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**Report of review of the pace and progress of activities pertaining to implementation of Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition & Regulation) Act, 1986 for the State of Rajasthan from 31<sup>st</sup> January, 2007 to 3<sup>rd</sup> February, 2007 by Dr. Lakshmidhar Mishra, Special Rapporteur, NHRC.**

I was originally scheduled to conduct the aforesaid review from 30<sup>th</sup> November, 2006 to 4<sup>th</sup> December, 2006. Due, however, to unavoidable circumstances, the visit was postponed to the last week of January, 2007 and was actually undertaken from 31<sup>st</sup> January, 2007 to 3<sup>rd</sup> February, 2007. The same threefold strategy as has been adopted for undertaking similar reviews on bonded labour and child labour for the States of Haryana (November 2006), Orissa (December, 2006) and Madhya Pradesh (January, 2007) was adopted for Rajasthan. The strategy is as under:-

- I Two questionnaires – one on elimination of bonded labour system and another on elimination of child labour covering all aspects of the 2 issues relevant for both at the macro as well as micro levels were circulated in advance with a view to eliciting the desired response from the State Government and district administration.
  
- II Two separate texts – one on elimination of bonded labour system and another on elimination of child labour had been prepared for making a power point presentation to the senior functionaries of State Labour Department and those of other concerned departments of the State Government with the following objectives:-
  - Familiarizing them with the basic facts (International Treaty Provisions, Constitutional and Legal Provisions, judgements of the apex Court, National Policy and Programme of Action);
  - Removing doubts, misgivings and reservations, if any, and establishing complete conceptual clarity;

- Sensitizing the insensitive.

III To undertake field visits selectively within the constraints of time to study the ground level realities and compare the same with the response to the questionnaire to establish facts beyond doubt.

The districts of Bundi, Kota and Baran were chosen for my field visits. Later, Tonk was also added to the itinerary for review of the pace and progress of implementation of National Child Labour Project in that district.

According to the revised schedule two power point presentations were made by me at the Conference Hall of the Secretariat on 31.1.2007 for which necessary arrangements had been made by the Secretary to Government, Labour and Employment Department – Shri S.R. Meena who had been requested by me earlier to this effect. The presentation covered the following:-

- What makes us talk about the bonded labour system despite clear constitutional and legal provisions, provisions of the 2 ILO Conventions (No. 29 of 1930 and No. 105 of 1957) which have been ratified by Government of India and judgements of the Supreme Court which under Article 141 of the Constitution constitute the law of the land and are binding on all courts and all parties regardless of whether they are parties to the dispute or not;
- List of occupations where bonded labour system has been found with special reference to Rajasthan;
- Elimination of bonded labour system as a human rights issue and not a trade related issue;
- How to identify bonded labour system with reference to Rajasthan labourers working within and outside Rajasthan and labourers from other States, if any, working in Rajasthan;

- Release of bonded labourers from captivity;
- Concept of summary trial;
- Physical, economic and psychological rehabilitation of released bonded labourers; how to make the same meaningful, effective and permanent;
- Can bonded labour system be prevented – need for drawing up a perspective plan to eliminate bonded labour system in Rajasthan covering a few priority steps.

### **Child Labour – a few basic facts:**

- Definition of child, childhood and child labour – need for adoption of a holistic approach;
- Rationale behind a minimum age of entry to the world of work;
- Magnitude of the problem – a comparison between 1991 and 2001 census; why the number has almost doubled itself in Rajasthan?;
- Why child labour – mindsets of parents, employers, working children and those of the civil society;
- Constitutional and legal provisions;
- Forms of hazardous occupations and processes in which children are employed, consequences of such employment;
- Worst forms of child labour – ILO Convention No. 182;
- National Policy and Programme of action for withdrawal of children from hazardous work and their rehabilitation through education, nutrition, vocational skill training etc. special schools of NCLPs;
- Sharing a success story of MVR Foundation, Hyderabad, Andhra Pradesh;

- A few reflections on a few feasible solutions to the problem of elimination of child labour.

The presentation which was well received was followed by a question answer session. The Secretary, Labour and Employment Department also presented a report in the beginning indicating the steps taken by the Government of Rajasthan to eliminate bonded labour system and child labour.

#### **Historical background of the origin of bonded labour system or Sagri System:-**

Like the Jeethams of Andhra Pradesh, Kamiyas of Bihar, Halis of Gujarat and Madhya Pradesh, Izhavas and Kattunaickens of Kerala, Adiyas and Paniyas of Tamil Nadu, Jeethas of Karnataka and Gothis of Orissa, Sagri System in Rajasthan is one of the worst manifestations of usury with its attendant oppression and exploitation. The Bhil tribes of Rajasthan living in scheduled areas and areas adjoining the scheduled areas i.e. Pratapgarh in Chittorgarh district, Dungarpur and Banswara districts and areas adjoining Dungarpur, Chittorgarh, Sirohi and Udaipur districts extravagantly spend on social ceremonies, need loan/debt/advance for such ceremonial purposes and get into the debt trap of crafty money lenders. In order to secure loan on nominal interest or no interest, the Bhils have very often to surrender land and ornaments and mortgage their services and those of their family members to the money lender and the remuneration for such services is in lieu of interest. As the principal would go on multiplying with interest, the tribal who had taken the loan would find it difficult to repay the principal and thus the institution of Sagriship passed on to the next of kith and kin on the death of the Sagri. In other words, the pernicious sagri system got itself perpetuated for generations on account of poverty, ignorance and economic backwardness of the tribals on the one hand and absence of any alternative mechanism (alternative to the moneylenders) to meet the ceremonial and consumption needs of the Sagris.

The Government of Rajasthan legally abolished the Sagri System by passing an enactment known as the Sagri System Abolition Act, 1961 like the Government of Orissa's Debt Bondage Abolition Regulation, 1948. This Act did not provide any alternative sources of consumption loan or credit for ceremonial purposes. The system, therefore, continued despite the law. Four years after passing of the enactment, a study conducted by the Tribal Research Institute, Udaipur in 1965 through a sample study of 12 villages in 2 Tahasils of Dungarpur district confirmed that despite the existence of the law, the system continued due to sheer economic compulsions. The impact of the law was minimal.

The survey revealed many interesting aspects of the Sagri System such as:-

- There is a strange relationship between the size of the family and recourse to money lending (greater the size of the family, greater is the recourse to money lending);
- Even after mortgaging the services of all family members the principal amount could not be repaid and members who were bonded to the money lender could not release themselves resulting in distress sales of land, animals, ornaments and agricultural produce;
- Bondage perpetuated, in some cases ranging between 1 to 20 years and in a few cases beyond 20 years;
- Owning a Sagri or a bonded labourer was based not so much on caste ranking but on the comparative better economic position of the caste groups who have the capacity to employ others;
- Though the Sagrais own land in a small measure the landscape is mostly undulating, lying on the slope of the hills, unfertile with extremely low yield and with a traditional mode of production;

- The average annual household income ranged between Rs. 100 to Rs. 500/- and did come down below Rs. 100/- in a few cases which gave rise to indebtedness and subsequent bondage;
- Loans taken from money lenders were mostly for unproductive purposes ranging between Rs. 100/- and Rs. 2000/-;
- Alternative sources of supply of credit in tribal areas is negligible and professional money lenders have full sway over the life and economy in a village;
- The rate of interest per annum on Rs. 100/- ranged between 12.5% to 150%; a loan of Rs. 100/- @ a paisè per rupee can assume a form of Rs. 715/- in 3 years;
- The level of awareness of the Sagris about the legislation (Sagri System Abolition Act) which was passed for their larger interest and for their welfare was minimal;
- Sagris were mostly agricultural labourers and not domestic servants; many of them were share croppers too;
- Many of them preferred to continue to work as sagris even under humiliation and oppression of the money lenders as they got food to eat and some nominal clothings.

Forty one years later, it may be useful if the same Research Institute conducts a fresh study to find out if there are traces of the old Sagri system left in any part of Rajasthan.

#### Administrative infrastructure:

Till March, 2002 the subject of elimination of bonded labour system was being handled by the Department of Rural Development and Panchayat Raj. The subject stood transferred to Labour and Employment Department thereafter.

There is a State Level Coordinating and Monitoring Committee to monitor, coordinate and supervise all operations for implementation of the provisions of Bonded Labour System (Abolition) Act. It meets once a year at the State level under the Chairmanship of Chief Secretary and issues directions to the District and Sub Divisional Level Vigilance Committees. It has met so far on the following dates since transfer of the subject to Labour and Employment Department:-

- 10.9.2001;
- 14.2.2005;
- 19.10.2005;
- 4.11.2006.

Some of the important decisions taken in the meetings of the Coordination Committee are:-

- Evaluation of the content, quality and impact of rehabilitation of freed bonded labourers in Alwar, Chittorgarh, Banswada, Baran and Barmir;
- Formulation of an Action Plan on the basis of findings of evaluation;
- Incorporation of elimination of Bonded Labour System as a subject in the training programmes of Indira Gandhi, Panchayatiraj Sansthan and Harish Chandra Mathur State Institute of Public Administration, Jaipur.
- Undertaking special efforts towards audio visual publicity (nukkad natak, kathputli) of the Provisions of Bonded Labour System (Abolition) Act for creation of better awareness;
- Organizing State Level Workshops under the auspices of Harish Chandra Mathur State Institute of Public Administration to make the functionaries of State Government more sensitive towards elimination of Bonded Labour System;

- Monitoring and evaluating informations (and accuracy thereof) received from NGOs;
- Undertaking fresh surveys on bonded labour system in Baran, Dholpur, Alwar, Kota, Jaipur, Barmir, Bauswada, Chittorgarh and Jodhpur with financial assistance from Ministry of Labour;
- Crosschecking the findings of the survey so conducted by Information Department with a view to validating the same.

#### **Identification of bonded labour system:**

Identification of Bonded Labour System is the primary responsibility of Vigilance Committees constituted at the district and sub divisional level. This is clearly stated in Section 14 (e) of Bonded Labour System (Abolition) Act which reads as under:-

#### **Section 14 Functions of Vigilance Committees:**

- (e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act.

According to the guidelines issued earlier by the Special Schemes Organization and now reiterated by the Labour and Employment Department vide letter No. 1720-51 dated 4.2.2004 the Vigilance Committees are nowhere in the picture as far as discharge of the responsibility for conducting field survey is concerned. The gist of the guidelines issued in Hindi translated into English would read as under:-

"Identification, release and rehabilitation of bonded labourers is an important component in the 20 Point Programme. With a view to identifying bonded labourers a survey team should be formed of officials at the sub divisional and panchayat samiti level. The District Labour Officer will be the Nodal Officer of the survey team and Naib Tahasildar, Extension Officer of the Panchayat Samiti should be

incharge of the survey team. Officers like the Patwari, Gram Sevak, School teacher and functionaries from various sections of the society should also be inducted into the survey team. Different survey teams should be formed for different areas and an intensive survey should be conducted Panchayat-wise on different dates. Survey work should be concentrated in rural areas on (a) quarries (b) agriculture (c) lime kilns (d) stone quarries (e) stone crushers (f) carpet weaving operations (g) hotels and dhabas as the possibility of finding bonded labourers in these areas is much greater. On the basis of the findings of the survey a complete documentation in relation to the Panchayat Samiti in question should be prepared."

The survey in question as above refers to a simple definition of a person who works under the Bonded Labour System and refers to the following categories of debtors as victims Bonded Labour System in Rajasthan such as:-

- Sagri,
- Adhiyapar;
- Barmasiya;
- Baseyas;
- Hali;
- Harwahi;
- Kamiya.

The guidelines are flawed in as much as:-

- They have completely ignored the role and responsibility of Vigilance Committees constituted u/s 13 of the Bonded Labour System (Abolition) Act;
- There is no mention of the questionnaire which should form the basis of survey and which should be administered in a simple and informal manner to elicit the desired response

before forming an opinion as to whether a person is a bonded labourer or not;

- In every such survey the household should be the primary unit and not Panchayat or Panchayat Samiti; the questionnaire should be addressed to the head of the household and this should be supplemented by circumstantial evidence in the neighbourhood about terms and conditions under which someone is rendering service to another.
- There is no clear cut earmarking or division of responsibility between Nodal Officer and Incharge of the survey team; this should have been clearly laid down;
- A survey team should have a small composition of 3 persons in the maximum. One person may canvas the information through a questionnaire, the second person should record the response while the third person should compile the information; having too many persons (Patwari, gram sevak, school teacher etc.) in the survey team may create problems of leadership, conflict of interests and blurring of responsibility.

In Writ Petition (Criminal) No. 1263 of 1982 Neerja Chaudhary Vs. State of M.P. (AIR 1984 SC 1099) dated 8.5.2004 the apex court had made the following observations:-

“Social action groups operating at the grass root level should be fully involved with the task of identification and release of bonded labourers on account of the following reasons:-

- Members of the Legislative Assembly though sincere and well meaning with welfare of the poor at heart would hardly have the time to carry out any inquiry or investigation for the purpose of identification of bonded labourers;

- Commissioners and Collectors have multifarious duties to attend and even if they are anxious to help in eradication of the vice of bonded labour system they would not find time to make any personal inquiry or investigation;
- They instead would have to rely on their subordinate officers who generally lack social commitment and are in sympathy with the exploiting class.
- The Panchayats are dominated by vested interests and having regard to their functioning may not be very effective in this task.

Patwaris and gram sevaks are lower level field functionaries. According to the observations of the apex Court as above, they lack social commitment and are in sympathy with the exploiting class. How can we involve them with survey teams constituted for identification of bonded labour system as such involvement will be counter productive?

Viewed in this context the guidelines issued by the State Government are violative of the directions issued by the apex Court.

Vigilance Committees are the most important institutional statutory mechanism under the Bonded Labour System (Abolition) Act for identification of bonded labour system. Not only they need to be constituted in conformity with the guidelines laid down in Section 13 (1) (2) and (3) of Bonded Labour System (Abolition) Act, they need to be strengthened and activated by organizing regular orientation and training programmes for their members. What was found both in course of discussion as well as through field visits, while the Committees may have been constituted and may be meeting from time to time they themselves do not go out to the field to conduct investigations/enquiries. As and when complaints are received, either the SDM or the Tahasildar or any other officer down below goes out for field enquiry.

It would be appropriate if a set of fresh and comprehensive guidelines could be issued by the State Government entrusting the Vigilance Committees with responsibilities related to identification of bonded labour system. Some of these responsibilities by way of illustration could be:-

- Renegotiate, wherever possible working conditions of potential bonded labourers with potential bonded labour keepers with a view to bringing about some qualitative improvement and change in their conditions and with a view to preventing potential bonded labourers from becoming actual bonded labourers;
- Guarantee physical safety and security of the bonded labourers (in particular, members of SC and ST) after release;
- Prevent relapse of the released bonded labourer into debt bondage;
- Ensure through continuous Vigilance and surveillance that there is a constant flow of accurate and up-to-date information about persons who are held in debt bondage both within Rajasthan and outside and transmit that information to Government for corrective action;
- Facilitate rescue efforts both inside and outside the State involving police, other officials, NGOs, lawyers etc.;
- Assist the released bonded labourers in registering an FIR and obtaining the release certificate to be handed over to the freed bonded labourer;
- Serve as a reception and rehabilitation committee in respect of released bonded labourers;
- Ensure that the immediate needs of food, health, hygiene, potable water, protective clothing (in winter months),

transportation and housing arrangements of released bonded labourers are taken care of;

- Provide counselling and psychological support to freed bonded labourers who have been traumatized through years of serfdom and the tyranny and oppression associated therewith;
- Assist the family unit of freed bonded labourers (relevant in cases of attached agricultural labourers) for their reintegration to the mainstream of social development;
- Ensure that the subsistence allowance of Rs. 1000/- (out of the total rehabilitation package assistance of Rs. 20000/- under the Centrally Sponsored scheme currently in vogue w.e.f. 1.5.2000) per released bonded labourer is disbursed to him/her in cash soon after release;
- Ensure that all the statutory provisions relating to extinguishment of bonded debt, non eviction from homestead land, restoration of landed property mortgaged, recovery of dues and compensation wherever applicable are implemented;
- Ensure that the release and rehabilitation of (freed) bonded labourers are simultaneous;
- Ensure that the freed bonded labourer is taken into confidence, properly consulted and his/her preferences, felt needs and interests are taken into account while formulating a rehabilitation package;
- Mobilize and organize the freed bonded labourers into self help groups, thrift and credit groups, DW CRA groups, groups of neoliterates (by organizing literacy programmes for them), build up a corpus by persuading the members of the groups to save and contribute and meet a number of needs such as consumption, ceremonial and development related from out of that corpus;

- Review rehabilitation efforts from time to time to assess if a second dose of assistance is necessary to make rehabilitation complete in all respects;
- Maintain a list of bonded labour keepers and initiate necessary legal and penal action against them.

That there is no vigilance or surveillance on the working and living conditions of people who were bonded labourers at one point of time, who were released from debt bondage and rehabilitated but who are now placed in such a position that it is almost akin to bondage was evident from the interaction I had with one Kisan Lal of village Jharbalapura of Bundi Tahsil. The following facts came out from this interaction:-

"Kishan Lal S/o Magho was released from Moti Ahir of the same village and was rehabilitated in 1993-94. He is now working as an attached agricultural labourer with one Bhawar Lal Gujjar of the same village. He gets Rs. 8000/- annually towards wage as a part of an annual contract. He has 3 sons and 3 daughters. The eldest son – Pappu is working as a labourer with one Kalu Ji Gopal. Pappu has 2 sons namely Ashok and Rajindra who go to school. One of his daughters – Sanju has been married. Kisan Lal has 5 to 6 bighas of land. The land was mortgaged to one Ugha Meghwal for obtaining a loan of Rs. 25000/-. At the rate of 24% interest per annum the principal of Rs. 25,000/- has grown to Rs. 1,50,000/-. Kisan Lal came out with a pathetic story of his life that when he was working as a bonded labourer with Moti Ahir the latter had mercilessly assaulted him with a stick so much so that one of his arms was severely damaged. It is precisely for this reason that he is not in a position to put in any hard manual labour which a person of his age and strength would have otherwise been capable of and is reconciled to a low wage labour (much lower than the minimum wage he was entitled to get). He is now 55-56 years of age. Since he is a land holder (even though the land has been mortgaged) his name does not figure in the list of

A son did story of one who once pays for it with his life.

BPL beneficiaries. Whenever he is asked as to whether he is in a position to repay the loan incurred by him he is not sure as to whether he would be able to do so. He is also not sure as to whether he would be able to get his land released from mortgage.

The landlord – Shri Bhawar Lal Gujjar was present at the time of interrogation. He mentioned that 'Kisan Lal was working with him under an annual contract to water his fields as also to cut grass/cattle fodder therefrom. There are no definite working hours for him. Sometimes he comes and goes and sometimes he does not at all come for work. Some employment has been provided to him only out of consideration for his pathetic plight. He is unable to put in any hard manual labour as he is fairly old and his left arm has been damaged.

Seeing his physical and economic plight I provide some wheat as also fodder for his animals from my farm. I am not in a position to pay him the minimum wage notified by the State Government (which @ Rs. 73/- per day for 8 hrs. of work comes to Rs. 26,280/- per annum). In case pressure is put on me to pay Kisan Lal more than what I am currently paying I would much rather do without him'.

The above interaction which is related to the true life story of an agricultural labourer who could be a potential bonded labourer brings out the following:-

- Kisan Lal, an agricultural labourer was a bonded labourer in the past, has been released from bondage and rehabilitated about 13 years ago;
- Earlier he was a landholder but now he is landless;
- The land owned by him had to be mortgaged due to economic compulsions;
- He is not in a position to redeem the land from mortgage;

- While under bondage in the past he has been brutally assaulted by the erstwhile employer rendering him unfit for hard manual labour;
- Consequently, even though he is employed now as an agricultural labourer he cannot put in the best possible efforts (due to incapacitation);
- He earns less than 1/3<sup>rd</sup> of what he is entitled to earn as an agricultural labourer (Rs. 8000/- as against Rs. 26,200/-);
- Even for this reduced earning he is completely at the mercy of his employer who is prepared to dispense with his services anytime if any pressure is put on him to pay him minimum wages;
- He is neither in the BPL list nor a beneficiary under IAY nor old age pension;
- The employer has the temerity to say that he cannot pay him minimum wages;
- The story reminds of 'Patronage and exploitation – changing agrarian relations in Gujarat (1974) by Jan Breman, a distinguished social anthropologist from Netherlands.

There might be scores of such cases which should warrant our attention and in particular, the attention of Vigilance Committees at the district or sub divisional level but they do not. All such cases need continued care and attention of the district administration in particular. This is sadly missing in Rajasthan.

Between 1975-77, 1981-82 and 1982-83 number of bonded labourers identified and freed in respect of 5 districts and reported by the State Government to the Ministry of Labour, Government of India is as under:-

District	1975-77	1981-82	1982-83	Total
Kota	3895	--	--	3895
Bundi	332	--	--	332
Jhalwar	78	36	51	165
Tonk	6	--	--	6
Swai Madhopur	7	--	--	7

It was reported that a general survey is being conducted in May and November every year by the Revenue and Panchayatiraj Department. A special survey has also been conducted in 9 districts in 2001-2002 and 2005-2006. The 9 districts are:- Barmer, Kota, Chittorgarh, Banswara, Dholpur, Alwar, Baran (a new district carved out of Kota), Jodhpur and Jaipur. No bonded labourers were, however, found in course of the special survey.

According to the response of the State Government to the questionnaire circulated by me, 11,327 bonded labourers have been identified and released. The response does not indicate the number of bonded labourers out of 11,327 rehabilitated, the number left to be rehabilitated, the number which might have lapsed back to bondage and so on.

A number of circular letters have been issued by the State Government to the District Magistrates on the subject of identification and release of bonded labourers but the circular letters are silent on the following:-

- How, where and when to approach the potential bonded labourers?
- What type of questions are to be put to them to elicit information from such potential bonded labourers about their working and living condition?

- How to analyse those informations by correlating them with the provisions of the law and judgements of the apex Court and come to the right conclusion as to whether they are bonded labourers or not?
- What is the concept of summary trial as distinctly different from trial by the summons procedure and as elaborately dealt by the apex Court while disposing off the writ petition No. 2135 in *Bandhua Mukti Morcha Vs. Union of India and Others* on 16.12.83?
- In regard to sensitization of DMS, SDMs, other Executive Magistrates and field functionaries through orientation and training it was stated that Harish Chandra Mathur, Institute of Public Administration, Jaipur conducts Workshops and Training Programmes but there was no information about curriculum, content, quality, methodology adopted in conducting the Workshops and assessment of impact of such Workshops.
- Similarly it was stated that 2 State Level Workshops have been conducted in February and November, 2005 but no details could be furnished about the methodology adopted for such Workshops and their impact in terms of sensitization.

**A few tips about identification of Bonded Labour System:**

- It transpired in course of discussion with Collector, Bundi that there is a 'Hali System' prevalent in that district. 'Hali' is a system of attached agricultural labour in which an agricultural labourer pledges himself to the service of a landlord either for a period of 6 months or for the whole year on payment of a fixed remuneration.
- Such a system is not objectionable per se if the following conditions are fulfilled:-

- I The remuneration which is fixed and paid as a part of the contract is not less than the minimum wage fixed and notified by the State Government i.e. Rs. 73/- for 8 hrs of work per day, there is provision for spread over (rest after certain hours of work) and payment of overtime for work in excess of the statutorily prescribed hours of work (8 hrs of work per day and 48 hrs of work per week).
- II There is no deduction whatsoever from minimum wage (which is a rock bottom irreducible subsistence wage) on any account, far less on account of payment of commission of middlemen.
- III The agricultural labourer has the freedom of movement and also the freedom to change the employer for any reason whatsoever (ill treatment, denial of statutory entitlements, non-fulfillment of the terms of contract etc.) and go in for another alternative employment (where the terms of employment are more favourable).

These conditions do not appear to have been fulfilled through the annual contract which is entered into between the land tenure holder and agricultural labourer and that remains a moot question while determining the status of these agricultural labourers as bonded labourers.

In Kota district families do migrate from other neighbouring districts to Kota in search of work during the lean agricultural season and go back. A survey can be conducted on the working and living conditions of these families to ascertain if they are working under conditions of freedom and dignity; if not necessary conclusions could be drawn about their status as bonded labourers.

The veracity of the statement that there are no bonded labourers at Bundi or Kota or Baran (districts which were visited by me) could be cross checked with reference to the following:-

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should be  
taken up  
the vigilance  
committee  
to identify  
bonded labourers  
and their  
release

- Number of families who are below poverty line;
- Number of families who are landless;
- Number of days of employment available through NREGS or otherwise;
- Family size and earning by other family members;
- Minimum wages paid or not paid;
- Purchasing power of the currency;
- Availability of food grains and other articles (sugar, kerosene oil etc.) through the public Distribution System at controlled prices like 35 kgs. of wheat for a BPL cardholder per month;
- Adequacy of the quantity of food grains available through PDS compared to the size of the family and preference of the family members for certain food grains which may not be available through PDS;
- Ceremonial needs (expenditure associated with festivities on accounts of births, deaths, marriage etc.);
- Access to public health, primary medical care and expenditure which is incurred in treatment of ailments of self and family members, extent to which such expenditure is affordable or not;
- Market price of commodities vis-à-vis price in fair price shops (relevant on account of the purchase of food grains from open market over and above what is available in the fair price shops on account of large size of the family);
- What is the difference between income and expenditure;

- Ways and means of bridging this gap;
- Is it met by recourse to loan/debt/advance from the money lenders or from some other source?
- What are the terms and conditions under which such loan/debt/advance is secured?
- Do they lead to bondage?

To illustrate, Sahariya forest closures in Baran district is a unique initiative for sustainable livelihood (Sahariyas constitute the only primitive tribal group of Rajasthan). Forest enclosures is a scheme of Joint Forest Management (JFM) launched since 2004-05 in the wake of recommendation of a 7 member team led by Mr. Harsh Mandher which had visited the district in 2004-05 as Socio-legal Investigating Commissioners of the Supreme Court to investigate into complaints of starvation deaths amongst the Sahariya community. It had recommended that JFM would provide a long term benefit by way of restoring the natural resources to the Sahariyas along with restoration of their control over forests, the forest based ecology as also dignity of the tribes.

In course of my visit to Baran district, I paid a visit to one such forest enclosure at Garuda and interacted with about thirty women and men who are working as daily labourers within the forest enclosure area. The following came out of this interaction:-

- The Sahariyas first get paid in the form of daily wages and thereafter they get their share from the sale proceeds of the produce;
- Through their wage labour forest land is developed (fencing is provided, planting of saplings of forest species is done and such saplings are looked after/cared for through watering, deweeding, manuring etc. till they reach the stage of fruiting);

- The Forest Department acts as a promoter, facilitator and catalytic agent while the members of the tribe themselves manage the JFMs;
- They earn Rs. 73/- towards their daily wage;
- They spend almost the entire amount in buying wheat;
- Whatever balance is left is spent on gutka, opium or alcohol;
- Nothing is left to meet the other ceremonial needs, needs of treatment of ailing family members and other miscellaneous needs;
- Perforce they have to take recourse to some loan/debt/advance from the village money lender or some other source at high rates of interest.

This is how the laudable objective of the forest Enclosure Scheme could be defeated. If the Forest and Revenue Department officials, members of Vigilance Committees at the district and sub divisional level could have easy access to and interface with members of the Sahariya Community to persuade them to abjure consumption of narcotics and alcohol, form self help groups, build up a corpus by contributing a small amount from their daily earnings this could meet their ceremonial and other needs and they could be liberated from the machinations of their creditors.

As a matter of fact, through a demi-official letter No. F 13 (16) BL/Lab/03 dated 7.12.04, Shri Manohar Kant, Secretary, Labour and Employment Department addressed to Shri Tanmay Kumar, DM, Kota had emphasized some of these measures. To quote from that letter:-

- Self help groups of women of the families of released bonded labourers should be formed and vocational training should be provided to them;

- Interest free loans should be provided to released bonded labourers as far as possible to help them to start their own business;
- As far as possible small and cottage industries should be established in or near areas where released bonded labourers reside so that these people do not have to migrate in search of work;
- Facilities as provided to BPL families should be provided such as medicare relief card, free ration, free housing (under IAY) etc.;
- More than 2 years have passed since these instructions/guidelines were issued and the extent of their implementation would be known from the succeeding paragraphs.

### Rehabilitation

About 25 years ago as Director General (Labour Welfare) and Joint Secretary to Government, Ministry of Labour (1982-85) I had undertaken extensive field visits to the two Tahasils of Sahabad and Kishanganj in Sahabad Sub Division of the then Kota district (now Baran district) where most of the bonded labourers (over 3000) have been released and rehabilitated. Twenty five years later, on 2.2.2007, I paid a visit to Digodpar village in Kisanganj Tahasil and block and interacted with 9 members of Sahariya tribes and members of other castes such as:-

1. Ram Swarup, S/o Nandlal, Age 45, member of Sahariya tribe;
2. Mohanlal, S/o Lakshman, Age 50, member of Sahariya tribe;
3. Madan Lal, S/o Pannalal, Age 60, member of Berawa tribe;
4. Rebatilal, S/o Ratna, Age 35, member of Sahariya tribe;

5. Babulal S/o Narayan, Age 60, caste Mali;
6. Nathulal, S/o Chunnilal, Age 55, member of Sahariya tribe;
7. Radhakisan, S/o Bhajanlal, member of Bhil tribe;
8. Magho, S/o Sravan, Age 70 years;
9. Gopal S/o Narayan, Age 65 years, caste Mali.

The following came out of this interaction:-

- Either they or their fathers were bonded labourers till 75-76;
- They or their fathers were released in 75-76;
- Many were cases of intergenerational bondage;
- Most of them have large families; their family ties are very strong;
- Most of them were landless; some land was allotted after release from bondage and as a part of rehabilitation assistance;
- In many cases the land continues to be 'banjar' or waste land and unfit for cultivation; no measures for development of such waste land were taken then.
- The land continues to be 'banjar' even now.
- According to the prevailing custom, after marriage sons get separated from parents and lead an independent existence leaving the parents alone and desolate;
- Wherever land was allotted and is fit for cultivation they grow wheat and mustard and sale the agricultural products @ Rs. 1200/- per quintal of wheat and Rs. 4000/- per quintal of mustard;

- Mostly it's a mono crop; wherever irrigation facilities exist more than one crop is grown;
- Persons who are landless work on other's lands, tend their cattle, bring 'chara' for the cattle and earn on an average Rs. 35/- to Rs. 40/- per day;
- More than one able bodied person in a family work as agricultural labourers;
- Assistance under Indira Awas Yojana has been made available to a few persons;
- Ex-bonded labourers do not want their children (6-14 years) to get into debt bondage; they send them to school and not to work even though they themselves have been deprived of the opportunity of access to functional literacy and numeracy when they were young and wanted to go to school.
- It was generally stated by most of the persons interrogated that they are leading an autonomous existence which is much better than the bonded existence of yester years even though they do not have the wherewithal to meet all their needs. There is need for incremental income generation and there is a possibility of taking recourse to loan/debt/advance from money lenders/creditors.

Action is needed on the following points on the basis of what came out of the interaction:-

- A thorough and accurate assessment should be made on (a) the extent of landlessness and assetlessness (b) sustainability of livelihood (c) adequacy of income/wages earned (d) gap between income and expenditure (e) how to bridge the gap with a view to preempting the possibility of future debt

bondage and (f) what additional measures are needed to make rehabilitation meaningful, effective and permanent;

- Wherever government land is available the same should be allotted according to a scale with a view to removing landlessness (in relation to both homestead and agricultural land);
- Wherever landless families who are below poverty line have been left out a drive should be launched to issue BPL cards in their favour;
- Wherever homestead land has been allotted to BPL families but the latter not have a proper pucca residential structure (they are living in thatched hutments), assistance under IAY should be extended to enable them to raise such structures;
- In the unorganized farm sector the situation about non-payment of minimum wage notified by the State Government is a cause for concern. The situation, in particular in unirrigated areas, is worse. The capacity of the farmers to pay vis-à-vis basic needs of agricultural labourers needs to be studied and measures taken to fix minimum wages which are realistic and which can be implemented. Statutory relief under the Minimum Wages Act by way of filing claims u/s 20 of Minimum Wages Act and making good the payment (in the event of short payment) should be provided to all farm labourers.
- The Public Distribution System (PDS) should be so managed that farm wage labourers are able to meet most of their consumption needs from the fair price shops with the wages earned by them.
- Functional literacy and numeracy should be imparted to freed bonded labourers through opening adult literacy centers at the respective places where they work and live. This will enable

them to open up, provide a window for them to the outside world, make them aware of their statutory entitlements/rights as also the institutional mechanisms through which such entitlements/rights can be fulfilled. This is particularly relevant for ex-bonded labourers belonging to SC and ST communities who have been and who continue to be victims of caste based social discrimination and economic exploitation due to their pervasive illiteracy and ignorance.

- In the light of clear instructions of Secretary, Labour and Employment Department fresh initiatives should be taken to mobile and organize all freed bonded labourers and their able bodied adult family members who are earning wages into self help groups/thrift and credit groups, imparting vocational skill training programme to them and facilitating formation of a corpus (through contribution from their earnings) so that some of their emergent needs (including consumption, ceremonial and health care needs) could be met from such corpus without looking up to money lenders/other agencies.
  - A close watch should be kept by the district administration on the traditional practice of middlemen advancing credit to Sahariya families on the eve of the harvesting season and appropriating the produce from their land at unremunerative prices.
  - An institutional mechanism (like Forest Development Corporation) should be firmly in place so that members of Sahariya tribes who collect, process and dispose of minor forest produce are not cheated by way of (a) payment below the remunerative rates or rates lower than market rates (b) payment in kind instead of in cash (c) faulty weightment.
- The forest closures and scheme of JFM have yielded a number of positive results in terms of (a)

conservation of scarce forest resources getting scarcer day by day (b) high wage rate to labourers (c) sense of belonging (d) women's empowerment and (e) sustainable livelihood. The experiment should be made universal covering all the left over Sahariya families on the one hand and making them more responsible in terms of spending their hard earned wages for their own well being and that of their family members (including children instead of indulging in irresponsible expenditure like house warming, ceremonial needs associated with births and deaths etc.).

- The directions issued by the Chief Minister, Rajasthan in this direction are laudable and should be fully implemented.

### **Child Labour**

#### **Magnitude of the Problem:**

The number of working children which was 77,4199 in 1991 decennial Census has gone upto 12,62,570 in 2001 which is an increase of about 60%. The State Labour Department is yet to make an analysis as to why (a) the number of working children has gone up to this extent. (b) what is the break-up of this number between children employed in hazardous and non-hazardous work (c) what are the sectors in which the phenomenal increase in number of working children has taken place. This should be done at the earliest and the outcome of the analysis should be made public.

#### **Administrative infrastructure:**

Labour Department of the State Government is responsible for overall planning, implementation, monitoring and supervision of implementation of Child Labour (Prohibition and Regulation) Act. A State Level Child Labour Project Monitoring Committee has been constituted under Chairmanship of Labour Secretary. It meets twice a year.

- It has met so far on 27.1.2004, 16.9.2004, 21.4.2005, 23.4.2005, 7.5.2005, 17.10.2005, 8.2.2006 and 22.9.2006. Some of the important decisions taken in these meetings are:-
  - Selection of NGOs should be done with great care;
  - The same agency should not be engaged for conducting survey for identification of working children and for management of NCLP.
  - Teachers of special schools of NCLP should have a minimum qualification of Class X which may be relaxed for tribal areas.
  - The curriculum, course content and textual materials adopted for special schools should be the same as adopted for schools under the formal school system of education.
  - Examination for all students of Class V studying in Special schools should be conducted by District Education Officer (Primary Education). This will facilitate better mainstreaming of special school students in formal system of education.
  - Every student of a special school under the NCLP should be issued a health card. The health card should reflect the status of health of the child from time to time. As soon as it is made known that a student of special school is suffering from some disease/ailment steps should be taken to arrange his/her treatment with the help of the NGO managing the special school.
  - Training of teachers of special schools should be arranged with the help of a good and experienced NGO or with the help of DIET. The help of trainers available with Lok Jumbhis or Shikshya Karmis could also be enlisted.

- The list of all special schools being run within a district should be made available to all representatives of the people and the District Level Officers with the request that they should find time for visiting these schools in course of their field visits.
- Intensive campaigns should be launched to generate a critical awareness about the pernicious effects of child labour and educational deprivation (which go together) in the minds of all concerned.
- Since poverty is at the root of child labour, it is important that conditions are created through which all the poor households which push children to work are enabled and facilitated to avail of the benefits of anti poverty programmes. It was decided to send a list of parents/guardians of students studying in NCLP schools to the Department in charge of implementation of antipoverty programmes with a request to include them in the list of BPL families.
- As and when a survey for identification of working children is taken up in future, steps should be taken to simultaneously identify the names of their parents so that the same can be sent to the concerned Department for their inclusion in the BPL families.
- Close liaison and coordination should be established with the Technical Education Department or the Department which is in charge of Vocational skill training with a view to (a) selecting such trades/skills which are linked up with tradition and (b) bringing about qualitative improvement and change in the content and quality of vocational skill training programmes.

- Working children in 9-14 age group who are being released from work should be enrolled in the special schools on priority while working children in 5-8 age group should be enrolled in the formal schools straightaway.
- Working children belonging to SC or ST should on priority be admitted in the hostels being run by the Social Welfare Department or hostels being run by Tribal Welfare Department, as the case may be.
- The families of working children who have been released from work and who are studying in the Special Schools should be insured under the Janasree Insurance Scheme.
- The crafts made by children in the vocational skill training centers should be displayed in various industrial/craft exhibitions in the state, sold and sale proceeds credited to the welfare fund created for children. This could be a source of encouragement to all children.

In addition to children who are employed in hazardous occupations/processes, there is need to view the problem of identification, release and rehabilitation of all working children with empathy and sensitivity.

It has been stated in response to the questionnaire issued by the NHRC that the Labour Department works in close unison with Education, Rural Development and Panchayatiraj, Health, Social Welfare, Women and Child Development Department. This calls for serious reflection as the situation in Rajasthan is a matter of anxiety and special concern on all the following points concerning children and of relevance for children such as:-

- Only 22% of rural children aged 12-23 months received recommended vaccines;

- 44% of children under 3 years were underweight;
- 20% of children were too thin for their height and 34% were too short for their age (stunted);
- 65.7% of rural women were married before 18 years;
- 54.9% of married rural women in 15-49 age group and 60.1% of pregnant women were anaemic;
- the IMR in rural areas was 65 per 1000 live births;

These are the findings of the National Family Health Survey (Third round):-

- The findings recorded by the Annual Status of Education Report (ASER) which is a national sample survey and were released on 7<sup>th</sup> January, 2007 by an NGO called 'PRATHAM' are equally disquieting as far as enrolment, retention and achievement of minimum levels of learning are concerned. To quote from that report:-
  - Rajasthan recorded the highest percentage of out of school children in the country (10.82%);
  - Parents in Rajasthan are willing to spend more on sons than daughters;
  - 25.22% of children go to private schools;
  - More boys (31.1%) are enrolled in private school than girls (24.6%);
  - Only 58.28% of children in Standard I and II could read letters and words;

- 66.5% of children in Class I could recognize the alphabet (the performance was no better in Class II);
- Only 45.62% could recognize numbers;
- In standards 3 to 5 it was found that only 52.01% of children could read level one text;
- Only 47.51% of children could do subtraction;
- Only 71% of 5 year olds are enrolled in Primary Schools;
- The percentage of enrolment goes down to 36.1% with 6 year olds and to 14.8% for 7 year olds;
- 4.78% of the primary schools are single room schools;
- 40.1% of primary schools are managed by single teachers.

Further absence of a learning environment is conspicuous from the NSS 61<sup>st</sup> round which brings out the following distressing revelations:-

- 703 per 1000 rural households did not have any literate adult female and 326 had no literate adult;
- 783 of 1000 rural women reported that they were not literate;
- 853 out of 1000 rural males and 681 out of 1000 rural females children in 5-14 age group reported that they were attending an educational institution. This number drops to 510 (male) and 218 (female) in 15-19 age group;
- The central objective of highlighting these facts and figures from the reports of bodies of standing and repute was to establish the following:-

- Child labour and educational deprivation are coterminus;
  - It is futile to talk of elimination of child labour without talking of measures directed towards promotion, protection and preservation of children as the finest human resource;
  - Any such talk must rest on the following foundations:-
    - Holistic development of the most tender human resource;
    - Protection of their inalienable human rights;
    - Building a solid foundation of social justice and equity.
- Promoting, protecting and preserving the finest human resource is not the task or concern or responsibility of one department; all Ministries/Departments/Agencies must act in unison or tandem towards fulfilment of this most cherished objective.
- There is a clear inter-linkage between education for all, health, hygiene, sanitation and nutrition for all, eradication of poverty and child labour. To make this inter-linkage relevant and meaningful, the departments of education, health, women and child development, rural development and panchayatiraj and social welfare must think together, plan together and act together. The fact that there are so many negative indicators in terms of poor growth of children, malnutrition, IMR, enrolment, retention and minimum levels of learning from Class I to Class VII goes to show that as much co-ordination and combined action as possible and desirable amongst the departments may not be forthcoming.

- The overall situation in Rajasthan is a matter of anxiety and concern specifically on account of the following reasons:-

- Rajasthan has been the breeding ground of a number of new initiatives or innovations in education (Shikshya Karmi, Lok Jumbhis);
- There has been a fairly high investment in infrastructure in ICDS and SSA in recent years;
- It is home to a number of good, reliable, socially sensitive and committed NGOs working in the field of education and health.

A reflection on the basis of these dilemmas could be a good spring board to proceed further on the performance of Rajasthan on elimination of Child Labour and implementation of Child Labour (Prohibition & Regulation) Act which is the primary purpose of this review.

**Determination of the age of the child:**

Birth of all children is being registered by the GPs/Nagar Palikas, as the case may be, and the number of children so registered is of the following order:-

Children in 0-6 age group -	72 lakh
Children in 6-14 age group -	110.88 lakh

The State Government are required to notify a prescribed medical authority to adjudicate disputes, if any, arising between an Inspector and an occupier of an establishment as to the age of any child who is employed or is permitted by the occupier to work in an establishment and such adjudication/decision of the prescribed authority would be final and conclusive evidence of the age of the child.

No such notification could be produced for my perusal even though it was specifically asked for through the questionnaire. In the

wake of the judgement of the apex court in civil writ application No. 465 of 1986 M. C. Mehta Vs. State of Tamil Nadu and Others, several employers of establishments (in different parts of the country) where employment of children has been prohibited (including Rajasthan) either contested the employer employee relationship or the age of the children (saying that they were above 14) and therefore, questioned the applicability of the Act to their establishments. In such cases the disputes could be referred to the prescribed medical authority for adjudication and a decision. The State Government should, therefore, notify such an authority if not already done.

**Prohibition of employment of children:**

The State Government reported that on the basis of survey conducted recently by NCLPs children have been found to have been employed in the following prohibited category of occupations and processes:-

- Automobile workshops;
- Carpet weaving;
- Automobile repairs and maintenance;
- Gem cutting and polishing;
- Zari making;
- Rag picking.

Of these, one i.e. gem cutting and gem polishing which has been widely reported may be taken up for a detailed examination. Jaipur, the capital city of Rajasthan accounts for the production and processing of 95% of all coloured gemstones in India. Children work in operations relating to semi-precious stones, mainly in joining, pre-shaping and polishing. Girls and women are primarily involved in bead making and cutting the rough stones. There are widely varying estimates of the number of children employed in gem cutting and gem polishing industry of Jaipur. Gurupadswamy Committee report estimated the number to be 10,000 in 1979, Neera Burra had put it at 13,600 in 1987, Dr. Usha Naidu of the Tata Institute of Social Sciences, Bombay had put it at 15,000 in 1989 and Institute of Development Studies, Jaipur at 20,000 in 1990.

The following health hazards arise out of such employment of children:-

- Cutting, shaping or polishing the gemstone by holding it against a fast moving circulating disk often causes blisters or cuts in the fingers. If left untreated, there is every possibility of these wounds turning into gangrene;
- On account of sitting in a static position for 8 to 10 hours children develop pain in the back and stiffness in legs;
- Gazing at the gems for 8 to 10 hours a day for 10 to 15 years is likely to strain and even damage the eyes;
- The nature of work in the gem polishing industry for girls is extremely exacting. The processing of gem stones involves drilling holes in the small stones by hand or by machine cutting/polishing them.

Of major concern are the plight and predicament of girl children working in gem cutting and gem polishing in Jaipur city. Enquiries conducted in the past had revealed that at least 5000 girl children under 14 years of age were employed in the industry. According to the tenets of the religion to which they belonged which require them to be secluded from the outside world, most of the girls working in or for the industry work within their respective home. The average age of entry for girls is around eleven. Such children become victims of a double jeopardy. They work all day inside the house while at the same time they take care of siblings and discharge other household chores too.

The other jeopardy affecting lives of these girls is that they are mostly illiterate, are withdrawn from the school as soon as they reach puberty or are required to earn an income. They are forced to lead a secluded life devoid of any opportunity for social interaction. It is but natural that 8 to 16 hours of work which is both arduous, drudgerous and

hazardous without any social interaction will cripple the personality of such children and give them no opportunity to develop.

On 14.5.2005 a news item published in Tribune had raised the following issues:-

- Around 10,000 gem cutting and gem polishing units are in operation in the streets of old city of Jaipur.
- Children in the age group of 7 to 14 years are cutting, chiseling and polishing the ornaments in these units.
- The work environment is unclean and unhygienic without adequate lighting and ventilation.
- There are no prescribed working hours.
- The children are recruited from West Bengal by recruiting agents (brokers) to work in these units.
- The agents make a payment of advance ranging from Rs. 5000/- to Rs. 8000/- at the time of recruitment.
- The owner of the unit sends Rs. 500/- to Rs. 600/- to the parents of the children to lull them to a sense of complacency.

When the above news item was sent by NHRC to the State Government for their comments the State Labour Commissioner reported as under:-

- No working children have been found in factories.
- Children engaged in gem cutting and gem polishing operations mostly work along with other family members (of the entrepreneur).

- Such children do not come within the purview of Child Labour (Prohibition and Regulation) Act in view of Proviso to Section 3 of the Act.
- They hail from West Bengal and Bihar along with other members of their family; they take some accommodation on hire at the place of work.
- They cannot be treated as working in an establishment.
- Since they are migrant children, their families are not static; they keep on shifting from place to place.
- This is what makes enforcement of the laws applicable to them difficult.
- A survey was conducted to ascertain if migrant children from West Bengal are working under bonded conditions.
- It transpired in course of the survey that 16 persons were working at the residence of Shyamjee Singediya. They have hailed from Village Dewalpur of Howerah district and have been recruited by an agent called B. Kumar. Three of them appear to be below 16 years of age.
- The workers (including children) are paid Rs. 50/- per week. Additionally their food expenses are borne by the unit owner.
- In two other establishments (Uttam Maiti and SR Embroidery) no child below 14 years was found.
- It was found that labourers work for 12 hours a day and are paid Rs. 50/- per week.
- In all 78 establishments were surveyed. It is only in 2 establishments that 4 children were found.

- The unit-in-charge of the employer categorized them as members of their family and not as working children.

The response of the State Government was examined with reference to the Provisions of the Law. The response was found to be rather vague and halfhearted, revealed an incorrect understanding of the law and appeared to be a subterfuge to cloak the truth.

As directed by the Chairperson of the Commission, this was discussed with the State Labour Secretary, Labour Commissioner and other senior officials of the department during my visit to Jaipur from 7 PM to 8 PM on 31.1.2007 and again from 4 PM to 5 PM on 3.2.2007. The correct provision and interpretation of law were explained to them as under:-

“Proviso to Section 3 of Child Labour (Prohibition and Regulation) Act reads as under:-

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from Government”.

A proviso is intended to limit the enacted Provision so as to except something which would have otherwise been within it or some measure to modify the enacting clause.

There are a few expressions in the Proviso to Section 3 of Child Labour (Prohibition and Regulation) Act which need to be referred to for a correct understanding and interpretation of the Proviso. These are:-

- Process carried on in a workshop by the occupier;
- With the aid of the family (members);

- Any school established by or receiving assistance or recognition from Government.
- For our immediate purpose, the first two are relevant.
- In view of the clear reading of the first two expressions in the Proviso, the correct interpretation of the Proviso would be as under:-
  - Home of the entrepreneur is not a workshop;
  - Gem cutting and gem polishing is a hazardous occupation where employment of children has been prohibited by the Ministry of Labour in Part B of the Schedule to Child Labour (Prohibition and Regulation) Act (Item No. 25 of the list in Part B of the Schedule);
  - The nature of a hazardous occupation does not change merely because it is performed at home or in any part of the residential premises with the help of family members;
  - Migrant children cannot by any stretch of imagination be the members of the family of the entrepreneur or the Unit-Incharge. They are children of parents from West Bengal whereas the entrepreneur is a resident of Jaipur in Rajasthan.
- In other words, the workshop referred to in the proviso to Section 3 must be construed to mean that of the occupier as defined in Section 2 (vi) of Child Labour (Prohibition and Regulation) Act and the members have to be of the family of the occupier himself.
- This means that the members of the family of a person other than the occupier to whom the occupier for the purpose of manufacture has handed over the raw material to complete the process elsewhere including his own home to be returned to him cannot

be governed by the Proviso and cannot get protection under the Proviso.

- Minimum Wages Central Rules stipulate that children may work for 4 hours a day in the maximum and may receive 50% of the wages of the adult. If children are made to work for 12 hours and yet receive wages @ Rs. 50/- per week (even with food) this is a clear violation of the Minimum Wages Act. This is admitted by the State Government but no legal and penal action has been initiated against the defaulting employers. No formal claim has also been filed u/s 21 of the said Act for computation/adjudication and for making good the short payment which has been made.
- Acknowledging that a particular law is applicable to a particular establishment is one thing; expressing difficulties in enforcement of the law is quite another.
- The State Government should be clear and consistent in their understanding and approach with regard to both i.e. applicability and enforcement.
- Under children (pledging of Labour) Act, 1933 any agreement between parents/guardians and recruiting agents/contractors/principal employers under which the labour of a child/children is pledged/mortgaged shall be void.
- In regard to recruitment of children by recruiting agents on payment of some assurance money to their parents (between Rs. 500/- to Rs. 600/- per child) it becomes a clear case of violation of the Provisions of Children (Pledging of Labour) Act, 1933.
- Inter-State Migrant/Workmen (Regulation of Employment and Conditions of Service) Act provides for:-
  - Payment of journey allowance;
  - Payment of displacement allowance;

*Exploitation*

- Payment of wages during journey period;
  - Provision of residential accommodation;
  - Provision of health care and specialized treatment.
- 
- There is nothing to indicate that recruiting agents who have been recruiting children from West Bengal or Bihar and employing them in gem cutting and polishing units of Jaipur have complied with these Provisions of Law.
  - There is also nothing to indicate that (a) they have obtained licence from the State Labour Department prior to recruiting the children u/s 9 of Inter-State Migrant/Workmen (Regulation of Employment and Conditions of Service) Act and (b) if the Principal employer in Jaipur in Rajasthan has obtained registration certificate u/s 4 of the said Act without which they cannot employ these children in gem cutting and gem polishing operations.
  - Bonded Labour System (Abolition) Act defines 'bonded labour', 'bonded labourer' 'bonded debt' and 'bonded labour system' etc. Going by the broad, liberal and expansive interpretation given by the apex Court on 16.12.83 in Writ Petition No. 2135 of February, 82 filed by Bandhua Mukti Morcha, it is not necessary to (a) prove the element of loan/debt/advance beyond doubt and (b) any one of the four consequences u/s 2(g) would be sufficient to establish the incidence of bonded labour system.
  - In the present case where children are being recruited with payment of advance there is (a) creditor – debtor relationship (b) more than one of the 4 consequences u/s 2(g) of Bonded Labour System (Abolition) Act stand proven and, therefore, all the children/working in gem cutting and gem polishing units of Jaipur regardless of their origin would come within the definition of 'bonded labourer' as defined in Section 1(f) of Bonded Labour System (Abolition) Act. They need to be straightaway released and rehabilitated under the Provisions of the said Law.

- In view of such flagrant violation of the Provisions of (a) Child Labour (Prohibition and Regulation) Act (b) Minimum Wages Act (c) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (d) Children (Pledging of Labour) Act and (e) Bonded Labour System (Abolition) Act the following action is urgently called for:-

I Necessary legal and penal action should be launched against the offending employers under the relevant Provisions of these laws.

II Secretary, Labour, Government of Rajasthan should get in touch with his counterpart in West Bengal and Bihar to (a) ascertain the name of the village, Panchayat, P.S. etc. from where the children came (b) request the concerned State Government to depute an armed escort under the supervision of a senior officer of the Labour Department of the concerned State to escort the children back to their native states (c) bear the entire cost of repatriation (d) pay @ Rs. 20,000/- per child (as directed by the Supreme Court in Civil Writ Application No. 465 M.C. Mehta Vs. State of Tamil Nadu & Others) towards the cost of rehabilitation of all children and recover the amount from the offending employers later (c) the said amount should be deposited in a pass book to be opened in the native State of the children and the interest accruing thereon should be utilized towards education, nutrition, check up of health and vocational skill training programme for the children.

**Compliance with the 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:-**

- In pursuance of the directions of the apex Court the Labour Department of the State Government vide Notification No. 13(7) Labour Law/97 dated 2.4.97 has conferred the powers of an Inspector u/s 17 of Child Labour (Prohibition & Regulation) Act on the following:-
  - All Additional District Collectors;
  - All Sub Divisional Officers;
  - All Assistant Collectors and Magistrates;
  - All Tahasildars and Naib Tahasildars;
  - All Block Development Officers;
  - All Patwaris;
  - All Project Directors, DRDAs;
  - All Addl. Project Directors, DRDAs;
  - All Extension Officers in a Panchayat Samiti/Block;
  - All Municipal Commissioners;
  - All Executive Officer, Municipalities;
  - All Vice Chairmen, Jaipur Development Authority;
  - All District Education Officers/Dy. District Education Officers;
  - All Teachers (Gr. I, II & III);
  - All Enforcement Officials including Inspectors;
  - All Sales Tax Inspectors;

- All Gram Sevaks;
- All teachers in the schools under the control of Panchayat Samitis;
- District Industries Officer;
- All Inspectors under the Industries Department;
- All Revenue Inspectors;
- Chief Sanitary Inspector;
- All Sanitary Inspectors attached to Municipalities;
- All Statistical Assistants, Statistical Inspectors, Statisticians;
- All Junior Engineers, PH, Assistant Engineers, PH, Assistant Engineers, Irrigation Department, Assistant Engineers, Urban Development Department;
- All District Employment Officers, Assistant Employment Officers;
- All Junior Employment Officers;
- All Excise Superintendents/All Excise Inspectors;
- All Agriculture Extension Officers;
- All Women Supervisors of ICDS;
- All CDPOs under ICDS;
- All Land Records Inspectors;
- All Divisional Forest Officers;
- All Inspectors of Fisheries Department;
- All Inspectors of Endowment Department;
- All Inspectors, Weights and Measures;

- All Officers of Social Welfare Department;
- All Senior and Junior Mines Foremen;
- All Land Management Inspectors.

At the time of issue of notification it was intended that with the cooperation and support of officers of so many departments a very large number of inspections of all industrial, commercial and mining establishments would be conducted with a view to identifying working children and releasing them from work wherever it was found that they were employed in hazardous work which stands prohibited in Part 'A' and Part 'B' of the schedule. The intention was no doubt laudable but in actual practice it could not be translated to action. In the wake of the judgement of the apex Court dated 10.12.96 and according to the admission of the State Government a survey was conducted by engaging Patwaris, teachers, gram sevaks, inspectors of various enforcement departments and a total number of 8107 children at work were found of whom 3026 were in hazardous work and 5081 were in non hazardous work. This is much less than (a) the number of working children reported by the decennial Census of 2001 (b) the number of working children reported by the 55<sup>th</sup> round of survey conducted by NSSO (c) the number of working children reported on the basis of various other studies and surveys referred to earlier (Gunepadswamy Committee report, assessment made Ms. Neera Burra in her book 'Born to Work (187)', Dr. Usha Naidu of Tata Institute of Social Sciences, Bombay, Institute of Development Studies, Jaipur). Obviously the survey was not conducted with as much urgency, Professionalism and seriousness of concern as expected and with an eye for truth. It was not clear from the response to the questionnaire circulated if any orientation and training was provided to the teams of surveyors prior to their

proceeding to conduct the survey. It was also not clear if a participative and communicative methodology was adopted for the survey which could have elicited a much better response from the target groups and made the survey far more result oriented.

In response to a question as to whether all children withdrawn from hazardous work (3026) have been enrolled into the educational institutions under the formal school system my attention was drawn to a circular letter No. 20/18/Education/6196 dated 15.1.98. The circular letter in question has been issued by Education Department to Labour Department and contains the following points:-

- The Director, Primary Education has been instructed, in turn, to instruct all the District Primary Education Officers to attach highest priority to the education of all children who have been identified through the survey and withdrawn from hazardous work.
- The list of such children should be obtained from the officers of Labour Department (which was the Nodal Department for conducting the survey).
- The entire process of enrolment should be completed and reported by 31.1.97.
- Reference has been invited to the proceedings of the Conference of all District Primary Education Officers held at Bikaner on 23.12.97 where detailed guidelines, formats for admission of all working children released from work were discussed and finalized.
- These guidelines were to be acted upon by all District Education Officers/ Senior Dy. Education Officer, Primary Education.
- While the above circular letter has been issued with a lot of good intentions in actual practice the number of children out of the children released from hazardous work who have been admitted

to formal schools could not be confirmed. The correct course of action which should have been adopted is as under:-

- Functionaries of Labour Department who were in charge of the survey should have compiled and handed over the list containing names of working children identified in course of survey and withdrawn from hazardous work to the Director, Elementary Education for necessary action;
  - The Director, Elementary Education should in turn have circulated the list containing names to concerned Dy. Director/Circle Inspector/District Inspector for necessary action.
  - The latter should have spotted these children area-wise and arranged their admission into different classes depending on the equivalence of merit possessed by the student;
  - All Head Masters/other Teachers should have been told (a) about the direction of the Supreme Court (b) different working children have different forms of equivalence which need to be clearly ascertained (c) the admission should be provided to the students with an eye on merit, stage of equivalence of the student and (d) problems of absorption/assimilation by the students should be thoroughly discussed and ways and means should be found to facilitate the process.
- According to the directions of the apex Court a sum of Rs. 20000/- should have been collected per child employed in hazardous work from the offending employer concerned. At this rate Rs. 6,05,20,000/- should have been collected from the offending employers in relation to 3026 children who, in course of the survey were found to have been employed in hazardous work. As

against this a meager amount of Rs. 9,42,000/- has been collected from all the offending employers which is hardly 1.5% of the recoverable amount. No reasons are forthcoming for collection of such a small amount against a direction given by the apex Court.

- Further, according to the directions of the apex Court the State Government should have provided a job to every able bodied adult member of a family failing which the State Government was liable to pay a sum of Rs. 5000/- per child. This together with the penal amount @ Rs. 20,000/- per child should have been credited into a child Labour Welfare-cum-Rehabilitation Fund.
- The State Government have reported that 99 adult parents were given alternative employment while 124 adult parents were already found in employment bringing the total to 223.
- At the rate of Rs. 5000/- per child a sum of Rs. 140.15 lakh (for 2803 children has been deposited by the State Government into the District Child Labour Welfare-cum-Rehabilitation Fund. The State Government, however, is silent about deposit of Rs. 9,42,000/- into the said fund.
- As majority of working children identified in course of the survey have crossed the age of 14 years the State Government has sought guidance from the Ministry of Labour.
- The central objective of constitution of District Child Labour Welfare-cum-Rehabilitation Fund was to create a corpus by investing the amount in high yielding deposits so that the interest earned thereon could be utilized for the welfare of poor parents and children. Even if the children has crossed 14 years it is still open for the authorities to utilize the interest (leaving the Principal intact) for their higher education. In other words, the amount earned as interest could act as an incentive for higher education

of children. There is, therefore, no need to wait for a formal clarification from the Ministry of Labour on account of the following reasons:-

- The Child Labour Welfare-cum-Rehabilitation Fund is meant for the welfare of children;
  - The children would not remain children of 14 years of age for all time;
  - They would grow and be in need of higher education;
  - The central objective would be fulfilled (and not violated) if the amount (by way of interest earned on the deposits) is spent on the higher education of their children.
- With a view to providing a momentum to a more stringent and deterrent enforcement of the provisions of Child Labour (Prohibition & Regulation) Act the apex Court had directed that all officers of Labour Law enforcement machinery in a particular district should be made accountable to the DM of the district and should receive necessary directions from him/her from time to time. The following tables give an idea of the number of inspections conducted between 1986 to 2006:-

**Table-I**

**Number of Inspections between 1986 to 2006**

Total number of inspections conducted in 20 years - **38912**

The break-up of these inspections during the last 5 years:-

2002-2003	6019
2003-2004	2893
2004-2005	2832
2005-2006	3350
2006-2007 (upto January, 2007)	3007

The above would indicate that inspections are not performed according to the number of establishments employing children and according to a scale. There is no satisfactory clue to the widely varying number of inspections from year to year (except 2003-2004 and 2004-2005).

As against varying number of inspections only 1702 prosecutions have been filed so far. Of these 1442 have been disposed off leaving 260 pending in different Courts. Year-wise break up of the prosecutions filed against inspections conducted is not available. The rate of conviction is poor and a paltry sum of Rs. 4,83,432/- only has been recovered towards fine in 1284 cases, the rest having ended in acquittal. These figures would go to show that most of the offending employers would prefer to pay a paltry fine and escape with impunity. The entire process of enforcement of the law on elimination of Child Labour needs a thorough review.

#### **National Child Labour Projects:**

- So far the Ministry of Labour, Government of India have sanctioned 23 NCLPs for 23 (out of 32) districts of Rajasthan. Out of 1019 sanctioned schools only 856 are functioning and the rest are in the process of being opened.
- The Labour Department officials could not indicate the precise number of working children who have been enrolled into these 856 special schools. This shows that the system of monitoring is not in place.
- The NCLP was conceptualized and launched in May, 1988 as an integral part of National Policy on elimination of Child Labour in August, 1987. Starting with a modest headstart of 12 Projects the number has gone up to 250 by the end of the Tenth Five Year Plan and will go up to 600 in the beginning of the Eleventh Plan. This would mean that every district of India will have at least one NCLP and additional number may be sanctioned in future

depending on need. The basic objective of these Projects is to plan for a holistic and integrated rehabilitation of children who have been released from work – physical, economic and psychological through a package approach i.e. access to education, access to nutrition, access to vocational skill training, check up of health at regular intervals and provisions of health care needs. The basic difference between the formal system of education through lower and upper primary schooling and the system of education provided through the special schools is as under:-

- Five years schooling (Class I to Class V) obtaining in the formal system has been compressed into 3 years, the third year being primarily devoted to vocational skill training;
- Entire teaching learning process is in a non formal mode;
- Unlike in the formal system where the approach is top down and supervision hierarchical (Director, CI and DI of schools) in special schools which are mostly being managed through NGOs there is a large measure of flexibility in terms of curriculum, course content, textual materials, methodology of teaching and learning etc. This flexibility has been possible through a projectized approach with a Project Advisory Committee under the Chairmanship of Collector and DM which takes all decisions regarding (a) location of the school (b) selection of teachers (c) training of teachers (d) procurement of teaching learning aids (e) evaluation of the content, quality and impact of teaching learning process and (f) adoption of measures for mid course correction on the basis of findings of evaluation studies.
- The projectized approach also emphasizes involvement of the community in the entire teaching learning process.

- Due to hiring of private accommodation, payment of honorarium to teachers (including craft teacher), social workers, medical officers who visit the special schools for check up of health (20 schools for one medical officer), mid day meal and cost of raw materials for vocational skill training the per capita learner's cost is more than double the cost of learning in the formal system of education.

Placed below is a summary of the impressions and observations emanating from a visit to a few Special Schools under the NCLPs in Tonk and Jaipur districts:-

**Tonk (3.2.2007 between 10 AM to 11.30 AM)**

- The Project was launched on 17.8.1999.
- All 20 schools are being run by the Project with 60 teachers and 1000 children of which 612 have, on successful completion of the 3 year cycle, been mainstreamed into the formal system of education.
- The Project has broadly conformed to the objective of NCLP and the strategy of managing the special schools under the NCLP.
- The broad strategy may be further sub divided into the following sub strategies:-
  - Situational analysis of child labour;
  - Awareness generation;
  - Social mobilization;
  - Encouraging community participation;
  - Facilitating dialogue among different sections of the population i.e. teachers, employers, women groups, youth groups, elected representatives of Public Relation Institutions, government functionaries, community organizations on the issue of elimination of child labour;

- Releasing children from work;
  - Skill development;
  - Motivating children released from work to get enrolled in special schools;
  - Enrolling children in special schools;
  - Monitoring functioning of special schools;
  - Mainstreaming children into the formal school system;
  - Creating a climate which will be conducive to prevention and elimination of child labour.
- The Project Advisory Committee under Chairmanship of Collector/DM has been properly constituted.
  - Children have been withdrawn mostly from the following occupations and processes such as:-
    - Carpet weaving;
    - Beedi rolling, labelling and packaging;
    - Gemstone polishing;

The children who were employed in these industries/occupations/processes were victims of :-

- Sneezing;
  - Recurring chest congestion;
  - Cold and cough;
  - Bronchitis;
  - Eosinophilia;
  - T.B.
- In planning and executing the special schools under the NCLP, convergence of different departments and activities of those departments has been the keynote. Measures for such convergence may be explained in the following manner:-

- Monthly health check up is being conducted by Rotary Club and Principal Medical Officer in Tonk City, in Special Schools set up in rural areas, it is taken care of by the normal school health programme;
  - Free text books have been made available by the Education Department to 700 children enrolled in NCLP schools;
  - 65 SHGs have been formed among the families of working children; 4 SHGs have received a loan of Rs. 63000/- from a rural bank;
  - 4 families (BPL) of working children have received benefits of residential accommodation under Indira Awas Yojana;
  - Teachers/instructors have been imparted training by an NGO called Lok Rang, Jaipur funded by UNICEF;
  - Fifth Board Examination was conducted by DIET;
  - Action Research was conducted by DIET, Tonk.
- The following activities organized by the NCLP, Tonk are worthy of being mentioned:-
    - On 14.11.2006 i.e. Children's Day a jan chetna rally was organized in all NCLP schools with assistance from UNICEF;
    - In celebration of Children's Rights Day (20.11.2006), Independence and Republic day community involvement was ensured;
    - Parent Teacher's meeting during the year was a regular event;

- A workshop on elimination of Child Labour was organized on 22.11.2002 in which all administrative officers and police officials had participated.
- In a signature campaign held between 14<sup>th</sup> to 20<sup>th</sup> November, 2002, 10,000 people had taken the pledge.
- Majority of the 1000 children identified; released and enrolled in the Special Schools were employed in carpet weaving, followed by beedi making (208), durry making (140), mines and stone crushing (30), gem stones (52) and restaurant (48) making a total of 1000.
- Of the 1000 enrolled in 91 Schools, 453 children were males and 547 children were females.
- Despite so many initiatives the attendance of students in the Special Schools has been 78% and not 100% as is usually claimed. In other wards, there is no appreciable return on the investment made in the Special Schools (as absenteeism means a lot of waste).
- The performance of the district in the area of enforcement of law has not been very impressive as would be evident from the following sets of figures:-
  - Total number of cases registered - 140
  - Acquitted - 38
  - Imprisonment of 3 months - 1
  - Penalty of Rs. 10,000/- - 1
  - Pending in Courts - 100
- The following problems have been encountered during enforcement:-
  - Age of the child is invariably a major dispute;

- There is invariably a problem to get credible and independent evidence and substantiate employment of children in certain occupations and processes;
- There is generally no cooperation from the public (in both urban and rural areas);
- There is invariably dispute about real status of employees in carpet manufacturing.

There are a number of success stories emerging from the special schools under NCLP, Tonk. Some of these which have been documented are:-

**I Parveen:**

A beedi roller, she had lost her father (who died of T.B.) and was assisting her mother to eke out their livelihood by rolling beedis. It is her mother who was the primary source of motivation for her enrolment in one of the special schools under the NCLP. Once in the school she gave an excellent account of herself with 82.5% of marks in the examination conducted by DIET, Tonk. She is at present studying in a formal secondary school (Class VI). She is well versed in songs, embroidery and knitting and has become a model for the hamlet where she lives.

**II Rukhsaar Kalandar:**

Kalandar is a community of people who earn their livelihood by showing street play of monkey and bears live. They had to switch over to beedi rolling, carpet weaving, durry making etc. following restrictions imposed by protection of Wild Life Act. This is how Rukhsaar Kalandar's parents landed up being beedi rollers. Like Parveen, her parents were the primary source of motivation for her enrolment in a special school under the NCLP. She successfully completed the 3 year cycle in the special school securing 76% in the 5<sup>th</sup> Standard Board Examination. She is now pursuing her studies in 6<sup>th</sup> Standard and may turn out to be

first girl in the Kalandar community to pass secondary board examination.

**Impressions emanating from visit to a Special School in Tonk Town:**

- The special school meant for working children belonging to the minority community has been well planned in terms of accommodation (pucca structure), lighting, ventilation, selection of teachers, teaching learning aids etc.
- We need to display a number of charts, posters, pictures of freedom fighters, pictures of important national leaders, statements made by a few national leaders which are of interest and relevance to children at a tender, formative and impressionable stage of development on the wall to increase awareness and heighten critical consciousness of students.
- Attendance and punctuality in attendance are high water marks in the school.
- Proficiency in craft/skill training was encouraging.
- However, proficiency in taking down dictations with the normal speed, proficiency in mother tongue, arithmetic and social sciences, left much to be desired.
- The level of general awareness also needs to be heightened.
- A lot more emphasis needs to be put on drills and exercises at the end of every lesson, vigorous practice of lessons in the class as well as at home, the teacher continuously carrying out corrections of mistakes and exhorting the students to improve the pace of learning, quality of handwriting, accuracy and flawlessness in presentation, developing the strength, courage and confidence to respond to queries on any topic from any one etc. All these should form part of teachers training.

- The mid-day meal and snacks conformed to the tastes of students and norms of nutrition.
- One of the redeeming features of the NCLP, Tonk is an evaluation study conducted by District Educational Research Foundation (DERF), Tonk. The study has covered the ground level realities pertaining to management of the Special schools under NCLPs, a thorough analysis of socio-cultural background of the students being enrolled in the special schools, relevance of the curriculum, course content and teaching learning methodology, differences made by NGOs in introducing a new ethos and culture of management of special schools and interesting teaching learning outcomes. The suggestions and recommendations made by the evaluation agency are worthy of consideration.

#### **Jaipur (3.2.2007 2 PM to 4 PM)**

The NCLP, Jaipur was launched in July, 1988. According to a survey conducted with the help of NGOs between January – February, 2006 in Jaipur district involving 70 wards of the city and 13 Panchayat Samitis of the district 6098 children employed in hazardous work have been identified. On the strength of the findings of the survey and on the basis of recommendation of the State Government the Ministry of Labour have accorded sanction for opening 98 special schools which will function as the centers for rehabilitation of these children. Every such school will have 50 children each, the educational curriculum from Class I to Class V will be compressed into a 3 year cycle with the objective of imparting instructional lessons upto Class V and thereafter facilitate mainstreaming of these children into Class VI of the formal school system.

It was reported that 5218 children out of 6098 children identified have been brought within the ambit of the Project upto July, 2006. The children who have been enrolled in the special schools were employed in hazardous occupations and processes such as gem cutting and gem polishing, carpet weaving, automobile workshop, electrical appliances,

printing and dyeing, brick kilns, hotels, motels, dhabas, road side eateries/restaurants, domestic help. Of these, employment of children in the last 5 categories was prohibited by issue of a preliminary notification on 10<sup>th</sup> July and was made effective 3 months after i.e. 10.10.2006.

The magnitude of the problem is gigantic, resources (human, material and financial) are limited, time is short and expectations are too high. Despite these limitations and challenges the Government of Rajasthan, UNICEF, Rajasthan and the National Child Labour Project, Jaipur have combined to launch a Joint Child Labour Resistance and Public Awareness Programme between 14<sup>th</sup> to 20<sup>th</sup> November, 2006 according to the following Schedule:-

- 14.11.2006 - Cultural Programme
- 15.11.2006 - Games and Sports
- 16.11.2006 - Question Answer Session with boys and girls to arouse, refine and sharpen their critical awareness and consciousness
- 17.11.2006 - Staying of plays by working children
- 18.11.2006 - Debates, Seminars, Symposia, Colloquiums, painting and essay competitions through which empathy and sensitivity of boys and girls can be aroused.
- 20.11.2006 - making children dance, sing and play through Balmela.
- 14.11.2006 to 20.11.2006 - Nukkad natak, skits, simulation exercises through which an environment will be created which will be conducive to elimination of child labour.

**Impressions and observations emanating out of my visit to a couple of Special Schools in NCLP, Jaipur within Jaipur City:**

- Accommodation provided to the centers despite paucity of such accommodation in Jaipur city with good approach road, lighting and ventilation etc. was found to be good.
- Most of the students prior to their enrolment in the special school were working in gem cutting and polishing, carpet weaving, automobile workshop etc.
- The students as well as the teachers belong mostly to the minority community.
- The involvement of the leaders of the minority community with the programme is most encouraging.
- The implementation of the mid day meal programme is by and large satisfactory.
- The pace and progress of learning, however, leaves much to be desired.
- Children are slow to respond to dictation; they are equally deficient in terms of their skills to read and write.
- These deficiencies can be improved by rigorous drills and exercises. The teachers themselves need to make the students practise drills and exercises with a lot of urgency and seriousness of concern.
- The level of general awareness as also proficiency in arithmetic, mother tongue, social science and environment need improvement.
- Retraining of the teachers (as the first round of training appears to be deficient) coupled with vigorous drills and exercises could be one of the ways to improve the levels of proficiency as also of awareness.

Like NCLP, Tonk there are number of success stories in NCLP Jaipur which have been compiled and make a very encouraging reading. Some of these success stories have been recounted below:-

I **Shama (22)**

Daughter of Intezaar Hussain and Nafisa Begum she passed out from Special School, NCLP in 1989-91 and by dint of sheer hard work has already completed MA M.Phil. She is now working as a teacher in Vijay Senior Secondary School and is preparing for her Ph.D. When she was barely 6 years old her parents pushed Shama to work in gem cutting and gem polishing. She was earning a pittance of Rs. 25/- for making 100 garlands out of gems (an average earning of Rs. 5/- per day). She and her parents were persuaded by Sharif Bhai to join the special school and that unleashed a new wave in her life. She has struggled hard (in a family of 5 brothers and sisters) to have come up to this position in life.

II **Shabbiah Abbas:**

Son of Nihal Hussain Sahib, Shabbiah was born to a large family of 6 brothers and sisters and had to struggle hard in the prime of his life. He was pushed to work in a scooter repairing workshop when he was barely 9 years old. The work which was clearly hazardous adversely affected his eyesight. Inspired and motivated by Sharif Bhai (who made relentless efforts to persuade him and his parents to join the special school as also to correct his eye sight through use of glasses) he joined and passed out Class V from the special school in 1996. He was mainstreamed into the formal system of education and passed Class X from Rajkiya School at Moti Katla. He became computer literate by joining a computer training centre and is now working in a Class IV post in Life Insurance Corporation of India, Transport Nagar.

III **Nisha**

Daughter of Alimuddin Nisha was the eldest child in a family of 4 brothers and sisters. Her family had migrated from Agra to Jaipur. In

search of work for years her father settled down to work in an iron foundry while mother Parveen earned some livelihood for the family through stitching. She was pushed to work along with brother Irfan when she was barely 8 years old even though her earnings seldom exceeded Rs. 100/- per month.

Inspired and motivated by Sharif bhai and after a great deal of persuasion her parents allowed her to join the Special School under the NCLP. She successfully completed the 3 year cycle in the Special School and passed out Class V but was again forced to sit idle at home. After persuasion by the teachers of Rajkiya girls' Secondary School, Gangapol her mother got her admitted to Class VI of the said school. She passed out Class X from the said School and started working in a private hospital (Janata Hospital) at Char Darwaja. She continues to work there.

#### **IV Saheda Bano:**

This is true inspiring story of a girl who was pushed to work when she was barely 8-9 years old and who has now reached the post graduate level of education. Daughter of Basir Ahmed, Saheda worked for 2 to 3 years in gem cutting and polishing before she could join a special school where in addition to free text books and uniforms there was provision for mid day meal. She worked hard and did exceedingly well in the examinations at the end of Class V. She was enrolled in Class VI in a Government School and is now studying in the second year of Post Graduate Class. She is simultaneously teaching in a private school and the income sustains her family apart from meeting the cost of her education. She derives a lot of excitement and joy from the fact that she is able to teach other students. It is her earnest desire that other working children should take a leaf out of her life and should enter the world of education from the world of work.

## V Mumtaz

Daughter of Liaqat Ali Mumtaz was also pushed to the world of work when she was barely 7 years old. She was poor, did not have the energy for the type of gruelling manual labour she was subjected to. She nursed a secret desire to study by looking at boys and girls going to school in uniforms and with satchels but was constantly dissuaded by elders in the family that education is redundant for girls. It involved herculean efforts on the part of Sharif bhai to carry conviction to her parents through persuasion before she could be admitted to the Special school. Once in the school she set herself heart and soul to her lessons and always came out with flying colours (with first class). Today she is doing her 2<sup>nd</sup> year in a Post Graduate class and is also simultaneously teaching in a private school. She is happy beyond measure and so her family members. She is grateful to Sharif bhai that he alone facilitated her entry into the world of education and all the excitement and joy associated therewith.

These 5 stories which are real life stories would go to establish the supreme truth that it is incorrect to say that everything in life is lost and that all opportunities are lost. Everything in life is never lost and there is always scope for hope, correction and redemption. There are initial hurdles but with grit, courage and determination those hurdles can be crossed.

This axiom is important and relevant for Rajasthan which has remained for many years at the lowest rung of the educational ladder. The female literacy of Rajasthan has remained abysmally low and the low rate of literacy of girls and women in minority families in particular has been a source of anxiety and concern. A good beginning has been made through special schools of NCLP to push this higher but as the magnitude of the problem is mind boggling such initiatives need to be sustained and strengthened and a lot more remains to be done.

**A summary of observations, conclusions and suggestions:**

**Bonded Labour – elimination thereof:**

- The Sagri System (which is a variant/precursor of the bonded labour system) was abolished by the Act of 1961 which did not provide any alternative source of consumption loan or credit for ceremonial purpose and hence the system continued for many years even after this enactment at the State level.
- The study conducted by the Tribal Research Institute, Udaipur in 1965 had brought out several interesting aspects of the Sagri System.
- Forty one years later, it may be worthwhile and useful if the same Research Institute conducts a fresh study to find out if there are traces of the old Sagri system in any part of Rajasthan.
- Identification of bonded labour system is the primary responsibility of Vigilance Committees constituted u/s 13 of Bonded Labour System (Abolition) Act at the sub divisional and district level.
- The guidelines issued by the Special Schemes Organization and now reiterated by the Labour and Employment Department vide letter No. 1720-51 dated 4.2.2004 have completely ignored the role and responsibility of such Committees, the most important institutional statutory mechanism under the Bonded Labour System (Abolition) Act.
- Instead the task of conducting surveys for identification of Bonded Labour System has been entrusted to the lower echelons of Revenue, Panchayatiraj and Labour Departments who in the words of the Supreme Court generally lack social commitment and are in sympathy with the exploiting class.
- It would be appropriate if a set of fresh and comprehensive guidelines could be issued by the State Government entrusting

the Vigilance Committees with responsibilities related to identification of bonded labour system.

- The circular letters issued by the State Government on identification of bonded labour system are silent on the following:-
  - What should be the composition of the survey team?
  - What is the questionnaire needed to be addressed at the time of conducting the survey?
  - How the informations so elicited should be analysed and how to arrive at correct conclusions?
  - How the Vigilance Committee should place the gist of the survey report before the Executive Magistrate appointed u/s 21 of Bonded Labour System (Abolition) Act and vested with powers of a Judicial Magistrate?
  - How the said Magistrate should come to a conclusion that 'x' is a bonded labourer or not?
  - When and how the release certificate should be issued in favour of the person who is confirmed by the Magistrate as a bonded labourer?
  - What should be the format of the said release certificate?
  - Should there not be a Screening Committee at the district level to scrutinize all proposals of rehabilitation of freed bonded labourers?
  - How to ascertain the preferences, felt needs and genuine interests of freed bonded labourers before formulating a proposal for rehabilitation?
- Any system of attached agricultural labour does not per se become a bonded labour system. It becomes a bonded labour system when the following conditions are not fulfilled:-

- Minimum wages fixed and notified by the State Government are not paid;
  - There is denial of spread over, weekly off and payment for overtime work;
  - There is deduction of commission from the minimum wage for payment to middlemen;
  - The agricultural labourer does not have the freedom of movement as also the freedom to change the employer for any reason whatsoever (ill treatment, denial of statutory entitlements, non fulfillment of the terms of contract etc.) and go in for another alternative employment (where the terms of employment are more favourable).
- Any study of conditions leading to or pertaining to prevalence of bonded labour system becomes worthwhile and useful if a clear and conscious effort is made to establish a linkage between the following:-
    - Poverty;
    - Unemployment;
    - Under employment;
    - Hunger;
    - Malnutrition;
    - Minimum wage;
    - Purchasing power of the currency;
    - Quantity and quality of food grains available through the Public Distribution System;
    - Access to primary health and medical care;
    - Market price of commodities;

- Gap between income and expenditure;
  - Ways and means of bridging this gap.
- Most of the freed bonded labourers in Rajasthan had been rehabilitated in 1975-76. Many of them might be leading a life of penury and indigence and may be in need of a second dose of rehabilitation assistance. Some may have lapsed back to bondage. They have to be released from bondage and will have to be rehabilitated afresh. The State Government needs to undertake a thorough and accurate assessment of the following in regard to these persons:-
    - Extent of landlessness and assetlessness;
    - Sustainability of livelihood;
    - Adequacy of income/wage earned;
    - Gap between income and expenditure;
    - How the gap is being bridged?;
    - Is the gap being bridged by turning to moneylenders/malfunctional middlemen?;
    - Can it be met by mobilizing the debtors into thrift and credit groups or SHGs (reminiscent of what Prof. Mohammad Yunus achieved through Grameen Bank in Bangladesh)?;
    - If not, why not?;
    - Presence of social countervailing power;
    - How to pre-empt the possibility of future debt bondage.

### Child Labour

- The State Labour Department should make an analysis of the following:-

- Why the number of working children has gone up between the 2 decennial Censuses of 1991-2001?;
  - What is the break up of this number between children employed in hazardous and non-hazardous work?;
  - What are the sectors in which the phenomenal increase in the number of children has taken place?;
- The outcome of the analysis should be made public.
  - There are a number of disquieting findings of the following:
    - National Family Health Survey (Third round);
    - Annual Status of Education Report (ASER);
    - NSS 61<sup>st</sup> round of survey
  - These disquieting findings have relevance for the following:-
    - Children being born under weight;
    - Children being too thin for their height and too short for their age (stunted);
    - Average age of nuptiality being much lower than 18 which is the statutorily prescribed age for girls for marriage;
    - Pregnant women (60%) being anaemic;
    - Children being anaemic as also victims of malnutrition;
    - A very high IMR;
    - A very high MMR;
    - Preferential treatment for boys;
    - Low levels of enrolment and retention;

- Low levels of proficiency of both boys and girls in arithmetic, mother tongue and social services (including environment).
- The State Labour Department should not look at the issue of elimination of child labour in isolation but in close conjunction with the following:-
  - Educational deprivation, in particular of girls;
  - Promotion, protection and preservation of children as the finest human resource;
  - Holistic development of the most tender human resource;
  - Protection of their inalienable rights;
  - Building a solid foundation of social justice and equity;
  - Eradication of poverty, unemployment, under employment, malnutrition, hunger, starvation etc.
  - Health for all, hygiene, sanitation and nutrition for all.
- In the event of any dispute about age of a person (above or below the prescribed age of entry to the world of work) the decision of the prescribed medical authority is final. Such a prescribed medical authority is required to be notified by the State Government u/s 10 of Child Labour (Prohibition and Regulation) Act. They have not yet issued such a notification. What they have issued on 21.3.97 is a notification about the certifying surgeon u/s 10 (1) of the Factories Act. The functions of a certifying surgeon u/s 10(1) of the Factories Act are quite different and cannot be a substitute for the notification u/s 10 of Child Labour (Prohibition and Regulation) Act.
- Successive studies undertaken by a number of Committees and individuals (Gurupadaswamy Committee, Dr. Usha Naidu of TISS,

Mumbai and Ms. Neera Burra of UNDP) have projected a very large number of children being employed in gem cutting and gem polishing units of the old city of Jaipur, the impact of such employment of their health, psyche and total development. The State Labour Department should go through all these reports, conduct discrete and thorough surveys to identify such children, release them from work and make planned, coordinated, concerted and time bound efforts for their rehabilitation through education, nutrition, check up of health and vocational skill training. Wherever migrant children are concerned, they in consultation with Labour Department of the originating State should be dispatched to that State for their rehabilitation.

- The State Labour Department taking shelter under Proviso to Section 3 of Child Labour (Prohibition and Regulation) Act is misplaced. Proviso to Section 3 has a different connotation and interpretation. The stand of the State Government is not in order and should be reversed.
- The State Labour Department has not been able to do justice to the task of identification of working children through a proper survey. An organized and systematic approach which is also unorthodox and non conventional should be adopted to do justice to this task.
- There are a number of success stories of both boys and girls in terms of their motivation for education, continuance in education and pursuit of excellence in education. All such stories should be collected, compiled, printed and used for training of teachers of special schools as also disseminated widely to create the desired effect.

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**Annexure-I**

**Name of officers and others who attended the meeting held by Dr. L. Mishra, Special Rapporteur, NHRC on 1.2.2007 at the Collectorate Conference Hall, Bundi.**

<b>Sl. No.</b>	<b>Name of the Officer and Designation</b>
1.	Smt. Mugdha Sinha, District Collector, Bundi.
2.	Shri Pokhar Mal, SDM, Bundi.
3.	Shri Shyam Lot, SDM, Nainwa.
4.	Shri N.D. Datai, SDM, K. Patan.
5.	Shri Suresh Chandra, SDM, Hindoli.
6.	Asha Meena, Zila Parishad Candidate.
7.	Shri R.R. Meena, DFO, Bundi.
8.	Shri R.C. Meena, TDR, Nainwa.
9.	Dr. Gopal Meena, DD.A.H., Bundi.
10.	Shri Gajanand Gurjar/Adarsh, B.S. Barundhan.
11.	Shri Naveen Kumar Sharma, M.K.C. Sansthan Bundi.
12.	Shri Om Prakash Jain/Jagdamba Education, Uniara.
13.	Shri Vinay Kumar Jain/Development Officer, Hindoli.
14.	Shri Bajrang Lal Verma/D.E.O. K. Patan.
15.	Shri Shiv Shankar Sharma/IPES K. Patan.
16.	Shri A. Salim/Inspector Fact. & Boi, Bundi.
17.	Shri Rajnish Saini/Adani Vilmair Ltd., Bundi.
18.	Shri P.L. Meena/Mining Eng. I Bundi.

19.	Shri S.S. Souda/Ruchi Soa Ind. Ltd., Bundi.
20.	Shri Sanjay Vijay/Bungee India Ltd. Bundi.
21.	Shri Raghvendra Singh/Employee Officer, Bundi.
22.	Shri P.K. Goyai/T.ALMC CAD Bundi.
23.	Shri Dharmendra Kumar Jain/E.O. NP, Bundi.
24.	Shakuntala Chouhan/Shree Adarsh Mahila Vikas Samiti, Kota.
25.	Shri Pankaj Sharma, Koshish Kota.
26.	Shri Hmidul Haq, District Literacy & Cont. Education Officer, Bundi.
27.	Shri Sukhveer Singh Chouhan, AEN & TA Water Resource, Bundi.
28.	Shri Chaturbuj Mahavar, DEO (Sec.), Bundi.
29.	Shri G.S. Trivedi, GMDTC.
30.	Ms. Geeta Arya, Principle Girls School, Bundi.
31.	Shri S.Z. Shahid, TO, Bundi.
32.	Shri N.C. Saxena, AXEN Engg. Water Resources Division, Bundi.
33.	Shri Ghanshyam Verma, PRO, Bundi.
34.	Shri Parkash Sharma, LWO Bundi.
35.	Anjana Dixit, Joint Labour Commissioner, Kota.
36.	Shri S.S. Panwar, ADM, Bundi.
37.	Ms. Rekha Sharma, Little Angle School, Bundi.
38.	Dr. B.L. Meena, CM & HO, Bundi.
39.	Shri Gajendra Singh Shaikhawat, OA ICDS Bundi.
40.	Shri Gopal Verma, Labour Inspector, Bundi.

41.	Shri M.M.K. Vyas, Labour Inspector, Kota.
42.	Shri Devendra Kumar Sharma, Naib Tehsildar Bundi.
43.	Shri Yougendra Jain, Sathi Sanstha Jaipur.
44.	Ms. Ekta Jain, Shree Jan Seva Samiti, Jhalawar.
45.	Shri Hariram Mahan, DEO (ELe.), Bundi.
46.	Shri Radheyshyam Ladha, ADPC DPEP, Bundi.
47.	Shri Arvind Sharma, Chetna Sansthan Tonk.
48.	Shri Devi Shankar Sharma, Addl. Fish Development Officer, Bundi.
49.	Ms. Gayitri Nama, Mahila Udhog Samiti, Baran.
50.	Maya Gurjar, Manav & Paryavaran Sansthan, Bundi.
51.	Dr. O.P. Verma, PMO, Bundi.
52.	Shri S.R. Meena, PS Talera.

**Annexure-II**

**Name of Officers who participated in the meeting of Dr. L. Mishra, Special Rapporteur, NHRC, New Delhi on 31.1.2007 at 3.00 PM at Conference Hall, Secretariat, Jaipur.**

S.No.	Names of the Officers	Designation	Department
1.	Shri Ashok Sampatram	Principal Secretary	Industries
2.	Shri Subash Garg	Secretary	Finance
3.	Shri Giriraj Singh	Secretary	Rajasthan SHRC
4.	Shri Umrao Salodia	Principal Secretary	Tribal Area Development.
5.	Shri S.R. Meena	Secretary, Labour.	Labour
6.	Shri S.M. Meena	Commissioner	Labour Department.
7.	Shri S.C. Derasri	Director	Social Welfare.
8.	Ms. Shamim Akhtar	Addl. Director	Women & Child Development.
9.	Shri H.S. Meena	Dy. Secretary	Elementary Education.
10.	Shri Pradeep Jha	ALC, Tonk	Labour.
11.	Shri Patanjali Bhu	DLC(Law)	Labour.
12.	Shri D.P. Kanoongo	Dy. Secretary	Man Power Planning.
13.	Shri C.P. Gaur	Dy. Secretary	Rural Development Department.
14.	Shri K.P. Yadav	D.L.C.	Labour
15.	Shri Rajendra Sharma	A.L.C.	Labour
16.	Shri G.P. Kukrati	D.L.C.	Labour
17.	Shri R.P. Jangid	LWO-Hanumangarh	Labour
18.	Shri Santosh P. Sharma	A.L.C. Kota	Labour

19.	Shri C.B.S. Rathore	Jt. Labour Commissioner (IR)	Labour
20.	Shri V.K. Sharma	Jt. L.C. Alwar	Labour
21.	Shri Umakant Ojha	Dy. Director, Elementary Education, JPR.	Education
22.	Shri R.S. Sharma	Jt. L.C. Udaipur	Labour
23.	Shri R. Thanvi	Jt. L.C. Jodhpur	Labour
24.	Shri Satyavratha Sharma	Jt. L.C. Jaipur	Labour
25.	Shri Ram Prakash Pareek	Jt. L.C. Ajmer	Labour
26.	Smt. Anjana Dixit	Jt. L.C. Kota	Labour
27.	Shri Chaman Lal Meena	Jt. L.C. Bikaner	Labour
28.	Shri Bajrang Lal	Addl. L.C.	Labour
29.	Shri T.L. Meena	IG Human Rights (DG)	Police
30.	Shri Ram Meena	Dy. Secretary	Panchayatiraj
31.	Shri Anandi Lal Sharma	Dy. Secretary	Home
32.	Dr. B.K. Mathur	Jt. Director	Medical
33.	Shri L.L. Arya	Chief Inspector, Factory & Boilers.	Factory & Boiler.
34.	Shri R.K. Meena	Asstt. Secretary Cooperation.	Cooperation Deptt.
35.	Shri P.L. Verma	Addl. Registrar	Cooperation Deptt.
36.	Shri Gopal Lal	Asstt. Director	Agriculture
37.	Shri Sanjeev Saxena	Dy. Director	Industries Department
38.	Shri Jeevraj Singh	Asstt. Labour Commissioner, P.D. NCLP	Labour
39.	Shri Kishan Lal	Distt. Ind. Officer	Industries

40.	Shri M.K. Sharma	Labour Welfare Officer	Labour
41.	Shri R.K. Tanwar	P.R.O.	Labour
42.	Shri B.L. Sakanwal	Asstt. Lab. Comm (IR)	Labour
43.	Shri H.S. Sisodia	Lab. Wel. Officer	Labour
44.	Shri Sunil Mittal	Asstt. Lab. Comm. Banswara	Labour
45.	Shri Suresh Sharma	Asstt. Lab. Comm. Sikar	Labour
46.	Shri Krishna Chandra Sharma	Asstt. Director	Rajasthan Council of Elementary Education, Jaipur.
47.	Shri C.L. Sharma	Lab. Welfare Officer	Labour
48.	Shri B.C. Vyas	Lab. Welfare Officer, Dungarpur	Labour
49.	Shri Sajjan Singh Chauhan	DLC, Chittorgarh	Labour
50.	Shri O.P. Sarahan	Lab. Welfare Officer, Bharatpur	Labour
51.	Shri Diwakar Vyas	DLC, Bharatpur.	Labour
52.	Shri Praveen Verma	Lab. Inspector (HQ)	Labour
53.	Shri S.R. Rangi	DLC, Pali	Labour
54.	Shri Pramod K. Gupta	Lab. Inspector, Dholpur	Labour
55.	Shri R.S. Bhandari	LWO, Dausa/Dholpur.	Labour
56.	Shri Chand Tetarwal	DLC Bhilwara.	Labour
57.	Shri Mahendra Kumar Sharma	Project Director	NCLP Sriganganagar
58.	Shri S.P. Singh Tanwar	LWO Baran	Labour
59.	Shri Raghubir Singh Punia	Dy. L.C. Sriganganagar	Labour
60.	Shri Ram Babu Sharma	LWO, Alwar	Labour

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**Annexure-III**

**Name of Officers and others who participated in the meeting addressed by Dr. L. Mishra, Special Rapporteur, NHRC, New Delhi on 1.2.2007 at Tagore Hall, Collectorate, Kota.**

<b>S.No.</b>	<b>Names of the Officers</b>	<b>Designation</b>
1.	Shri Alok, IAS	District Collector, Kota.
2.	Shri Sanjay Agrawal, IPS	S.P. City, Kota.
3.	Shri M.K. Govil, IPS	SP (Rural), Kota.
4.	Shri Ambrish Kumar, IAS	SDO, Kota.
5.	Smt. Anjana Dixit	Joint Labour Commissioner, Kota.
6.	Shri Santosh Prasad Sharma	Assistant Labour Commissioner, Kota.
7.	Ms. Gayatri Vijay	Deputy Director, Secondary Education, Kota.
8.	Smt. Uma Divedi	DEO (Elementary), Kota.
9.	Dr. Shiv Ratan Singh Rathore	CMHO, Kota.
10.	Smt. Nafisa Aktar	Deputy Director, ICDS, Kota.
11.	Shri M.M. Pareek	District Industry Officer, Kota.
12.	Shri K.C. Sharma	DFO, Kota.
13.	Shri Praveen Mathur	Asstt. Director, Employment Department, Kota.
14.	Shri S.S. Barupal	Commissioner, Nagar Nigam, Kota.
15.	Shri B.D. Vrandani	Deputy Chief Inspector Factory & Boiler, Kota.
16.	Shri Harishankar	Inspector Factory & Boiler, Kota.
17.	Shri Shyam Lal Sukhwai	M.E. Mining Department, Kota.

18.	Dr. P.S. Nagar	Deputy Director Animal Husbandry, Kota.
19.	Dr. M.S. Mogra	District Fisheries Officer, Kota.
20.	Shri Ravindra Kumar	District Statistical Officer, Kota.
21.	Dr. Prabhat Kumar Singhal	Asstt. Director Information & Public Relation, Kota.
22.	Shri Anil Kumar Jamini	Agriculture Officer, O/o Dy. Director, Agriculture Ext., Kota.
23.	Shri Kanhaiya Lal Vijay	Addl. DEO (DEO Secondary), Kota.
24.	Shri Devdutt Yadav	Labour Inspector, Kota.
25.	Shri Sunil Sharma	Labour Inspector, Kota.
26.	Shri Tikam Chand Agrawal	Labour Inspector, Kota.
27.	Shri Manmohan Vyas	Labour Inspector, Kota.
28.	Shri Ajay Vyas	Labour Inspector, Kota.
29.	Smt. Sudha Sharma	Member, Distt. Level Bonded Labourer Vigilance Committee, Kota and Secretary, Utkarsh Sansthan, Kota.
30.	Shri Shivraj Meena	Member, Distt. Level Bonded Labourer Vigilance Committee, Kota.
31.	Shri Mukesh Galav	State General Secretary, HMS, Kota.
32.	Shri R.K. Swami	State Secretary, CITU, Kota.
33.	Shri Kastur Chand Yadav	INTUC
34.	Shri Avadesh Mishra	BMS
35.	Shri B.K. Rajawat	BMS
36.	Smt. Prasanna Bhandari	Sanyojika, Karani Nagar Vikas Sansthan, (NGO), Kota.
37.	Smt. Madhu Sharma	Deendayal Paramarsh Kendra Sampadan (NGO), Kota.

**Annexure-IV**

**Name of Officers who attended the meeting addressed by Dr. L. Mishra,  
Special Rapporteur, NHRC, Delhi at the Conference Hall of Collectorate at  
Baran at 10.30 AM on 02.02.2007.**

<b>S.No.</b>	<b>Names of the Officers</b>	<b>Designation</b>
1.	Shri Naveen Jain	District Collector, Baran.
2.	Shri Bhupendra Sahu	S.P., Baran.
3.	Smt. Anajana Dixit	JLC, Kota.
4.	Shri S.P. Sharma	Asstt. Labour Commissioner, Kota.
5.	Shri K.S. Meena	T.O., Baran.
6.	Shri D.C. Gupta	A.T.O., Baran.
7.	Shri Harbhan Meena	SDM, Atru.
8.	Shri R.C. Meena	SDM, Kishanganj.
9.	Shri Ramniwas Jat	SDM, Shahbad.
10.	Shri M.L. Verma	Tehsildar, Baran.
11.	Shri Balwant Singh	D.D. Agriculture, Baran.
12.	Shri M.P. Garg	G.M. DIC, Baran.
13.	Shri Shyam Singh	Dy. S.P., Baran.
14.	Shri Satyaveer Singh	Asstt. Registrar Co-operative, Baran.
15.	Shri J.P. Chawaria	D.D. Social Welfare Deptt., Baran.
16.	Dr. Prem Singh	RCHO, Baran.
17.	Shri Madhukant Dubey	D.D. Animal Husbandry, Baran.

18.	Shri Vimlesh Gupta	ACEO, Zila Parishad, Baran.
19.	Shri O.P. Mudgal	Addl. Distt. Project Coordinator, Serva Shiksha Abhiyan, Baran.
20.	Shri Gopal Lal Meena	PRO, Baran.
21.	Shri K.L. Arora	Manager, Central Bank of India, Baran.
22.	Shri K.L. Bairwa	CDPO, Baran.
23.	Shri G.L. Jain	DSSO, Baran.
24.	Shri R.D. Meena	DPM, DPIIP, Baran.
25.	Shri Pramod Meena	Member, Distt. Level Bonded Labourers (P&R) Committee, Baran.
26.	Shri Anil Jain	OAES (NGO), Baran.
27.	Shri Jagdish Panwar	President, Prerna Jan Kalyan Sansthan, Anta. (NGO)
28.	Shri B.L. Meena	NTDR, Chhabra.
29.	Shri R.N. Meena	N.T.
30.	Shri S.P. Singh Tanwar	LWO, Baran.
31.	Shri Amar Singh Khichi	Labour Inspector, Baran.