the needs of toddlers (including cleaning and feeding) and (c) keeping the bedding items clean. Additionally, she had to do the sweeping, swabbing and dusting in a two bed room house, one hall and one kitchen. She was also required to clean the bathrooms, wash the used dishes/plates, bring in the clothes for drying outside, folding them and polishing the shoes. Always physically abused by the employer and his wife and sometimes by their children, she was once branded with a hot knife as she could not cook chicken curry well as a result of which she has two scars on her right hand. Always served with the leftovers she was starved and famished. She was not ware of the wages payable to her.

It is only after she was branded with a hot knife the process of her rescue and rehabilitation began. The neighbours informed the police and the child line team, she was rescued and produced before the Child Welfare Committee under the Juvenile Justice (Care and Protection) Act, 2000. Initially the keepers of the household (her so called employers) played safe and denied that such a thing (abuse) could not have happened to her in their hands which were always out to protect her but faced with incontrovertible evidence had to admit their guilt. With the intervention of CWC full back wages amounting to Rs. 21,600/- were paid to her.

It is with the intervention of APSA that Nandini could be eventually released from the drudgerous household work and brought to the special school of NCLP. She underwent the bridge course at the NCLP in 2004-05 and by 2006-07 she completed her 7th Standard in B+ Grade. She is a member of Hasiru Sangha, Children Collective and she actively participated in Indian Social Forum (ISF) at Delhi. She is all set to join 8th Standard in the mainstream school (Visweswariach High School Airport road). She is also determined to bring her sister to APSA to educate her while doing higher studies for herself. The reasons which weighed with me to share these 2 success stories with the rest are:-

- Every child has in him/her infinite possibilities and potentialities;
- These need to be spotted and a climate of opportunities and incentives through education need to be provided by the civil society so that they can unfold and be harnessed;
- We have a civil society around us which has many sections which are uncaring, callous and insensitive;
- The so called employer of Nandini and his wife were typical specimens of this uncaring and cruel society;
- There are others like the child line team and CWC who are kind, compassionate and caring;

- It is primarily on account of their timely intervention that Nandini could be rescued from the clutches of her so called heinous employer;
- Institutions like APSA Dream School are there to 'lead kindly light, lead me on and on' through education in the making of a complete woman or man;
- They play an active role in unfolding the hidden talent so that it does not wither away in wilderness even in the face of 'slings and arrows of an outrageous fortune' but comes to its full bloom.

Other initiatives:

Converging for children: towards the elimination of child labour in Magadi:

It was in 1998-99 that Justice Shri M.N. Venkatachaliah, then Chairperson, NHRC conceptualized the intervention of State through a Project approach to put an end to the misery and suffering of girl children working in silk twisting units of Magadi. He first discussed this possibility in a meeting with me (I was then Union Labour Secretary) and Maharaj Kishen Kaw (Union Education Secretary) before writing to the State Government. It is as a result of his social conscience and deep concern for the plight and predicament of the girl children working in silk industry that 'Magadi Makkala Dhwani' Project was born in 1999 as a joint initiative of the Government of Karnataka, UNICEF and four grass root level organizations – Chinguru, BOSCO, VIKAS and SANKALP. They worked with

one energy, one conscience and one passion towards the one and only one goal of eradication of child labour in Magadi taluk of Bangalore rural district in 1999. Two years later the State Action Plan for elimination of child labour was launched in 2001. That resulted in adoption of a holistic and integrated approach and also helped to bring together all available resources at the Panchayat and ward levels. The approach also emphasized community mobilization and awareness along with enforcement. Child Labour was identified through community contacts. Community involvement helped in developing a clear understanding and analysis of the problem. Preventive action in terms of environment building through Kalajatha and training of community groups took a concrete shape. Women were organized into SHGs (107 SHGs with 1700 women members) who played a key role in capacity building of members for micro credit, addressing the needs and problems of out of school children, ensuring their enrolment and retention in schools, monitoring their health and nutrition through anganwadis. The project has been on the ground for over 7 years and is at a closing phase. There have been many significant outcomes and it is worth noting them such as:-

- During 1999-2005, 1250 children were directly withdrawn from work and brought back to school;
- Enrolment drives have been launched in consecutive years in May-June in the villages and wards of Magadi to bring children back to school;

- Motivation Camps (three day) were organized and children brought to these camps with the primary purpose of inculcating a spirit of learning in them;
- Children with minimal or no formal schooling and unable to qualify for mainstream schooling have been provided skills training in existing vocational training centers;
- The focus on rehabilitation of working children through the residential bridge centre (RBC) enabled children to withdraw from work;
- The emphasis on rehabilitation through community mobilization – including the participation of women's groups, parents, local teachers, employers, panchayat members and teachers has ensured; prevention of fresh entrants into labour market.

Challenges ahead:

- Magadi taluk has 520 villages with a population of 2,00,000. Of them about 8000 to 10,000 constitute working children (60% of them being girls). They are engaged in winding, doubling and re-reeling silk. What they receive is a pittance ranging between Rs. 1/- to Rs. 2/- per day (which is incredibly low, much lower than even 50% of the wages of the adults which working children are expected to receive under Minimum Wages Act, 1948).
- Direct intervention of the Project was limited to 120 villages and 14 town wards (less than 25% of the total

area). The number of children released through direct intervention of the Project is only 1250, a miniscule percentage of the total number (8000 to 10,000).

- While the strategies adopted were sound and effective, they need to be replicated throughout the taluk so that it could be made completely child labour free (like the MVR Foundation experiment seeking to make 300 villages of Rangareddy district in Andhra Pradesh child labour free).
- Now that inter departmental coordination and convergence has been effective, that rationale of NGO involvement in community mobilization, preventive and correction action has been firmly established, that 107 SHGs with 1732 women as members have been formed and federated into 4 clusters, all this could be effectively utilized for withdrawing children from work and rehabilitating them through education, nutrition and skill training. For this, the State Government needs to draw up both a short term and long term action plan with clearly achievable targets, time frame, resources and results.

II UNICEF – NORAD Project at Gulbarga & Davangere:

- The same strategy which is one of integration, coordination and convergence and which was successfully tried out in Magadi (1999-2005) is being tried out once again through UNICEF – NORAD Project at Davangere and Gulbarga (June 2002 to December 2006).

- The strategy is four pronged namely:
 - prevention;
 - enforcement of regulatory legislation;
 - education;
 - rehabilitation through convergence.

- Child labour in Davangere is prevalent on a large scale in
 - agriculture;
 - domestic sector;
 - garages;
 - hotels;
 - construction;
 - puffed rice units;
 - brick kilns;
 - rag picking;
 - begging.

- The Project aims at prevention through social or community mobilization, through nukkad natak, street theatres, role plays, padyatras and through dissemination of the central message that (a) 'children in school going age need to be in the school and not pushed involuntarily to work' (b) childhood and all the excitement and joy associated with it once lost cannot be regained.

- Awareness and critical consciousness of the community in full is generated through the campaign as above as also through youth conventions, training of youth and child rights festival.

- These activities also reinforce the link between children and education and secure physical and emotional involvement of all sections of the society i.e. teachers, students, women, youth etc.
- Training of functionaries at various levels refine and sharpen this awareness and consciousness and make people more agile, alert and vigilant about prevalence of child labour in their area.
- They also accelerate the momentum of enforcement.
- Some of the major outcomes of the Davangere Project may be listed as under:-
 - anti child labour and child rights protection task forces have been formed in 40 GPs and 5 (out of 35 municipal wards) in Davangere taluk and 6 GPs in Harpanahalli;
 - children's education fund constituted at 24 GP level, 10 ward level with generous contribution given by the Davangere Corporation;
 - 10,093 children have been rescued and rehabilitated; of them 840 were working in puffed rice units;
 - child rights clubs have been formed in 40 Government schools to prevent dropout of children;

- there has been significant progress in enrolment of children 6-9 age group (90%) and 10-14 age group (80%);
- Convergence of Government departments, NGOs, CBOs and elected representatives has been achieved to a large extent;
- Under Child Track/System 3491 children's data have been entered together with details of their performance.

Lack of active cooperation from the general public (they remain indifferent by and large to such initiatives) and political interference (in particular in the matter of release of children from mandaki batti) remain the major stumbling blocks or challenges to the Project. All GPs, all villages and all wards in the municipal corporation need to be made child labour free for which a short term and long term perspective plan needs to be drawn up.

A summary of observations, conclusions and recommendations:

Elimination of Bonded Labour System:

- Karnataka was the first State which had taken some very positive initiatives for identification, release and rehabilitation of bonded labourers in the country (1975-77);

- It had also identified the single largest number of bonded labourers i.e. over 60,000 in a short span of 2 years (1975-77);
- This was possible on account of political will, commitment and determination obtaining in the 70s;
- The initial enthusiasm and interest, however, was not sustained;
- Between 1977-78 and now (the date of my visit) i.e. during an interregnum of 28-29 years barely 2000 bonded labourers have been identified afresh;
- This is the pace and progress of identification notwithstanding continuous media reports and incessant flow of complaints from NGOs to NHRC about existence of bonded labour system in Karnataka on a large scale;
- There are a lot of doubts in the minds of functionaries of Government at all levels about jeetah or attached agricultural labour coming within the purview of definition of bonded labour system as in Section 2(g) of Bonded Labour System (Abolition) Act;
- Vigilance Committees have outlived their life, proposals for their reconstitution are pending consideration and approval at the level of State Government but pending reconstitution, the old Committees are not meeting which is contrary to the Provisions of Rule 4 of Bonded Labour System (Abolition) Rules;

- The State Government have as early as 1975 vested the powers of a Judicial Magistrate 1st Class, in the DMs but the latter being preoccupied and with the conceivable constraints of time management have sub delegated the powers to SDMs which is contrary to the Provisions of Law. This is not in order as the State Government alone is competent to vest and delegate powers under the law;
- Besides, the SDMs have failed to appreciate the finer point of law and particularly case laws (judgements of the apex Court) and have refused to release identified bonded labourers while acquitting the bonded labour keepers on grounds which are contrary to the decisions of the apex Court and hence not legally sustainable;
- The correct course of action for the State Government would be (a) to notify all Executive Magistrates and vest them with powers of a Judicial Magistrate, first or second class, as the case may be and (b) organize intensive orientation and training with the help of resource persons so that all doubts, misgivings and reservations are removed and the functionaries develop right attitude and approach in dealing with all cases under Bonded Labour System (Abolition) Act;
- There is no vigilance and surveillance on the part of the District and Sub Divisional officers over prevalence of bonded labour system in certain parts of the State;
- Most of the cases suffer by default;

- The case of Manjunath (19) of Magadi taluk and Hanumanth Manjunath of Davangere taluk are 2 specific cases in point;
- There is no monitoring mechanism at the State level to oversee if the statutory mechanisms at the field level are functioning or not;
- Officers at the field level (Tahasildar, SI of Police etc.) are not working in tandem or unison with each other/which is not a very happy development;
- Denial of payment of notified minimum wage constitutes forced labour according to the judgement of apex Court in W.P. No. 8143 of 1981 PUDR Vs. Union of India (AIR 1982 SC 1473) dated 18.9.82;
- Forced labour is a variant of bonded labour system and becomes bonded labour under certain circumstances (W.P. No. 2135 of 1982 Bandhua Mukti Morcha Vs. Union of India AIR 1984 SC 802 dated 16.2.83);
- The spirit of this important case law has not been applied in a single case in Karnataka even though there are scores of evidence that (a) minimum wages are not being paid (b) women and men do not receive same wages for same or similar nature of work and (c) there is hardly any decision to treat a victim of denial of minimum wage as a case of forced labour/bonded labour;
- In the matter of rehabilitation of freed bonded labourers, the Centrally Sponsored scheme, the Ashreya Scheme,

the Bhagya Jyoti Scheme, the scheme of distribution of BPL, Antyoday and Annapurna cards, scheme for financial assistance for repair to the damaged premises and the Public Distribution System (PDS) have come quite handy;

- There are, however, persistent economic compulsions (large size of families, contingent liabilities, consumption and ceremonial needs) for which the freed bonded labourers are constantly in need of loan/debt/advance. That is how they always look up to money lenders. The latter do oblige but under exploitative conditions (usurious rates of interest, long hours of work, denial of minimum wage). Thus there is no effective deliverance from the evils of debt bondage;
- The State Government needs to deal with this menace of indebtedness and bondage through (a) formation of SHGs (b) increasing membership of SHGs and strengthening the corpus of such SHGs (c) orientation and training of members of SHGs (d) proper management of corpus of SHGs (taking a cue from the MYRADA example which has shown the way out of poverty, indebtedness and bondage in a path breaking manner;
- All productive assets provided to the beneficiaries must be fully insured;
- The insurance for the first year should be borne by Government;

- The officers of animal husbandry and veterinary department must involve themselves wholeheartedly for a proper upkeep and continuous maintenance of these assets, to ensure that the mortality rate is brought down and optimal productivity and remunerative price on the product (milk and milk products) is sustained;
- Help of Ambedkar Corporation should be taken to purchase agricultural land wherever available and make the same available to the landless;
- Access to hospitals/dispensaries in specific contingencies (both accident injury and illness) for timely and cost effective or free treatment, as the case may be should be facilitated by Government. This is a primary form of social security which must be ensured as the irreducible barest minimum.

Elimination of Child Labour:

- In terms of magnitude of the problem there is a decline in number of working children in Karnataka (from 8,76,247 in 1991 to 8,22,615 in 2001). This is quite encouraging.
- Children, however, continue to be employed in spinning/weaving, dhabas/restaurants, domestic help, building and construction, beedi rolling, labeling and packaging, automobile workshop/vehicle repairing workshops.
- Periodic surveys must be undertaken to unearth and withdraw as many children from work and in particular

hazardous work and rehabilitate them through access to education, nutrition, vocational skill training and checkup of health.

- The performance of the State Government both in the wake of the direction of apex Court in 1997 and later at the time of a repeat survey in 2001 has not been very encouraging in as much as only 14,718 and 39,300 working children could be found which is a miniscule percentage of the total number of working children (8.22 lakh) even according to 2001 Census.
- Surveys need to be repeated at regular intervals, they need to be both household and establishment wise surveys and backed by a rational, scientific and discrete methodology without any publicity and propaganda and with some amount of secrecy and confidentiality. Such surveys for identification and enumeration of working children should be called, 'Operation Surprise'.
- There are 2 State Level Committees constituted under Chairmanship of Addl. Chief Secretary and Principal Secretary, Labour respectively which are meeting at fairly regular intervals. They must provide the leadership, direction and guidelines for all activities associated with elimination of child labour – commencing with survey and going upto rehabilitation and reintegration into mainstream of social development.

- The State Government must, without any further delay notify a prescribed medical authority as required u/s 10 of Child Labour (Prohibition and Regulation) Act.
- The State Government must maintain a computerized data base at State and district levels covering full relevant data about children in different age groups, children who are in school and who are out of school, children who have been withdrawn from work and enrolled into special schools of NCLP, SCLP and formal schools etc. This will be a credible tool for future planning as well as monitoring.
- The track record of enforcement through inspection and prosecution has not been consistent. There have been ups and downs which require an analysis.
- Very few prosecutions have ended up in convictions while most of them have ended up in acquittal. A large number of cases (1241) are also pending disposal.
- Conditions obtaining in puffed rice units of Davangere are harrowing. The units are working under primitive, archaic and dehumanized conditions. There is no lighting and ventilation. The temperature in the ovens inside ranges between 600° C to 2100° C. The dust, heat, smoke, fume and toxic substances emanating from these units are insufferable. Even though over 800 children have been withdrawn nearly 100 children are still working. These children have lost their childhood and all excitement and

joy associated with childhood. Those who are still working in these units would be eventually literally carried to the jaws of death and destruction. It is indeed tragic that such units have been allowed to continue for years in the heart of the city, near the bus stand and railway station (like the United Carbide Corporation of India's Unit at Bhopal which was virtually a death pit). The sooner a decision is taken to close down these units the better it will be in the interest of human right to life of thousands of workers as any other softer option would be a violation of Article 21 of the Constitution of India.

- Karnataka is the only State in the country which (a) has drawn up a fairly comprehensive action plan on elimination of child labour since 2001 and (b) where there is no distinction between children employed in hazardous and those employed in non hazardous work. There is total prohibition of child labour in all sectors.
- That being the case it remains to be seen how the direction of the apex Court to recover a sum of Rs. 20,000/- for each working child employed in hazardous work is going to be implemented. Even @ Rs. 20,000/- a sum of Rs. 29,43,60,000/- should have been recovered from the offending employers in respect of 14,718 working children employed in hazardous work. As against this, the State Government have recovered a paltry sum of Rs. 21 lakh only. No reason was attributed to this huge short fall in recovery of dues in the wake of directions of the apex Court.

- The direction had for reaching implications in as much as it was intended to cover all future cases. To illustrate, 39,300 working children have been found through a repeat survey conducted in 2001. At the rate of Rs. 20,000/- per child (since there is no distinction between hazardous and non-hazardous work) a sum of Rs. 78,60,00,000/- is recoverable from the offending employers. In the response to the questionnaire the State Government has not reported anything on this recovery.
- In terms of pace and progress, content and quality, outcome and impact of 2 externally funded Projects (UNICEF assisted Magadi Project and UNICEF NORAD assisted Davangere and Gulbarga Project) it is a success story with a number of passive fallouts. In terms of number it is negligible in as much as only 1250 children have been released from work and mainstreamed to formal education in Magadi Project while the number is 10,093 children in UNICEF NORAD assisted Project. In Magadi taluk alone over 8000 children are still working in silk twisting units. The Projects should, therefore, be allowed to continue till they reach their logical close. Such Projects should also be replicated in other child labour endemic districts.
- The State Government should draw up both a short term as well as long term action plan to withdraw 8.22 lakh children from work and to complete the process of their rehabilitation through access to education, health, nutrition and vocational skill training programmes.

- Similar action plan needs to be drawn up to prevent fresh exodus of children from entering work while strengthening labour law enforcement machinery for a more stringent and deterrent child labour law enforcement than what has been the case so far.
- Planned, coordinated and concerted efforts are needed to make the NCLPs operational without any further delay in Chitradurga, Davangere, Haveri, Koppal, Mandya and Tumkur.

Districtwise statement showing the number of bonded labourers identified, released, rehabilitated and the amount of rehabilitation incurred and the prosecutions made in Karnataka State till December 2006. (Provisional)

Sl. No.	Name of the District	No. of bonded labourers identified and released										No. of bonded labourers rehabilitated									Amount of rehabilitation incurred (Rs. in lakhs)							No. of Prosecutions made
		Till March 2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	Total	Till March 2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	Total	Till March 2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	Total		
		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	
1	Bagalkot	197	2	0	0	0	0	0	0	199	53	0	0	0	2	0	0	55	1.330	0	0	0	0.40	0	0	1.730	0	
2	Bangalore	6132	27	144	3	0	0	32	50	6388	5004	0	0	0	186	0	0	5190	337.634	0	0	0	37.20	0	0	374.834	3	
3	Bangalore(U)	2802	8	0	0	16	0	22	0	2848	2604	0	0	0	5	0	0	2608	139.325	0	0	0	1.00	0	0	140.325	5	
4	Belgaum	19	0	0	0	0	0	0	0	19	10	0	0	0	0	0	0	10	0.400	0	0	0	0	0	0	0.400	0	
5	Bellary	602	2	1	0	0	0	0	0	605	575	0	0	0	3	0	0	578	22.976	0	0	0	0.50	0	0	23.576	3	
6	Bidar	12	0	9	0	2	0	0	0	23	10	0	0	0	0	0	0	10	0.400	0	0	0	0	0	0	0.400	0	
7	Bijapur	591	0	0	0	0	0	0	0	591	557	0	0	0	0	0	0	557	5.433	0	0	0	0	0	0	5.433	0	
8	Chamarajanagar	7438	72	20	0	0	0	0	0	7530	6559	0	0	0	92	0	0	6651	362.395	0	0	0	18.40	0	0	380.795	0	
9	Chickmagalur	2756	0	0	0	0	0	0	0	2756	2363	0	0	0	0	0	0	2363	95.689	0	0	0	0	0	0	95.689	0	
10	Chitradurga	1074	0	0	0	0	0	0	0	1074	1006	0	0	0	0	0	0	1006	42.945	0	0	0	0	0	0	42.945	0	
11	D.Kannada	385	0	0	0	0	0	0	0	385	265	0	0	0	0	0	0	265	10.600	0	0	0	0	0	0	10.600	0	
12	Davanagere	3795	0	0	0	0	0	0	0	3795	3615	0	0	0	0	0	0	3615	185.891	0	0	0	0	0	0	185.891	27	
13	Dharwad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000	0	
14	Gadag	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000	0	
15	Gulbarga	49	0	0	0	0	0	10	0	59	47	0	0	0	0	0	0	47	1.190	0	0	0	0	0	0	1.190	0	
16	Hassan	4910	44	0	0	0	0	0	0	4954	4295	0	0	0	43	0	0	4338	144.350	0	0	0	8.60	0	0	152.950	48	
17	Haveri	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000	0	
18	Kodagu	57	1	0	0	0	0	0	0	58	57	0	0	0	0	0	0	57	2.437	0	0	0	0	0	0	2.437	1	
19	Kolar	2957	370	0	0	0	0	0	0	3327	2637	0	0	0	370	0	0	3007	110.945	0	0	0	74.00	0	0	184.945	20	
20	Koppal	17	49	1	0	0	0	0	0	67	15	0	0	0	6	0	0	21	0.600	0	0	0	1.20	0	0	1.800	50	
21	Mandya	5316	45	3	0	0	0	0	0	5364	5096	0	0	36	12	0	0	5144	278.860	0	0	7.20	2.40	0	0	288.460	1	
22	Mysore	15206	516	272	0	1	21	0	0	16016	14151	0	0	0	783	0	0	14934	782.700	0	0	0	156.60	0	0	939.300	70	
23	Raichur	106	0	0	0	0	0	0	0	106	88	0	0	0	0	0	0	88	3.520	0	0	0	0	0	0	3.520	0	
24	Shimoga	5234	13	0	0	0	0	0	0	5247	4614	0	0	0	0	0	0	4614	219.421	0	0	0	0	0	0	219.421	2	
25	Tumkur	2046	361	0	3	52	4	0	0	2466	1768	0	0	0	351	32	32	2183	70.300	0	0	0	70.20	6.40	6.40	153.300	26	
26	Udupi	0	1	0	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	0	0	0	0.20	0	0	0.200	0	
27	Uttara Kannada	8	0	0	0	0	0	0	0	8	5	0	0	0	0	0	0	5	0.125	0	0	0	0	0	0	0.125	0	
	TOTAL	61709	1511	450	6	71	25	64	50	63886	55394	0	0	36	1854	32	32	57316	2819.47	0	0	7.20	370.80	6.40	6.40	3203.866	256	

*50 bonded labourers identified and released during 2001-02, 2002-03, but reported to Government during 2006-07. *2177* *1954* *= 223*