

2/10/2010

Review of measures taken by Government of Gujarat for elimination of bonded and child labour by Dr. Lakshmidhar Mishra, IAS (Retd.), Special Rapporteur, National Human Rights Commission from 18.8.2010 to 19.8.2010 at Ahmedabad, Gandhinagar and Mehsana districts

Structure of the visit and review:

I visited Gujarat State from 18th to 20th August, 2010 for an indepth review of (a) factors contributing to bonded labour system and child labour (b) extent to which these problems exist on the ground in Gujarat State (c) steps taken by the Government of Gujarat to minimize the incidence of these social evils with a view to eventually eliminating them (d) content, quality and impact of governmental and non governmental initiatives and programmes on liquidation of rural indebtedness, bondage and child servitude. It may be recalled that Gujarat is the only State in the country which in 80s created a unique institutional mechanism of Rural Labour Commissioner and Rural Labour Welfare Boards with a view to promoting the health, safety and well being of rural labour. These institutions owe their origin to the imagination, vision and unmistakable commitment of Shri Sanatbhai Mehta, the then Cabinet Minister Labour, Planning and Finance (1980-85). Mehtajee was also the architect of Mahatma Gandhi Institute of Labour Studies, an institution dedicated to action oriented research which over the last 3 decades since its institution has grown in stature and strength and has made seminal contribution to various aspects of action oriented research on labour in general and unorganized labour in particular.

Arriving at Ahmedabad by the early morning flight from Delhi I straight away entered into a wide range of consultations over 2 hours (8 AM to 10 AM) at Ahmedabad Circuit House with Incharge Labour Commissioner, Shri Khutrai, Addl. Labour Commissioner, Shri Parsh K. Vasavda, Rural Labour Commissioner – Shir K.R. Parmar and Project Directors of National Child Labour Projects. Prior to undertaking the visit and review, I had sent two separate questionnaires on bonded labour and child labour to the Principal Secretary, Labour, Employment and Training – Shri Varish Sinha with the request to hand over to me the responses in 2 separate sheets at the time of my arrival. A perusal of the response sheets and the consultations at the Circuit House helped to familiarize me with (a) the current labour scenario in Gujarat (b) incidence of bonded labour

system and child labour (c) incidence of migration and to what extent it contributed to social evils like bonded labour system and child labour.

Soon after the consultations I proceeded to visit 2 special schools under the National Child Labour Project (NCLP) in Ahmedabad City (detailed impressions emanating from this visit will follow).

After completing the round of visit to special schools I proceeded to Gandhinagar, capital of Gujarat reaching there around 2 PM. From 3 PM to 6 PM I made 2 detailed power point presentations on elimination of child labour and that of bonded labour system (in that order) to the Secretaries to Government, Labour, Employment and Training, Home, Education, Health, Rural and Urban Development, Women and Child Development, Agriculture, Animal Husbandry and Veterinary, Food and Civil Supplies, Panchayatiraj along with all senior officers of Labour and Employment Department. This was an honest and sincere effort to sensitize the senior officers (Secretary level) of Government whose physical and emotional involvement with programmes for elimination of bonded labour system, that of child labour and realization of guaranteed fundamental right to free and compulsory education for all children in 6-14 age group was crucial for their success. The presentation was also meant to create a critical awareness in their minds as to how occurrence and recurrence of these social evils can be preempted through planned, coordinated, concerted and sustained efforts. The presentation was followed by questions which I answered. The Senior Secretaries to Government also shared their thoughts, ideas and experiences on the theme of presentation and were appreciative of the content and quality of information shared through the presentation.

Reaching Mehsana Circuit House (65 kms from Ahmedabad) in the evening I interacted with Shri Ajay Bhadu, Collector and DM and Shri Rakesh, District Development Officer as to how (a) occurrence and recurrence of bonded labour system can be preempted through timely and hassleless access to a vibrant institutional mechanism for provision of micro-credit (b) occurrence and recurrence of child labour can be preempted through implementation of a programme like Sarva Shikshya Abhiyan for universal access to uninterrupted retention and vibrant participation in free and compulsory education which for all children in 6-14

age group is a constitutionally guaranteed fundamental human right and which after the legislative enactment in 2009 is sought to be enforced w.e.f. 1.4.2010. In consultation with them a programme of visit to Satlasana taluk was arranged where I could interact with (a) members of Sakhi Bachat Mandals (Self Help Groups) (b) Panchayat Pramukh and (c) other development functionaries at the taluka/block and GP level to see for myself how easy, uninterrupted and un-intimidated access to rural credit could put an end to rural indebtedness and how end of rural indebtedness could signal the end of bondage or bonded labour system. The details of interaction and its fall out have been dealt exhaustively in the subsequent paragraphs.

A profile of Gujarat State and its people:

Gujarat has a total geographical area of 1,96,024 sq. kms and a population of 50671017 with a medium density and medium rate of growth of population. It has a life expectation of 62.7 years at the time of birth which tapers down to 46.6 years for females and 42.7 years for males at the age of 30 years. The SC and ST comprise of 7.1% and 21.9% of the total population respectively. It has an average rate of literacy of 69% and the break up between male and female, urban and rural areas is as under:-

Rate of Literacy in Gujarat

Urban	-	Male – 90 Female – 75	Average 83
Rural	-	Male – 76 Female – 49	Average 63
Overall	-	Male – 80 Female – 58	Average 69

Gujarat has a good educational infrastructure through 17 Universities, 3 institutions deemed to be universities, 540 arts, science and commerce degree colleges, 5 oriental learning colleges, 3 agriculture colleges, 34 law colleges, 85 medical colleges, 4 veterinary science colleges, 85 teacher's training colleges, 29 engineering colleges, 20 other colleges, 3489 pre primary/ pre basic schools, 16,385 primary/junior basic schools, 22623 middle schools, 7718 high/higher secondary schools, 264 schools for vocational professionals, 52 schools for special education and a total of 50,532 educational institutions.

Most of the indicators which contribute directly or indirectly to promotion of access to and retention in free and compulsory education of children in 6-14 age group and thereby to a minimal incidence of child labour are found in Gujarat such as:-

- The infant mortality rate in 1000 live births in 2000 was 62 (much lower than national IMR) which has come down further.
- The number of pre primary, primary, middle and high schools is appreciable.
- The average number of teachers per school (all schools) is 6.1 and at primary schools is 3 against the national average of 4.5 and 3 respectively.
- The total enrolment ratio in Class I to V (6-11 years) is 113.38 and the same for Class VI to VIII (11-14 years) is 64.89, both of which are much higher than national average.
- The enrolment ratio for children belonging to SC and ST children is also higher than that of the national average as would be evident from the following:-

SC

6-11 years (Class I to V) -	99.33
11-14 years (Class VI to VIII) -	98.37

ST

6-11 years (Class I to V) -	102.81
11-14 years (Class VI to VIII) -	59.93

- The girl's enrolment in I to V in 2008-09 is 46.76 and in VI – VIII is 45.73; the girls parity index (enrolment) is 0.84.
- The average dropout rate in grade I to V in 2008-09 is 2.72 which is much lower than national average of 7.65.

- As against these, there are a few negative indicators which are matters of concern namely.
- The net enrolment ratio at primary level in 2008-09 is 86.03 which is lower than the national average of 98.59.
- According to the findings of the National Family Health Survey (2005-06) the extent of malnutrition among children below 3 years in Gujarat is as under:-

<u>Gujarat</u>	Stunted Children	Wasted Children	Underweight (PC)	Anaemic Children
	42	17	47	74.5

- PC of women married before 18 years – 40.7 which would contribute to large families, debilitation in the health of women and high PC of anaemic children.

Bonded Labour System in Gujarat – a historical perspective:

There are 2 research studies on the subject of prevalence of bonded labour system in Gujarat – one by Shri Rash Bihari Lal, a faculty member of Tribal Research and Training Institute, Gujarat Vidyapeeth, Ahmedabad in 1977 and the other by Prof. Jan Bremen, Faculty of Social Sciences, Erasmus University, Rotterdam in Netherlands in 60s and 70s. Under the first, a survey of 250 households of halapathis from 16 villages of Surat district was conducted in 1976 to ascertain if they were in servitude to any particular landlord and if so, what were the terms and conditions of their employment and service. The second one was also a study of relations between Anavil Brahmans, the principal landowners and Dublas, a set of tribal landless agricultural labourers who rendered certain services to their feudal masters under what is known as the hali system.

The large majority of the agricultural labourers in South Gujarat are Dublas (or Halapathis) as they came to be called later. Classified as a Scheduled Tribe in the colonial book keeping, the Dublas had been tied to high caste land owners such as Anavil Brahmans for many generations. They used to work as farm servants which included using the plough, which their employers, the absentee

landlords were ordinarily averse to. Although they were bonded, the Dublas were not marked as unclean. Both men and women performed household chores, releasing their masters from having to do such demeaning work themselves.

The characteristics of the 'halipratha' or the system of forced labour prevailing in South Gujarat in 60s and 70s emanating from these 2 studies are as under:-

- The Halpathis or Dublas who constituted 10.4 percent of the total tribal population in the State have been primarily landless agricultural labourers.
- For a petty long time they have been compelled to serve as serfs to the land owning non tribal peasantry in South Gujarat belonging to Anavil Brahmins, Pattidars and Parsi communities.
- A Halpathi under social and economic compulsions had to enter into debt of a master and in turn had to get attached to the master and his household till repayment of the debt.
- The debt, however, went on increasing and repayment was out of question during the lifetime of the Hali/Halpathi.
- Alike in his lifetime as also after his death the master could claim the services of the son of the Hali in case he was in need of more servants; if not, the adult son was left free to go into the service of another master.
- In the childhood the son had to serve the master as cowherd while his mother and sisters served as maid servants in the master's house.
- There were no fixed working hours. Although the Hali's job was essentially in the farm, he performed all types of odd jobs for the master from 4 AM till 10 PM when the master went to sleep.
- Prof. Bremen who stayed for months in the villages of South Gujarat to study the system in depth and interacted with both the master as well as the serf has summarized the situation obtaining then (50s, 60s and 70s) in the following words:-

'Attachment for an indeterminate period, severance of the relationship only in exceptional cases and often its prolongation into subsequent generations, work obligation for the servant's whole family and finally the non-specific and exchangeable nature of service were the chief elements of servitude in the past'.

As both Shri Lal and Bremen have concluded in their studies there has been a sea change now in the master serf relationship which obtained in 60s and 70s between the land owning and landless communities. Commercialization of agriculture and introduction of a contractual system of purchase and sale of labour resulted in replacement of the earlier firm and intimate bonds between the Halis and their masters (called Dhaniyamos) by a loose and impersonal relationship inherent in the contractual nature of relationships between the employers and farm labourers.

To quote Jan Bremen from his recently published work 'Out class labour in Asia progressive commercialization of agriculture and the transition to capitalist mode of production in this primary sector of the economy radically changed the nature of the relationship between the landlords and the landless. The disappearance of the patronage aspect in the interaction between farmers/land owners and the landless together with the farmer's decision to switch to crops that required less labour and above all less permanently employed labour meant that they were no longer interested in having attached servants. With the growing monetization of consumption, the landowning upper class of rural society realized that it was cheaper to replace a permanent workforce with casualized labour. The change took place over a long period from the end of the nineteenth to the middle of the twentieth century and was reflected in the gradual replacement of farm servants by daily wage workers. For their part there was increasing resistance among the halis against the state of bondage in which they were forced to live'.

The external forces at work were either the State, unwilling to condone any longer practice of unfree labour or civil society agencies and Gandhian activists in particular attempting in the late colonial era to uplift the Dublas. Mahatma Gandhi had himself tried to elevate their social standing by renaming them Halpatis i.e. lords of the plough to wipe out their plight as Dublas.

Government's announcement on 1.7.75 of the 20 point economic programme, 'review, revision and stringent enforcement of agricultural minimum wage, liquidation of rural indebtedness and holding debt bondage illegal, wherever it exists' being included as parts of 20 point economic programme, mobilization and organization of Halapathis into Halapi Seva Sangh, availability of better and alternative avenues of employment resulting in seasonal migration to brick yards of suburban Bombay are factors which contributed to depatronization of the relationships between the parties concerned and disappearance of the Hali system.

'Halipratha' which represents the traditional bonded labour system has disappeared only to be replaced by new forms (the nomenclature is not important) caused on account of migration into Gujarat. Such migration could be both skill related as well as distress related. The migration of cane cutters from Khandesh in Maharashtra to sugar fields of Gujarat or girls/women from Kerala to Veraval in the West Coast of Gujarat for fish processing are instances of skill related migration.

There should ordinarily be no occasion to feel concerned about skill related migration as (a) it guarantees freedom of movement for a free citizen of a free country to move from one part of the territory of India to another (b) it provides an outlet for those who have special skills to seek greener pastures outside their native habitat and improve thereby their economic status and (c) at the destination point it meets the specific requirement of employers for certain skills which they do not have easy access to otherwise. Thus skill related migration contributes to production and productivity as also prosperity of the enterprise. There may, however, be occasions to feel concerned even in contingencies of skill related migration if (a) despite being in possession of certain skills, the skill givers are not treated with the elementary dignity, decency and courtesy to which they are entitled (b) there is no remunerative price for labour and price for the products of labour. This is precisely what happened in 80s and 90s to the girls from Kerala coming to Veraval Coast to work. These girls and women are adept in the techniques of peeling the skin of fish, cleaning, grading and packaging before the processed fish could be transported to respective destinations for export. They are recruited by agents of contractors working for the deep freeze plants in the

Veraval Coast of Gujarat. In May, 1982 the sexual exploitation of Miss Mary, a girl from Kerala by a contractor who had recruited her and her subsequent death had sent shock waves across the nation, uproar in Gujarat Legislative Assembly and Parliament apart from receiving prominent coverage in the national and local press.

In 1997-98 a team of officials led by the then Labour Commissioner, Kerala – Mr. Mathew inspected the working and living conditions of these women workers from Kerala working in Veraval Coast and saw harrowing conditions of the women for themselves. The substance of the teams findings came to draw attention in a national seminar on informal sector held at Hyderabad in January, 1998. The findings were:-

- The provisions of the Factories Act, 1948, Contract Labour (Regulation and Abolition) Act, 1970 and Interstate migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979 are honoured only in the breach in all the fish processing units;
- Women workers who are recruited from Kerala and work in the fish processing units at Veraval work and live virtually under bonded conditions;
- They are confined in one of the sheds of the factory at night so that they cannot escape from the captivity of the contractor;
- Such sheds lack washing and bathing facilities, conservancy facilities, potable water, adequate lighting and ventilation;
- Long working hours, unclean, unhygienic and unsafe working environment, non payment of wages in time, illegal and unauthorized deduction of middlemen's commission from the wages of the workers, unilateral and arbitrary manner of adjusting advances extended to workers at the time of recruitment constitute the common refrain of the story of exploitation.

Plight and predicament of interstate migrant children in BT cotton in Gujarat:

The stories of distress related migration are many and deserve mention. Sabarkantha in North Gujarat is known for its black cotton soil and cultivation of cotton. In particular, cultivation of BT cotton during the last 5 years has gathered momentum in this area. A large number of migrant labourers from adjoining South Rajasthan including children and adolescents migrate to Sabarkantha to attend to a variety of operations in BT cotton. The districts from which they migrate are Sirohi, Udaipur, Dongarpur and Banswada which are predominantly tribal. The operations (and in particular the construction of bunds in the fields) begin in July – August and go upto October. The children and adolescents remain in the field for a period of full 3 months. It is estimated that during the last 5 years over 20,000 acres of land have come under cultivation of BT cotton and the productivity thereof has gone upto 250%. On an average 1500 mandays are needed for cultivation of BT cotton in one acre of land. In terms of absolute number over 4 lakh workers are needed for this work. The boys and girls are recruited by middlemen. On an average one mate recruits 20 to 50 children. The operations in the field begin in the early morning hours and go upto late evening hours. There is no spread over nor payment of any overtime in excess of 9 hours of work a day and 48 hours of work a week. The average wage is Rs. 40/- per day (all inclusive) of which there is deduction of commission of Rs. 5/- for payment to the recruiting agent. The operations include (a) preparation of bunds (b) plucking cotton flowers (c) opening up of flowers (d) spray of pesticides. The last one is extremely hazardous to the life and limb of children many of whom die every year on account of such hazardous operations which have been prohibited by law as far as employment of children is concerned. Additionally all these children turn out to be the worst victims of educational deprivation. The petals of childhood wither away before blossoming to flowers of youth and manhood.

Plight and predicament of adivasi migrant labour from Jhabua in M.P. working in the quartz crushing units in Central Gujarat:

This is yet another chilling story of exploitation of innocent and guileless migrant workers from predominantly tribal villages of Jhabua district to the quartz stone crushing units of Godhra in Central Gujarat. The following are the characteristics and consequences of such migration:-

Characteristics:

- The migration takes place between Diwali (November) and Holi (March) and between Holi and the rains.
- The Villages of Jhabua in South West Madhya Pradesh are dry and unirrigated and rainfed and the landscape may yield some crops like maize, sorghum and millets but insufficient to meet the full year's requirement.
- The Bhil and Bhilala adivasis who find it difficult to have a biological survival (not to speak of eking out a decent livelihood) for the whole year are left with no alternative except to migrate.
- The quartz crushing units of Central Gujarat (Godhra in Pranchmahal district) are located barely 40 Kms away from Jhabua border.
- They, therefore, provide the easiest temptation to these simple and guileless tribals to migrate to make both ends meet.
- Village after village in Jhabua empties out during the season for migration as mentioned above, leaving only the elderly and physically and orthopaedically challenged persons.
- Once at the destination point, they are denied of minimum wage, with long hours of work, without any residential accommodation, without provision of any health and medical care and no semblance of social security and protection of worker's rights.

Consequences of migration:

- The migrant experience has been soulfully summed up by a Bhilala migrant in the following words:-

"With the tin kept over our head
 The quilt clutched under an arm
 Wandering in Navsari, sleeping out in the cold
 Enduring fever and chills
 We earned some money by breaking our body and soul
 Who gets the money, who gets nothing.'

- In concrete terms the consequences of poverty induced or distress related migration are too pathetic to conjure up in words.
- They are:-
 - Silica dust was present in concentrations between 81 and 660 times higher than the threshold limit value;
 - Air pollution levels continue to be dangerous above what is safe for workers;
 - Most of the workers who inhale the silica dust turn out to be victims of silicosis – a chronic disease of the lungs that is caused by the inhalation of silica dust over a period of time;
 - Like HIV/AIDs, silicosis is a deadly killer; it is untreatable and incurable and the patient is bound to die any time between fifth to tenth year of his life or even earlier depending on the severity of the infection of the lungs. Life can be saved only if the lungs are transplanted.
- The employers remain invisible and unaccountable. It is the malfunctional and dysfunctional middlemen who keep vigil over the workers whose names do not appear on the Muster Rolls.
- Neither the Wage Register nor the Register of Advances nor the Register of overtime and weekly off is maintained.
- The workers are reduced virtually to the position of commodities without any identity.
- No compensation has ever been paid to the legal heirs of the workers who die on account of silicosis, a deadly occupational disease although such compensation is 100% payable under Workmen's Compensation Act.
- The owners are the legal offenders who evade and circumvent their statutory responsibility and yet escape with impunity.

- As Amita Baviskar from the Institute of Economic Growth writes in that brilliant piece published in Political and Economic Weekly of June, 21, 2008:-

'Payments to Labour Inspectors and pollution control board officials persuade them to look the other way; payments to politicians ensure that the interests of industrialists are protected and promoted. Political patronage and a complicit bureaucracy can help subvert even investigations by high powered committees when a team from the NHRC visited the factories in October, 2007, they found that most of the units have been locked and shut. Evidently the owners had been tipped off in advance about the investigation. Under these circumstances it is difficult for adivasis to expect any kind of protection or compensation'.

- the adivasi migrant workers lack awareness of their basic rights or they are too scared of asserting these rights as the risks of assertion are too severe.

The Bonded Labour System (Abolition) Act does not differentiate between an indigenous and migrant worker in the same sense as it does not differentiate between an adult, adolescent and a child. Anyone who incurs bonded debt and is a victim of either of the 4 consequences laid down in Section 2(g) of the Bonded Labour System (Abolition) Act is a victim of the bonded labour system and should be released forthwith from the captivity of the bonded labour keepers without ifs and buts.

Viewed in this perspective the children in BT cotton in Sabarkantha or the adivasi migrant labour in quartz crushing units of Central Gujarat do come 100% within the purview of Section 2(g) of Bonded Labour System (Abolition) Act for the following reasons:-

- they do not move to the destination point on their own but are recruited by recruiting agents (mukaddams) on payment of advances;

- once they arrive at the destination point, they do not have the freedom to move out; the mukaddams like hawks maintain a vice like grip over them;
- they do not receive statutorily notified minimum wages;
- they have no control over the price of labour or price of the product of labour;
- they work in groups on piece rates negotiated with mukaddams; very often cuts are effected from the wages for payment of commission to the middlemen;
- the process of adjustment of wages with advances is unilateral, arbitrary, unjust and unfair and is never explained to the workers who being ignorant and illiterate have no clue to the manner in which such adjustment takes place;

The survey conducted by Khedut Mazdoor Chetna Sangh (hence forth Sangath) and its Collaborator Shilpi Kendra in 2007 on the incidence of Silicosis in 21 Villages of Alirajpur Tahasil in Jhabua district has brought out the grisly spectre of death. According to the survey report 489 persons from 218 households were exposed to silica dust of varying intensity and duration. Of these 158 have already died and another 266 are ill with silicosis. In other words, a frighteningly high 86% are either dead or incurably ill. Of those affected, 92% are the primary wage earners of their family. Ninety four PC of deaths have occurred within 3 years of exposure to silica dust. Such deaths of primary bread earners for the family will trigger a process of rural indebtedness as in a dry, arid and drought prone pocket like Jhabua in the absence of land based employment or alternative avenues to land based employment the unemployed members of rural poor families have nothing to fall back upon and, therefore, are bound to look upto village money lender as their Maa – Baap or alternatively migrate to a death pit in the quartz crushing units of Central Gujarat.

Migration in pursuit of better employment, better wages and better quality of life is not objectionable. It becomes objectionable only when (a) it is distress migration (b) it takes place through recruiting agents with advances and a lot of

promises and allurements which are made but which are never kept (c) the workmen lack the capacity to negotiate better terms of employment and wages either individually or collectively (d) there is limited or no support in terms of legal aid in the event of denial of statutory entitlements necessitating recourse to litigation (e) language and court procedures at the destination point are alien to migrant workers. The solution lies in (a) registration of all these workers under NAREGA or NREGS (b) issue of job cards (c) provision of avenues of stable and durable employment (d) enforcement of minimum wage (e) establishing an effective link between earnings, howsoever meager and PDS (4) continuous monitoring of the extent to which BPL families are being enabled and facilitated to be lifted above poverty line and do not lapse back to poverty, indebtedness and bondage.

Plight and predicament of migrant workers (from Bihar, U.P. and Orissa) at the Alang Coast in ship breaking units:

The plight and predicament of workers engaged in ship breaking along the Alang Coast constitute yet another chilling story of inhuman exploitation of migrant labour working under conditions akin to bondage which baffles description.

If there is one industry in India which surpasses the terrifying brutality of life of the poor in early industrial England described inimitably by Charles Dickens, the outstanding English Novelist it is ship breaking. This deadly operation involves a physical confrontation between impoverished and anaemic men armed with primitive tools and the rotting carcasses of condemned ships, full of corroded and unstable steel plates, rust and heavy equipment all ready to collapse. By the time the workers have finished tearing up the ship, many will have broken their limbs, sustained burns and breathed inestimable quantities of asbestos dust, fumes of carcinogenic chemicals and gases like ammonia – all to earn Rs. 75/- a day.

Alang, on the Gujarat Coast is in the centre of this killing business. In financial turnover terms the trade can be measured as Rs. 3,000 Crores. In terms of damage to the life and limb of guileless workers and destruction of environment it may go upto tens of thousands of crores. Alang has made India world's biggest dumping ground for mercantile ships. It could soon turn into the globe's largest graveyard for discarded warships too as Praful Bidwai wrote in a scintillating piece

of 7th January, 2006 in Political and Economic Weekly. The saga of naked exploitation of migrant workers from U.P., Bihar, M.P. and Orissa and the enormous damage to their life and limb continued unabated for several yeas as also unnoticed. According to Supreme Court's order dated 14.10.03 the exporters of a ship must declare that the ship does not carry hazardous material. Before arriving at the Port it must have proper consent from the concerned authority (Gujarat Maritime Board).

These orders are being honoured only in the breach. There is no mechanism to monitor and supervise compliance of the Court's order. The health hazards are many. Asbestosis is a painful condition caused by inhalation of fine particles of asbestos largely used in ship building. Toxic materials like PCBs, lead, mercury and chromates endanger workers and environment alike. A number of documentaries and investigative reports have recorded the inhuman conditions in which the workers of Alang live and work, the accidents they encounter and the tragic end meted out to them while being on the job.

On 4.8.2009 (as reported by Political and Economic Weekly on 31.10.2009) 6 workers were charred to death in the engine room of a vessel they were dismantling at Alang. The Alang – Sosiya Ship Recycling and General Worker's Association charged that the employer had taken no precautions to ensure their safety.

The interstate migrant workers from U.P., Bihar, M.P. and Orissa who are landless and assetless and are desperate to earn some income for their biological survival ignore the risks to their health and lives and fear a loss of job with the turning back of every ship.

As Praful Bidwai puts it 'Alang represents the ultimate pathology of growth based on poisoning people and the environment with toxic junk coming from the West Alang must be scrapped. The only question to be asked is how to find a decent and dignified employment for 40,000 employed in ship breaking industry at Alang.'

As global recession gathers momentum old vessels are sold before they reach the end of their life span by crisis hit shipping companies unable to afford the cost of maintenance.

Over 200 ships arrived at Alang for dismantling in 2008-09 and the number may go upto 300 in 2009-10 only to heighten the endless misery and suffering of the migrant workers who are forced to work for a pittance at the cost of dignity, decency and beauty of their life – an eventual macabre tragedy.

How Gujarat State succeeded in putting an end to rural indebtedness and bondage by creating a culture of self reliance through Self Help Groups (SHGs) or Sakhimandals as they are called in Gujarati:

Concept, Strategy and Methodology:

Till date 1980s, there was a notion that the poor are fundamentally incapable of saving. Lending to the poor was generally perceived to be fraught with risks on account of low earnings, low savings, high consumption and inability to provide the desired collateral. Over a period of time there have been sea changes in the perception. On the first, the poor can save under certain enabling and facilitating conditions. These conditions can be created when lending institutions are properly structured, facilities are conveniently located and there are incentives to save. When the savings of the group increase and are democratically managed, the members acquire the confidence that they have the capability to save and also to manage their savings so as to optimally meet the genuine needs of the members.

Similarly when micro-finance is organized as a group activity (as it happened with Grameen Bank experiment of Nobel Laureate Prof. Mohammad Yunus of Bangladesh in late 80s) it generates a joint liability amongst the members of the group. They feel naturally and spontaneously that they can rise and sink together. They develop the strategy and methodology to participate in selection of members of a group by way of further mobilization, monitoring the flow and utilization of credit and eventual repayment of loans.

As the group starts consolidating its gains, it acquires strength as a saving and lending institution. Over a period of time such experiments in micro finance

reduce both dependence on money lenders and also the chances of indebtedness to money lenders.

A number of activities around the group can be promoted such as literacy and numeracy, community health and hygiene, food security and nutrition, immunization of pregnant mothers and children, imparting of life skills, survival skills, vocational skills, leadership skills, managerial, entrepreneurial and supervisory skills. There is a direct reciprocal and positive relationship between these improvements in the life conditions of the members and the strength of the group as a credit and finance management agency. The modalities for institutionalizing micro-credit are well established. These are:-

- target the poorest of the poor with women amongst adult members of a poor household as the priority target group;
- demarcate through a baseline survey a specific number of households for formation of Self Help Groups;
- promote and encourage building up of a group savings fund from the savings of the members of the group;
- build up a climate of trust, goodwill and solidarity among them;
- facilitate interest free loans from the fund for food, clothing, medical and other subsistence needs of the members of the group;
- enable the group members to determine the repayment schedule based on the capacity of each member to repay;
- facilitate loans for income generating activities (art/craft/skill related activities) to break the vicious cycle of 'low income, low savings and low investment';
- organize meetings of the group at convenient locations to spread the message of micro credit and to carry conviction to the clients on the principles of 'reliability, affordability and sustainability' of services;

- institutionalize training of members of the group as a tool of human resource development as well as a tool for unleashing the creative and productive capacity of the poor.

Redeeming features of Gujarat experiment of Sakshi Mandals (SHGs) and how the same has reduced dependence on money lenders, reduced rural indebtedness and promoted self reliance:

Gujarat Livelihood Promotion Company Ltd. (GLPC) was registered under the Companies Act, 1956 on 21st April, 2010 and is an implementing agency of Mission Mangalam. The Company was set up with the purpose of creating a common platform towards implementing livelihood programmes in the State of Gujarat. It seeks to eradicate poverty through concerted community action by bridging the gap between urban and rural poor, their external environment and the State at all levels. It is the body instrumental in facilitating the convergence, management and implementation of all rural livelihood programmes of the Central and State Government within the State. It would conduct the rural and urban livelihood programmes launched by the State Government and the NGOs to organize the poor into groups, strengthen the existing groups, assist in establishing bank linkages and linkage to micro finance services.

SGSY (Swarna Jayanti Gram Swarojgar Yojana), a Centrally Sponsored Scheme brings within its purview several livelihood schemes since 1999 such as Training of Rural Youth for Self Employment (TRYSEM), Development of Women and Children in Rural Areas (DWCRA), Supply of Improved Toolkits to Rural Artisans (SITRA) etc. SGSY attempts to lift BPL families above the poverty line by ensuring appreciable increase in income of households over a period of time.

The Sakshi Mandal Project aims at organizing the rural women into SHGs. This is essentially a group approach to development which provides larger coverage and reach for the livelihood schemes which are available for the rural poor. The programme looks at formation of women into groups through social mobilization, linking them to financial services through micro finance, promotion of human capital development, creating and enhancing livelihood options which will lead to empowerment of the group as well as that of individual members of the group.

The following activities are being taken up by Gujarat Livelihood Promotion Company or GLPC namely:-

I **Social Mobilization:**

It is envisaged that goals of poverty eradication will be met and the poor will be enabled to access, explore and enhance livelihood options through formation of new SHG groups. The credit linking of the existing groups will be strengthened. SHGs will be clustered under federations at taluka, district and State levels. These federations with enhanced collective bargaining power will help boost their market empowerment. SHGs will also be brought together as producer's groups to provide better coordination and forward and backward linkages from the stage of production to marketing.

II **Training and Capacity Building:**

This activity will be related to understanding the importance of thrift, maintenance of financial accounts and functions of the formal banking system. Training would also enable SHGs to enhance their innate skills as well as acquire new skills for higher income generating livelihood activities. Training would also enable them to have access to and better utilization of financial services which are extended to them.

III **Access to financial services:**

- the women of the household will have access to banking;
- payment i.e. minimum wage under MGNREGS, pensions payable to the elderly (60+) and other social security benefits will be made available through the formal banking system;
- transfer of cash will be facilitated from the migrant family members to their households – an arrangement which could not be thought of a few years ago;
- insurance policies on a group basis will be made available for health, life, crop, livestock and assets;

- small credits for consumption and emergency needs can be easily accessed by the people;
- members of the groups will be assisted to have easy access to credit for income generation activities.

According to the current status, by the end of the year 2010, 70% of the current SHGs will be credit linked and the remaining 30% will move to the second stage of financial accessibility according to their specific requirements.

IV Skill enhancement:

Skills will be imparted for both farm and non-farm activities for (a) higher productivity and (b) higher income generation.

Sakhi Mandals in action – Success stories:

1. Sakhimandal Yojana – Narmada supported by tribal Sub Plan Rajpipla 'Amul Parlour'.

Project Village: Gunetha

Block: Nanded

District: Narmada

Activity: Amul Parlour

Village Gunetha is situated at a distance of 32 kms in the West from Rajpipla and 12 kms from Kevadia Colony, the Sardar Sarovar Damsite. The people of the village subsist mostly on farming and animal husbandry.

During the year 2005 Watershed Hariyali was implemented in the village with the help of Self Help Groups. The Self Help Groups called Jay Bhathijee Mahila Bachat Juth with 13 members opened account in Baroda Gujarat Grameen Bank, Garudeswar with their own savings of Rs. 20,000/-. A revolving fund of Rs. 5000/- was also given to the Self Help Groups by the DRDA, Narmada (Rajpipla). Regular meetings of Self Help Groups were held and accounts were maintained upto date.

Due, however, to lack of exposure, lack of access to accurate, authentic and upto date information about income generating activities the Self Help Groups

failed to achieve the objective of incremental income generation. The women were, however, brave and enthusiastic and have kept the activities of Self Help Groups alive even though deposits and return on the investment were not appreciable.

In 2007, Sakhimandal Yojana was taken up by Government of Gujarat with a view to strengthening the Self Help Groups movement and strengthen the members of Self Help Groups economically. The scheme has linkage with different departments of Government. In Nanded Block, 4 SHGs were supported by Tribal Sub Plan, Rajpipla to run 'Amul Parlour' (milk products) and Jay Bhatijee Mahila Bachat Juth in Gunetha Village was selected for this activity. The members of the Self Help Groups had to invest Rs. 10,000/- from their own savings. Initially in taking up this venture, the group members had to encounter a lot of problems. The vehicle of Dudh Dhara Dairy distributing milk products would come at 4 AM. To sell milk at 'Amul Parlour' women have to leave their hearth and home at 3 AM. With singular determination they were able to sell 75 milk pouches and 50 curd milk pouches. In Summer, they started selling ice cream products. They started receiving wedding orders for parties/ceremonies. The volume of business increased and in 5 months time it had touched Rs. 75000/- with a profit of Rs. 22000/-. There was an increase of Rs. 1000/- to Rs. 1200/- in the average income of each member. The members of SHGs were socially, financially and economically strong and viable.

Success Story No. II

Name - Sarswati own Independent Group
 Village - Khakhariya
 District - Kheda Nadiad

Under the SGSY scheme, total 10 SC BPL members started Sarswati own Independent Group at Village Khakhriya. Government of Gujarat provided Rs. 10000/- towards revolving fund for their regular savings and internal credit. Out of 10 members 4 were rendering manual labour for making bricks. With a view to making bricks an economically vibrant group activity, they received a subsidy of Rs. 1.25 lakh under SGSY scheme and a loan of Rs. 1.25 lakh from the Bank of India. In the very first year of production, around 3 lakh bricks were sold and a

sum of Rs. 40,000/- credited in the bank towards repayment of the first instalment of loan. Excluding all expenses each brick maker and member of the Group received Rs. 13000/- as net income. During the current year (2009-10) it is estimated that 6 to 7 lakh bricks will be sold, all the loan instalments are going to be credited into the bank account and net incremental income per member of the group will be Rs. 15000/-. Thus the members of the group have got a fresh lease of life, are entirely on their own on a solid foundation of collective self reliance and with a new zest and joy of life.

Success Story No. III

Name of the Sakhimandal or Self Help Groups – Jai Dashama Sakhimandal

Village: Vejalpur

District: Kheda – Nadiad.

The Sakhimandal or Self Help Group was formed in the year 2008 with 10 members. Each member of the Group decided to save Rs. 30/- per month and put it in the corpus of the sakhi mandal. In 2 years a total saving of Rs. 11000/- had been put in the corpus. The members of the Group belonged to Thori caste who are traditionally engaged in the making of bamboo items. Before formation of the Self Help Group they were dependent on daily wages and individually they did not venture to start a small scale business of bamboo making. After formation of the Group they could think of doing so with their own saving and revolving fund of Rs. 5000/- received from Government. The products of the Self Help Group i.e. bamboo baskets and other items are being sold in nearby village and at the district level fairs yielding a net income of Rs. 2500/- to Rs. 3000/- per month. On account of this incremental income generation, the savings of the group have increased from Rs. 30/- to Rs. 50/- per month per member.

A few other success stories:

Visit to Satlasana taluk in Mehsana district (120 kms from Gandhinagar) on 19.8.2010 (forenoon), Mota Kotasaana and Nana Kotasaana Villages, interaction with Taluka Development Officer, BPL beneficiaries and members of Sakhimandals or bachat mandals (SHGs) was a refreshing and unforgettable experience. The following is the outcome of the interaction:-

- The Taluka Development Officer – Shri Jeswant Jagoda has been directly recruited as TDO and has successfully completed his probation before 6 months. He is the Secretary of the Local Block Panchayat who is responsible for all development works. There are 37 GPs under Satlasana block with 480 Sakhimandals (13 Sakhimandals per GP) which is a very impressive achievement.
- In each Sakhimandal there are 11 to 12 members. All members are women. The contribution made by each member ranges between Rs. 30/- to Rs. 50/- per month to the Savings Bank Account maintained by the Sakhimandal. The day to day genuine needs of the members and in particular expenses related to children's education and health care are being met from out of these savings.
- Every Sakhimandal is receiving Rs. 5000/- as revolving fund from Government. Besides, Grameen Banks are sanctioning a loan of Rs. 70,000/- in favour of each Sakhimandal with an interest rate of 8 to 9 PC per annum. The members of the Sakhimandal, however, are required to pay not more than 1 to 2 PC interest per month for the loans taken by them from the corpus of the Sakhimandal. This is what makes the loans from the corpus of the Sakhi Bachat mandal affordable and easily repayable too.
- Out of 480 Sakhimandals, 280 are about 2 years old and the rest are on the ground for about 6 months. All are functioning well and active.
- The Sakhimandals regularly meet once to twice a month. After Sakhimandals came into existence, no one in the 37 GPs is approaching the village money lender for loan/debt/advance. Thus Sakhimandals have contributed to reduction of rural indebtedness. End of rural indebtedness is the inevitable end of human bondage.
- Sakhimandals undertake a number of economic activities such as (a) rearing of milch cattle (b) making of agarbattis (c) making papad and pickle (d) animal husbandry related work. The members also prepare meals and snacks and sell them to customers in fairs and stalls. The fact that a

Gujarati woman is able to attend to such a wide variety of avocations at the same time goes to show how enterprising and hard working she is. Professionalism tinged with adventurism seems to be the keynote of her life.

- Vanita D. Desai, a bachelor of rural science and bachelor of education has been appointed as a Consultant by the Commissionerate of Rural Development under the Sakhimandal Scheme. She works as the Coordinator for Satlasana taluk or block panchayat with 37 GPs. She visits the Sakhimandals, attends their monthly meetings and supervises their work. On an average she covers by her own vehicle 20 to 25 villages in a month (one village per working day). She is young, energetic, mobile and has a flair for communication with the poor in rural areas in simple and bolchal Gujarati in a natural and spontaneous manner and is able to earn the confidence of the women folk.

A few success stories:

Ms. Isaben H. Rabari of Timba Village in Satlasana Block was a BPL beneficiary. She applied for a loan for procurement of a milch buffalo. The loan was sanctioned in time. She purchased one buffalo and from the sale proceeds of milk she paid back the entire loan. Again she applied for a second loan for purchase of a second buffalo, got the loan and from the sale proceeds of the milk she repaid the loan taken for purchase of the second buffalo. Thereafter, from out of the incremental income she purchased 2 more buffaloes from the open market without taking any loan from any bank. Today she is having 4 buffaloes and is getting sizeable income from the sale of milk (the average yield of milk per buffalo is 10 to 12 litres and one litre of milk sells for Rs. 27/-). She is completely on her own, a symbol of supreme self confidence, pride and self reliance who does not have to look upto anyone, far less to a money lender. It was a pleasure meeting and talking to her.

- At Satlasana I had a full understanding of the mechanism of collection of milk, sale of milk and procurement of cattle feed. There is a village level milk collection cooperative society which collects milk from each household. There is a foolproof and scientific mechanism for collection of milk and

crediting the payment to the seller's account. While collecting the milk, the village level cooperative society analyses the fat content of the milk and the payment is made on the basis of a scientific analysis of the fat content. The amount is credited in a separate account of the seller of milk every month. The amount is regularly paid back to the seller in cash against the daily deposit of milk in the local dairy. The village level milk cooperative society is also providing cattle feed at a subsidized rate. The amount of cattle feed supplied to each milch cattle owner is debited in the account of a particular person and at the end of every month the total amount of cattle feed is deducted from the total income accruing to them by sale of milk to the village cooperative society and its deposit in the local dairy.

- At Mota Kotasaana Village I had a free and frank interaction with members of 23 Sakhimandals between 11.30 AM to 1 PM on 19.8.2010 who had assembled near Ambajee temple. President and Secretary of the GP were present. The Rural Development Commissioner, Addl. Secretary, Labour and Employment and other senior officials of the department were also present. The interaction brought out a number of success stories centering round elimination of the system of money lending and rural indebtedness through the milk cooperative movement which are worthy of being mentioned here:-

I **Success story of Chauhan Sunbaya, Group Leader of Shiva Sulek Bachat Mandal:**

- Ms. Sunbaya was in 8th Standard when she lost her father. The family consists of 3 sisters, 2 brothers and mother. Prodded and goaded by her mother Ms. Sunbaya who had left her studies resumed them. She cleared her Secondary education examination (Class X), jointed the PTC with 86 PC marks. While studying for 12th Standard she joined as Gram Mitra at Mota Kotasaana Village at Rs. 1000/- per month as honorarium. She took the initiative to form Shakti Surya Sakhi Mandal with 12 members. Every member is crediting Rs. 50/- per month and Rs. 600/- per annum. The Sakhimandal in a short span of time has been able to build up a corpus of Rs. 14000/-, received Rs. 5000/- as revolving fund from Government and a loan of Rs. 30,000/- from Dena Rural Bank of Satlasaana. It has already

earned a profit of Rs. 6000/- in the first year itself. Now every member of the Sakhi Mandal is self reliant and their day to day physical, commercial and economic needs are being met by the Sakhi Mandal.

II Miss Mittal Prajapati -- Group Leader, Nana Kotasaana Shakti Mandal:

The group was formed on 30.7.2009. The group at present is having Rs. 13000/- in the corpus of the Fund and has also earned a profit of Rs. 5000/-. Members of the group are being sanctioned loan from the corpus of the Fund at the rate of 1 PC interest only. With the sanctioned loan amount 2 members have purchased milch cattle and are getting regular income from the sale of milk to the village milk cooperative society.

III Mrs. Meer Kausar Murajibhai – Group leader of Mandal:

The Sakhimandal was formed on 6.7.2007. The Self Help Group has a deposit of Rs. 36,000/- in its corpus (contributed by the members from out of their savings); it has also received a revolving fund grant of Rs. 5000/- from Government. Additionally, it has availed of a loan of Rs. 50,000/- from Dena Gramin Bank. The members of the group have received specialized training in embroidery work. They are getting bulk orders from leading garment stores of Ahmedabad and Mumbai cities. They receive raw materials at their door steps together with advance payment for initiation of the process of home based production. After the assigned tasks of finishing the embroidery work have been executed the finished goods are received back by the same store owner.

IV Mrs. Lalita Acharia – Group Leader of Jai Ambé Sakhi Mandal:

This is an old group (Sakhimandal) engaged in making of pickles which are sold @ Rs. 120/- per kg and are extremely popular among consumers on account of its good quality. Currently it has Rs. 18000/- in the corpus of its saving fund. It has received Rs. 5000/- from Government towards revolving fund. Earlier it had taken a loan of Rs. 20,000/- which it has paid back to the bank. The hands of the members of the Self Help Groups are always full on account of a steady flow of good orders they receive. The group is planning to apply for a loan of Rs. 50,000/- for launching a new variety of papad, pickles and khakhra.

V Jay Ambe Sakhi Mandal:

Miss Varshaba Chauhan – Group leader.

The group was formed in August, 2008. It is having Rs. 28,500/- in the corpus of its saving fund. It received a sum of Rs. 5000/- as revolving fund from Government and received a loan of Rs. 30,000/- from Dena Bank (Gramin). The 12 members of the group got sewing machines under various schemes; they have also received training as tailors under Swarna Jayanti Swarojgar Yojana and also under various training courses sponsored by Dena Bank (Gramin). The group is getting orders for tailoring cloth from people of neighbouring villages. The local schools have also passed a resolution appealing to parents/guardians of all students of as many as 8 primary schools to get the uniform of school students stitched from any member of the Sakhimandal.

It was heartening to note in course of this visit that in Motakotasaana and Nana Kotasaana 300 BPL beneficiaries have been provided 100 square metres of plot each and financial assistance for construction of houses under the State Sponsored Sardar Awas Yojana. The construction of houses has since been completed and possession of the same has since been given to them. Additionally 250 beneficiaries in both the villages have been covered under the old age pension scheme and are earning a pension of Rs. 400/- per month regularly.

As the noted film producer and director – Shri Shyam Benegal has ably demonstrated through his film 'Manthan', the experiment called Amul at Anand launched by Padma Bhusan Dr. Verghese Kurien in 1953 was just not an experiment or a programme like any other routine programme of government; it was the harbinger of a new era through a white revolution. Amul experiment arising out of the need for achieving complete self sufficiency in milk production has imparted a sense of national pride and distinction which was unheard of before. It was a source of great satisfaction to see in my own eyes that the central message of Amul – of pride, self reliance and united strength has percolated to every nook and corner of Gujarat State. It has led to a resurgence of women power in the country side. Through milch animals, sale of milk, saving substantially from out of the sale proceeds of milk and putting the same in the corpus of a common fund (Bachat Mandal) to meet urgent ceremonial,

consumption and development needs (including health care and education needs) women have discovered that they can be on their own. Since milk is to be measured and payment received against its sale, it has induced Gujarati women to be literate and numerate (female literacy rate which in 1991 was 48.64 has gone up by 10% to 58.60 in Gujarat). They are indeed on their own as they do not any longer have to look upto the village money lenders for loan/debt/advance at usurious rates of interest as they used to do earlier. The story of success of Sakhimandals in Gujarat is the success story of women power buttressed by a benign State patronage, considerate banks, empathetic officials and a caring Panchayat.

Other progressive measures undertaken by the State Government to prevent occurrence of bonded labour system in Gujarat:

Garib Kalyan Mela:

Reminiscent of the experiment, 'Administration towards villages' launched by late Shri B.C. Mathur, former Chief Minister, Rajasthan in 80s, Garib Kalyan Mela in Gujarat is primarily directed to obtain, process, scrutinize and sanction cases with expedition, speed and sensitivity under various programmes and schemes at the taluka level, municipal corporation area and B type municipalities. The following is the roadmap for Garib Kalyan Mela:-

- all Secretaries to Government to allocate district-wise targets under individual oriented programmes/schemes by 10.4.10;
- all Secretaries to Government to organize monthly review meetings;
- all chairmen of taluka level Committees to organize weekly taluka level review meetings;
- all Collectors and DDOs to organize fortnightly review meetings and review taluka wise performance;
- all Collectors and DDOs to identify list of beneficiaries by 15.5.10;
- release of advance funds as per requirement;

- disbursement of financial benefits under individual oriented programmes and schemes by July/August, 2010;
- data entry of all beneficiaries on NIC portal;
- All talukas in the State to be fully covered by July/August, 2010.

The thrusts in the programme are manifold as under:-

- focus the poorest of the poor;
- delivery of benefits on the spot; no red tapism;
- total openness and transparency;
- total elimination of middlemen (which is the root cause of debt bondage);
- total inclusion of the poor, the deprived and the disadvantaged; mainstreaming the marginalized;
- convergence of multiple development policies and programmes;
- participation of financial institutions, bureaucrats and the people in development process;
- social audit of development.

What has been achieved out of the experiment of Garib Kalyan Melas is as under:-

- number of melas organized – 50;
- attendance of people at the melas – 40 lakh;
- beneficiaries selected – 21.12 lakh;
- financial assistance extended – 2741.71 crores.

Category wise achievements:

Category	Number of beneficiaries	Amount disbursed (in Crores)
SC	320291	326.59
ST	610148	766.28
OBC	504813	525.75
Women	732911	951.33
Widows	10495	2.07
Disabled	16857	5.06

Sector wise achievements

Sector	Number of beneficiaries	Amount (in Crores)
Housing	286826	1002.05
Employment	217485	258.07
Agriculture	247354	213.45
Social Security	48913	7.94
Mother Child Welfare	150206	12.28
Social Welfare	71060	9.79
Other big schemes	696440	733.18
Other small schemes	393944	504.95

Concluding remarks on existence of bonded labour system and efforts made by the State Government for its prevention and elimination:

It is well known that bonded labour system is not a one time phenomenon. It can occur and recur at any point of time. It is not confined to agriculture; it can be found in any other sector of economic activity such as brick kilns, stone quarries, stone crushers, salt manufacturing, leather tanning and flaying, artificial powerlooms, diamond cutting and polishing and so on. It can be broadly divided into 2 categories namely (a) indigenous population and (b) migrant population. The migrant population can be further subdivided into 2 sub categories namely in migration and out migration. The incidence of out migration from Gujarat is limited to about 1 million; it is from parts of South Gujarat (Dang, Valsad etc.) and Panchmahal and Dahod to some extent. It is mostly migration into Gujarat from States like Bihar, Eastern U.P., Chattisgarh, Jharkhand, M.P., Orissa and parts of South Rajasthan which is wearisome.

As far as indigenous population is concerned and as reported by a distinguished sociologist – Jan Breman and confirmed by many others like R.B. Lal with disappearance of Jajmani system the master serf relationship between Anvil Brahmins, Pattidars, Parsis and Halapathis (Dublas) came to an end by the middle of the 70s and there has not been any major recurrence of this relationship. Surveys have been conducted from time to time with the help of Mahatma Gandhi Labour Institute, Ahmedabad in the districts of Baroda, Bharuch and Surendranagar around 2006, 381 villages and 4108 workers were covered by the survey but only 4 suspected bonded labourers could be detected. On further scrutiny, 3 cases were found to be not covered by the definition of bonded labour

system in Section 2(g) of Bonded Labour System (Abolition) Act and, therefore, disposed off by the competent authority accordingly. The lone case filed before Sub Divisional Magistrate, Baroda on 7.3.2006 was also dismissed by the SDM according to speaking orders passed by him on 28.5.2007. The State Government had availed of Rs. 6 lakhs (@ Rs. 2 lakhs per district once in 3 years) from Government of India under the Centrally Sponsored Scheme for conducting the above survey.

In early 80s, when eradication of bonded labour system formed a part of the old 20 point programme 64 bonded labourers were identified, released and rehabilitated before 1987. Out of 64 freed bonded labourers rehabilitated, 17 have died, 9 are untraceable (they might have migrated) and the remaining 38 were working independently in various occupations.

That leaves us with in migration into Gujarat from the States mentioned at page 10-22. These workers are usually recruited by recruiting agents with payment of advance. I have at page 10-22 dealt with certain occupations and processes (peeling the skin of fish, grading, transporting of fish in Veraval Coast, operations in BT cotton in Sabarkantha district, operations in quartz breaking units in Godhra in Central Gujarat, ship breaking at Alang Coast etc.) where a sizeable number of interstate migrant labourers are engaged under extremely harsh and unfavourable conditions injurious to their health, psyche and total development. Surat is South Gujarat also accounts for a sizeable number of in migrants in diamond cutting and polishing, powerlooms etc.

Since Art. 19 of the Constitution of India guarantees freedom of movement for every free citizen from one part of the territory of India to another, such migration perse is not objectionable. It becomes objectionable only when it is accompanied by (a) deception and fraud, manipulation and cheating (b) promises made at the time of recruitment are not kept (c) working and living conditions are subhuman bordering on expropriation and exploitation. From the account of the plight and predicament of these labourers in Veraval coast, operations in BT cotton in Sabarkantha, quartz processing units at Godhra and ship breaking operations at Alang narrated by me at page 10-22 it is more than evident that workers who are primarily human beings and second only workers are being

treated like commodities and there is no semblance of any dignity, decency, equality and freedom with which they are to be treated as human beings.

Such workers who are working and living at these destinations under conditions akin to bondage need to be rescued and released, repatriated to their originating States and rehabilitated there under any of the 3 components of Centrally Sponsored Scheme (land based, non-land based and art/craft/skill based). This, however, is not happening and migration into Gujarat from outside States continues unabated, under social, cultural and economic compulsions. The process of liberation and repatriation in these cases cannot be left to Government of Gujarat alone. It may be most appropriate if the originating State from where people are being recruited in large number and entering the State of Gujarat could also be roped in the entire process. Ministry of Labour and Employment, Government of India may take the prime initiative to organize workshops involving representatives of both the States and initiate a process of dialogue and discussion between them. At the end of the workshop where representatives of both the States have deliberated at length on the various causes and consequences of migration, an action plan can be prepared, joint study teams can be formed and such study teams should visit the destination site, interact with the principal employer, contractor, sub contractor, migrant workmen, their family members, listen to the major grievances of these workers and record a gist of the conversation/interaction with the family members/workers. If on the strength of such interaction serious violations of law are established beyond doubt which are remaining unattended to and the grievances are remaining unredressed for years they may take both preventive and corrective action as deemed appropriate. If on the strength of interactions they are convinced that workers are working and living under conditions of bondage, they may identify them as such, produce the case before the competent authority u/s 21 of the Bonded Labour System (Abolition) Act, obtain a release certificate and arrange repatriation of the bonded labourers. The rehabilitation of the latter may thereafter be left to the DM of the district to which they belong and to which they stand repatriated.

Child Labour in Gujarat and its elimination:

Serious flaws in identification and enumeration of working children:

Decennial Census data undoubtedly shows a decline in the number of working children in Gujarat. According to 1991 Census Gujarat had 5,23,585 working children. The number declined to 4,85,530 working children as per 2001 Census.

There is, however, a huge difference between the number of working children enumerated in Census 2001 and the number of children found working in course of the survey which was got conducted by the State Government in respect of its 20+ districts in April – May, 1997, in the wake of the judgement of the Supreme Court while disposing off the Civil Writ Application No. 465 of 1986 in M.C. Mehta Vs. State of Tamil Nadu and Others on 10.12.96 as would be evident from the following:-

Number of working children enumerated in 2001 Census – 4,85,530

Number of working children enumerated in course of the survey in April – May 1997 – 1164

Even if there is a difference in terms of time frame (about 4 years) this huge gap in enumeration is not easily explainable. The gap goes to show that there must have been something seriously wrong with the methodology adopted in the survey which was conducted by the State Government in April – May, 1997.

Non-functional institutional mechanisms:

There are 4 institutional mechanisms constituted by the State Government on 19.10.2006 to discharge a plethora of functions with a view to achieving the primary goal of elimination of child labour. These bodies are:-

- I. Core Committee under the Chairmanship of Chief Secretary to Government.
- II. State Level Monitoring Committee under the Chairmanship of Principal Secretary, Labour and Employment Deptt., Government of Gujarat, Gandhinagar.

- III. Monitoring Cell under the Chairmanship of the Commissioner of Labour, Government of Gujarat.
- IV. Task Force in every district under the Chairmanship of the Collector of the district.

No information is available about (a) number of times these bodies have met (b) important decisions taken by them (c) whether squads have been formed under the Monitoring Cell (d) whether fresh surveys have been conducted to identify and enumerate working children (f) whether raids have been conducted by the Task force (g) how many children were found in course of the raid (h) how many of them have been rescued and released (i) how many are indigenous children (j) how many are migrant children (k) whether the children have been produced before the Child Welfare Committee constituted u/s 29 of Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 (l) what orders were passed by the CWC (m) whether the indigenous children have been restored to the custody of the parents (n) whether the interstate migrant children have been repatriated to their originating State (o) if so, what is the current status of their rehabilitation.

Constitution of these bodies about a decade after the judgement of the apex Court on 10.12.96 undoubtedly speaks of the good intentions of the State Government and its unmistakable commitment to the cause of elimination of child labour but the fact that no information is forthcoming about these bodies being functional is a sad reflection of the gap between good intentions and action on the ground.

In any case, the gap in the number of children shown in the decennial census data and the number found in course of the survey conducted by the State Government should be analysed even now and if there was anything wrong in the methodology adopted for the survey the same should be corrected even now.

Need for a fresh survey for identification and enumeration of working children:

Since the survey was conducted more than 13 years back and its findings are not credible (its very much on the lower side) it will be appropriate if a repeat

survey could be conducted for every district for identification and enumeration of working children district wise. For this the following strategy and methodology needs to be adopted:-

- I. Survey teams are required to be constituted. Depending on the number of personnel available a decision may be taken as to whether the survey should be limited to establishments (industrial, commercial, mining, shops etc.) or households or both. It may be desirable to adopt a selective approach and get the survey conducted in respect of pockets where child labour is apprehended to be endemic. For this the district administration may have to rely on intelligence from a number of concerned departments and agencies instead of acting entirely on its own.
- II. A survey team may comprise of 2 persons in the minimum. A questionnaire in simple Gujarati should be prepared by the Labour and Employment Deptt. to be uniformly adopted by all survey teams. One person should canvas basic informations as per the questionnaire in a friendly and informal manner and the other person should record them as accurately as possible.
- III. The informations so collected should be compiled and analysed at the district headquarters, computerized data base built up with the help of NIC and the findings of the survey should be made public.
- IV. The data should be disaggregated age wise, occupation wise, indigenous/migrant labour category wise. Such a data base will be a useful tool of planning strategy. To illustrate, working children who are in 5-8 age group could be straight away enrolled in the formal school system. Children who are in 9-14 age group should also be enrolled but only after verifying levels of their educational equivalence and after conducting a bridge course through which they could be adequately prepared to cope with the rigour of the formal school system (MVR example in Rangareddy district, A.P.) is an appropriate one to be followed in this specific context. Those who are migrant children and who have accompanied their parents should be brought to a transit camp to be opened specifically for this purpose where in

addition to undergoing medical examination or check up of health, they could be psychologically counselled and levels of their educational equivalence could be ascertained (such transit homes which obtain in A.P. and Maharashtra have yielded good results in terms of pre rehabilitation scrutiny of working children).

Need for universal registration of births of all children:

Legally speaking, a child is a person below a particular age say 14 or 16 or 18. It is 14 in Child Labour (Prohibition and Regulation) Act, Beedi and Cigar Workers (Conditions of Employment and Services) Act, Motor Transport Workers Act, Factories Act, Plantation Labour Act, Merchant Shipping Act etc. It is 16 for apprentices in Mines Act, 18 for regular employees in the same Act, 18 in Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act and Juvenile Justice (Care and Protection of Children) Act.

Since there is no omnibus law prescribing a uniform age of entry to the world of work and there are different laws prescribing different ages for entry in different sectors of employment, correct determination of age of the person entering the world of work is an important issue. Under registration of Births and Deaths Act, 1969 there is a procedure for registration of births of all children at the time of birth itself. If the date of birth is made known determination of age of the person at the work place becomes much easier. Women and Child Development Deptt. is responsible for enforcement of the provisions of law. However, no information is available with the Labour Deptt. as to how many births have been registered for a particular year say 2009-10. This is a serious lapse as determination of the age of the person becomes extremely difficult in the absence of such birth certificate correctly recorded and employers of establishments who employ children are likely to take advantage of this lapses to maintain a position before Courts (where age of a person is being contested) that the person was above the statutory age, was not a child and, therefore, not entitled to the benefits of the law. The situation gets further complicated due to acute malnutrition afflicting 0-3 age group children. The table below gives the findings of the third National Family Health Survey (2005-06) on the PC of children below 3 years who are victims of under weight, stunting and wasting:-

Nutritional Status of Indian Children (2005-06)
(Percent)

	NFHS – 3 (2005-06)		
	Urban	Rural	All India
Children under 3 years who are			
Stunted	31	41	38
Wasted	17	20	19
Underweight	36	49	46

In terms of absolute number, such children would be 45 million approximately for the whole country.

As far as Gujarat is concerned, despite a high GDP rate of growth and high GDP percapita the PC of malnourished children is very high as would be evident from the following table:-

NFHS – 3 (2005-06)		
Stunted	Wasted	Underweight
42	17	42

The implication of this scenario for child labour is obvious: a boy or a girl who is 18 years of age and who is stunted or wasted would look like one of 12 or 14 and determination of age in such cases would be extremely difficult.

Section 10 of Child Labour (Prohibition and Regulation) Act, 1986 provides for constitution of a prescribed medical authority for adjudication of all disputes relating to age of working children.

Although Government of Gujarat has formulated a State Level Action Plan for elimination of Child Labour in 2009, there is no reference to the role of the prescribed medical authority and its functioning in adjudication of disputes relating to the age of the working children. It may be useful even at this stage to (a) constitute a 3 member board comprising of a radiologist, an orthopaedics surgeon and a paediatrician and (b) lay down detailed guidelines as to how the board

should proceed to adjudicate disputes about age of children. These modalities could be worked out in consultation with Health and Family Welfare Deptt.

Labour Law Enforcement in the arena of Child Labour:

The primary purpose of inspection u/s 17 of Child Labour (Prohibition and Regulation) Act is to identify, enumerate, rescue and release children from work and produce them before the Child Welfare Committee constituted u/s 29 of Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 within 24 hours as required under the Proviso to Section 32 of the Act. The CWC shall hold an enquiry to be completed in 4 months and depending on the outcome of the inquiry may allow the child to remain in a Children's Home to be opened by the State Government for care, treatment, education, training, development and rehabilitation of children u/s 34 of the Act.

Fixing targets under Annual Action Plan, filing prosecutions against offending employers etc. will not serve any useful purpose until and unless they are directed towards release and rehabilitation of the concerned children.

The table below shows the total number of inspections conducted, number of Court cases filed, number of cases disposed off, number of cases pending and the amount of fine imposed:-

S.No.	Year	Number of inspections	Number of Court cases filed	Number of cases disposed off	Number of cases pending	Fine imposed
1.	2006	21654	235	21	214	Rs. 68,000/-
2.	2007	31041	463	07	456	Rs. 71,000/-
3.	2008	29002	367	12	355	Rs. 1,08,500/-
4.	2009	36262	467	04	463	Rs. 42,000/-
5.	2010 (upto July 2010)	19501	110	01	109	Rs. 10,000/-

The table shows that a very large number of cases are pending and only 45 cases have been disposed off between 2006 and 2010 (upto July 2010). Even in respect of cases disposed of, paltry fines have been imposed by the Magistrate

which will not create any impact on the offending employers as most of them prefer to pay such fines and escape with impunity.

Deploring this trend Justice Shri P.N. Bhagwati and Justice Shri Baharul Islam of the Supreme Court had, while disposing of W.P. No. 8143 of 1981 in *Asiad Workers Case* (AIR 1982 SC 1473) on 18.9.82 observed, 'Labour Laws have been enacted for improving the working and living conditions of workers. Employers cannot violate these laws and be allowed to escape with impunity. Laws would be reduced to a nullity if violations of labour laws are punished only by meager fines. Offences involving violation of such laws must be penalized with the judicial severity they deserve'.

It may, therefore, be appropriate if the Law Secretary on a reference from the Principal Secretary, Labour and Employment Department could draw the attention of the Hon'ble High Court of Gujarat through a letter to the Registrar of the Court requesting for issue of appropriate guidelines from the High Court to the Subordinate Courts for speedier disposal of a large number of pending cases.

Compliance with the directions of the Hon'ble Supreme Court in M.C. Mehta Vs. State of Tamil Nadu and Others in CWA No. 465 of 1986 – date of the judgement 10.12.96:

According to the above direction, @ Rs. 20,000/- per every offending employer responsible for employing a child in hazardous work a sum of Rs. 2 Crore, 3 Lakh and 60,000 Rupees was recoverable from the offending employers and should have been recovered by now. It had been made abundantly clear in the said direction of the Hon'ble Supreme Court that the 'recovery of fine of Rs. 20,000/- as stipulated by the Court will not have to await a formal conviction order of the offending employer. The said amount would be recovered as arrears of land revenue and the said amount would be utilized for the educational needs of the rescued child even if the child has subsequently crossed the age of 14 years.'

However, in Gujarat, Girish Oil Industry and Patel Manubhai Keshavlal approached the High Court of Gujarat by filing Special Civil Application No. 406 of 1993. In the aforesaid case, the Inspector visited the factory where he noticed that breach of Provisions contained in Child Labour (Prohibition and Regulation) Act was committed by employing children below 14 years of age in a process which

was clearly hazardous. On enquiry he found that Ms. Harshaben Prajapati was less than 14 years. The authorities issued notice to recover a sum of Rs. 20,000/- for payment as contribution in Child Labour Rehabilitation-cum-Welfare Fund. Since in all 12 children were found working the employer was called upon to deposit a sum of Rs. 2,40,000/- within a period of 7 days. On receipt of the notice, the petitioner approached the High Court by filing the aforesaid petition.

The petition was dismissed by a detailed judgement after hearing the parties. The Court pointed out that the infringement of a fundamental right or any other right conferred by the Constitution is wrong under public laws and it would be 'unjust, unduly oppressive to require the person or persons affected by such infringements to initiate or pursue action in Civil Courts. A single judge by dismissing the petition imposed a cost of Rs. 5000/- vide judgement dated 11.5.2005.

However, it appears that Hon'ble Justice Shri R.S. Garg in the case of M/s Harsa Ginning and Pressing Factory Vs. Mamlatdar and Others passed a different order dated 30.7.07. In this case the Mamlatdar and Labour Inspector made inspection of the establishment (factory premises) of 2 companies on 2.5.97 and observed that each of the owners and management of factories were engaging young boys below 14 years of age in processes which are clearly hazardous. The employer of the establishment was, therefore, directed that a sum of Rs. 20,000/- for each working child be deposited with the ALC or legal action may be faced.

The Gujarat High Court interpreted the term 'offender' and held that till a person is held guilty by the competent court he cannot be declared to be an offender prima facie. In the absence of conviction of the alleged wrong doer, one cannot be declared as an offender and, therefore, such compensation cannot be recovered from him.

In view of the judgement delivered by Justice Shri R.S. Garg, Hon'ble Judge, Gujarat High Court, it was pointed out that the State is not in a position to recover the compensation amount from the employer and consequently children who were employed cannot get the intended benefits of the law.

The above issue was brought to our notice when Justice Shri B.C. Patel, Hon'ble Member of the Commission and myself were at Ahmedabad for a workshop on bonded labour and child labour in January, 2010. The matter was referred to the Full Commission by Justice Shri Patel and was taken up for consideration on 5.4.10. The Commission keeping in view the judgement of the Division Bench of Delhi High Court in WP (C) No. 4161/2008 came to the conclusion that recovery of fine of Rs. 20,000/- will not have to await a conviction order of the offending employer. The said amount would be recovered as an arrear of land revenue and the said amount would be utilized for the educational needs of the rescued child even if the child had subsequently crossed the age of 14 years.

Accordingly the Full Commission disposed off the reference made by Justice Shri B.C. Patel on the above issue in the following words:-

'For imposition of civil liability of Rs. 20,000/- per child in accordance with the guidelines of the Hon'ble Supreme Court in M.C. Mehta's case, a formal conviction of the delinquent employer is not at all required. Before issue of recovery certificate the concerned authority should, however, issue a show cause notice to the delinquent employer and give him a reasonable opportunity of being heard.'

A copy of the above order dated 5.4.10 of the Full Commission has since been sent to the State Government with a request to bring it to the notice of the Hon'ble High Court so that the Court could review its order.

It was reported by the State Government that on account of the order of the Hon'ble High Court of Gujarat as quoted above a sum of Rs. 9,56,000/- only could be recovered from the employers and the same has been credited to the District Child Labour Welfare-cum-Rehabilitation Fund.

It was further reported that 26 able bodied adult parents who were pushing their children involuntarily to work have been provided with jobs as per the direction of the Hon'ble Court and for failure to provide such jobs in the rest a sum of Rs. 3,35,000/- has been credited into the District Child Labour Welfare-cum-Rehabilitation Fund.

Thus a paltry sum of Rs. 12,91,000/- has been recovered and credited into the District Child Labour Welfare-cum-Rehabilitation Fund. The said amount has been invested in shape of fixed term deposit in a nationalized bank.

Amongst compliance of the other important directions of the apex Court a Cell has been created vide Government Resolution No. ECA – 1096 – (i) 260-M3 dated 14.8.97 in the office of Commissioner of Labour but no information is available about the nature, volume and quality of work or contribution made by the Cell.

A survey was conducted in pursuance of the directions of the Court in April – May, 1997 and 1018 working children were found to have been employed in hazardous occupations/processes. As per the directions of the apex Court all of them were to be released from work and got enrolled in the formal school system. No confirmation was forthcoming from the State Government if the same has been complied with.

National Child Labour Projects:

Of 26 districts, NCLPs have been sanctioned for 9 districts namely Ahmedabad, Banaskantha, Vadodara, Panchmahal, Dahod, Rajkot, Gandhidham, Bhavnagar and Surat. It is not known if the State Government have moved the Ministry of Labour for sanction of NCLPs for the remaining 17 districts and if not, how children in those districts rescued and released from hazardous occupations and processes are being rehabilitated. A total number of 123 special schools have been opened under the 9 NCLPs, 6214 children have been released from hazardous work and enrolled into these schools. Of them 3040 children have completed 3 year's cycle in the special schools and have been mainstreamed into the formal system of school education. No information is available about the remaining children. No information is also available as to how the 3040 children who have been mainstreamed are performing in the formal school system.

The NCLP at the national level was introduced in 1988-89 as one of the components of the National Policy on elimination of child labour but in Gujarat it was launched 2005-06. The total cost of a NCLP is Rs. 8,59,000/-. From the statement of sanctioned and utilized amount from 2005-06 onwards handed over

to me by the State Government, it appears that except 2007-08 and 2009-10 sizeable amounts were left as unspent as would be evident from the following:-

S.No.	Year	Amount sanctioned for all the 9 NCLPs	Amount Utilized	Unspent balance/excess spent
1.	2005-06	Rs. 74,51,300	Rs. 9,85,642	Rs. 64,65,658
2.	2006-07	Rs. 114,26,000	Rs. 41,57,620	Rs. 72,68,380
3.	2007-08	Rs. 54,05,701	Rs. 122,74,873	Rs. 68,69,172
4.	2008-09	Rs. 231,02,255	Rs. 217,73,914	Rs. 14,28,341
5.	2009-10	Rs. 153,92,892	Rs. 175,71,444	Rs. 21,78,552
6.	2010-11 (upto July 2010)	Rs. 56,03,379	Rs. 44,30,780	Rs. 11,72,599

The above statement shows serious imbalances in receipt and expenditure. While it is understandable that planning and preparations for operationalization of any new project takes time and pace and progress of expenditure in the first year of the project will be somewhat slow and would result in some savings at the end of the financial year it is not understandable as to why there should be savings in the second year to the extent of Rs. 72,68,380/-. Similarly, since every Project has a fixed pattern of expenditure in terms of both recurring and non-recurring components of cost it is not clear as to why the expenditure for a project should go up to that extent in the third year resulting in an excess expenditure to the tune of Rs. 68,69,172/-. The statement indicates that even after 5 years of operationalization of the Project the pattern of expenditure has not stabilized and there are either savings or excess expenditure. It may be useful if the Principal Secretary, Labour and Employment could take up a review of the pattern of receipts and expenditure obtaining in respect of the 9 projects in the last 5 years and satisfy himself that there is nothing seriously wrong in the savings or excess expenditure.

Field impressions and observations emanating from visit to 2 special schools under NCLP, Ahmedabad:

I. Special School at Vadaj under Ahmedabad Municipal Corporation:

This is the only special school in this particular ward under AMC. All children who have been enrolled in the special school have been rag pickers in the past. Rag picking in Ahmedabad city is a family occupation in which both parents and children are engaged. In all 25 children have been enrolled in the special school. Some of them are continuing for all the 3 years of the cycle while some are continuing for the last 2 years. It was encouraging to note that every year about 10 to 12 children get mainstreamed into the formal school system which is the primary objective of starting such schools under a projectized activity. The school is being managed by Pratham Education Initiative headed by Shri Madhav Chavan at Mumbai. This is a premier NGO in the field of primary and elementary education and is running 4 such schools in the city. Against the sanctioned strength of 3 years, there are only two (the craft teacher got married 2 months back, left the job and no substitute has been posted since then). Both the teachers serving now have been trained by the NGO.

Following are some of the redeeming features of the special school:

- The AMC has made available the school building free of cost.
- There is synchronization of the school timings with the timing which will be convenient for the boys and girls. To illustrate, parents go in for rag picking around 7 AM and come back around 12 noon. The children are not doing rag picking any more but they can attend the class only after parents come back from work.
- The curriculum, course content and textual materials which are used for Sarva Shikshya Abhiyan have been adopted for the special schools. These are well tested and their suitability validated for use in Class I to IV.
- Progression of learning from stage to stage is the guiding principle adopted in teaching learning. The session commences in July when alphabets/words are taught. This takes about 45 days and is followed by teaching of sentences for another 25 days. Teaching of the content of

paragraphs follows teaching of sentences and the same is followed by drills and exercises.

- The teacher writes words and sentences on the blackboard. The children are asked to read them and also asked to write in the exercise book. Words, sentences and paragraphs are also dictated, the students write them in the exercise book which is corrected by the teacher.
- The drills and exercises enable the learners to discover that they can learn on their own with strength, courage and confidence.
- All the lessons in the text books have been well visualized and illustrated.
- The arithmetic component of the curriculum comprises of addition, subtraction, multiplication and division. The students are able to correctly practise it on the blackboard.
- The classes begin with a prayer. The teacher sings and all the students sing in chorus.
- The mid day meal is served around 1 PM. Menu for everyday is fixed in advance and is in conformity with the cultural preferences and tastes of the learners. Akshay Patra, a local NGO is implementing the mid day meals programme in all special schools under the NCLP. Children are made to clean their hands and feet before they settle down for the meal. This is meant to ensure personal hygiene.
- The building has been made available free of cost by the AMC.
- Blackboard, teaching learning aids, satchels and uniforms have been made available by the project authorities.
- Children are taken out twice a year for better exposure. Visit to Sabarmati Ashram in the heart of Ahmedabad city provides an excellent moral, spiritual, educational and recreational outlet.

- All facilities and amenities (drinking water, toilet etc.) have been provided for use of students and teachers.
- The central thrust in teaching and learning is to promote creativity of learners. As a matter of fact, some learners have shown excellent signs of creativity.
- Friday has been reserved for physical training through games and sports.
- The check up of health of all children is conducted once every 3 months. For this purpose, all children are taken to the MO of the Urban Health Centre. The check up is comprehensive and includes height, weight, BP, skin, all glands, vision, hearing, speech etc. The process requires one full day to be completed. Each child has been issued a health card.

The check up has revealed that children living in overcrowded and congested slum localities in Ahmedabad Municipal Corporation without adequate lighting and open air have been suffering from cough and cold. Many of their ailments could be hangovers of rag picking in course of which they have to deal with bacteria and number of viruses. This interface infects them. Many of them were found to be having bouts of cough and cold. One girl child has difficulty in hearing. She has been operated twice but has not shown signs of any improvement.

Grey areas:

- Teacher's honorarium is low (Rs. 1500/- pm) and that too is not disbursed in time. The honorarium has been paid upto March, 10 and has not been disbursed thereafter even though unspent balance is available in NCLP as stated at page 481.
- There is inordinate and avoidable delay in receipt of grant-in-aid from the Ministry of Labour and Employment, Government of India.

Visit to Special School of NCLP at Asharwa under Ahmedabad Municipal Corporation:

The school was started in 2006. It is being managed by Pratham Education Initiative as in the first. The Ahmedabad Municipal Corporation has made available the building free of cost. In all 50 children (26 boys and 24 girls) have been enrolled. Majority of them prior to being enrolled were working either as domestic help or rag pickers both of which have been included in the prohibited category for employment of children. The parents of the children work as sweepers. The children were identified through a survey which was a combined operation by the NGO managing the school and the teachers engaged by the NGO. Satchels, uniforms, books, exercise books, drawing books and teaching aids are made available free of cost by the Project authorities (slate, pencil and lead pencil). There is a condition that the attendance in the class should be for a minimum period of 15 days which will entitle a student to get uniforms.

The session commenced in July, 2010 and within one and half months all have learnt Gujarati alphabet. About 10 (20%) students have reached sentence making level while the rest are at the word level.

Grey areas:

- There has been inordinate delay in making available the new books beyond alphabet level. Arithmetic books have also not been made available.
- What the students are having and using are the old books.
- Teacher's guide has also not been made available.
- No charts and posters conveying core values of national importance such as national integration, communal peace, goodwill and harmony, women's equality and empowerment, conservation of environment and small family norm have been displayed on the walls of the classroom.
- Not a single picture of any freedom fighter and the central messages of tolerance, sacrifice and self abnegation propagated by him has been displayed on the wall of the classroom.

- Pace and progress of learning is slow.
- When the teacher collects the word book after dictation to correct them she should put her signature and the date but this invariably is not being done.
- There are 2 children who have reached Class VII levels and eager to be mainstreamed. The formal school system has asked them to wait for 6 months. When patience runs out the children who have been withdrawn from work are likely to go back to work which they were doing earlier. This will have to be prevented at any cost.

Special problems of migrant children:

- According to a projection made by Government of Gujarat the total number of out of school children in 2009-10 is 107121, the number of school children going out of Gujarat along with their parents is 19,477 and number of school children who have migrated into Gujarat is 8352. The State Government have evolved a mechanism for tracking and coverage of migrant children who have migrated into Gujarat into the formal school system. The following strategy has been adopted by the State Government:-
 - Details of migrant families in villages are to be mapped with the help of the local community and Village Education Committees.
 - In case of children migrating along with parents a migration card is required to be filled.
 - Each migration card has a unique preprinted number.
 - Migration card has information about name of the child, parent's name, birth date, sex, parent's occupation, duration of migration, migration level, origin and destination information.
 - Migration card is to be filled by sending areas (schools, STP Centres) for out migrant children.

- Schools/STP Centres will submit migration card to CRCs for data entry.
- Migration card is available in Gujarati language for Gujarat State and in English/Hindi language for other States.
- Migration card filling process period – August, 2010.
- Migration card will be distributed at the school level.

Guidelines for States from where workers are migrating into Gujarat:

- Children from Madhya Pradesh, Rajasthan, Maharashtra, Andhra Pradesh, U.P. and Orissa do accompany adult parents into Gujarat.
- The sending States should fill in the migration card (Hindi/English) and submit online information of their out migrant children to Gujarat.
- Gujarat as receiving State should enrol in migrant children and submit online feedback so that the sending State can get a feed back of their out migrant children.
- Gujarat is willing to provide facility of teachers and books to those in migrant children with the cooperation and support from the sending State.
- Interstate migration monitoring has been taken up by Gujarat State through computerization. Software for this has been created.
- Computerized data base about all immigrants is being created in Gujarat (data base for M.P. has been completed).

Monitoring and Supervision:

- Five Zonal level field supervisors, district level 25 coordinators, Block level 49 coordinators and BRCs will supervise the monitoring mechanism at the field level during their visits.

- Monitoring and supervision comprises of –
 - survey of migrant families;
 - data entry at cluster level;
 - enrolment and feedback;
 - untraced children.
- Effective monitoring and supervision can be done on online reports.

Summary of Impressions/Observations and Conclusions:

- The Bonded Labour System in Gujarat known as Hali Pratha existed between the end of 19th to the middle of the 20th Century. It was found predominantly in the South Gujarat region and was reflected in agrarian relationship between the anavil brahmans, pattidars and Parsis as the landlords and the Dublas (or Halipathis as they became to be called the later) as the landless agricultural labourers attached to the former.
- Progressive commercialization of agriculture and the transition to capitalist mode of production in the primary sector of the economy radically changed the nature of the relationship between the landed gentry and the landless.
- The process of disintegration of the system which started in the middle of the 20th Century was completed by the middle of 70s.
- Gujarat accounts for sizeable immigration while seasonal out migration from a few selected parts of South Gujarat (Dang, Valsad) and Central Gujarat (Dahod, Panchmahal) also does take place.
- Girls from Kerala who are well versed in peeling the skin of fish, grading and processing of fish migrate to Veraval Coast - a phenomenon which is known as skill related migration.
- Large number of families from adjoining South Rajasthan including children and adolescents migrate to Sabarkantha to attend to a variety of operations in BT cotton. This comes in the category of distress migration.

- Large number of labourers who belong to the ST community from Alirajpur Block in Jhabua district in M.P. migrate to the quartz stone processing unit of Godhra in Central Gujarat – yet another form of distress migration.
- Similarly, large number of labourers from Bihar, Eastern U.P., M.P. and Orissa migrate to Alang Coast and work in the ship breaking operations under equally hazardous conditions.
- Much of these phenomena come in the category of induced migration where labourers are recruited by recruiting agents on payment of advances with lots of hopes and promises for better employment, better wages and better quality of life.
- Most of these hopes and promises are belied and the labourers are subjected to a chain of ruthless exploitation after their arrival at the destination point. Working hours are long without any spread over, statutorily notified minimum wages are invariably denied along with the denial of overtime wage and weekly off. The migrant labourers who have taken advances from the recruiting agents without any documentary evidence with them are constantly told and reminded that they cannot leave the worksite till the advances are liquidated. The documentary evidence which remains with the recruiting agents are never shared with the workers. The latter have thus forfeited their fundamental right of free movement and free choice of alternative avenues of employment as they are indebted.
- Most of the interstate migrant labourers work under exploitative conditions which are akin to debt bondage.
- No steps whatsoever have so far been taken to identify them as bonded labourers, to release them, issue release certificate to them, have them repatriated to their originating State and rehabilitate them.
- The following Provisions of Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act have been brazenly violated in the following manner:-

- no licences are obtained by recruiting agents prior to undertaking recruitment;
 - no registration certificates are obtained by the principal employers prior to recruitment of labour;
 - journey allowance, displacement allowance and wages during the period of journey are seldom paid;
 - residential accommodation and free medical aid according to the scales laid down in the law are seldom made available.
- As part of a long term strategy to deal with this problem, it may be appropriate if the Ministry of Labour and Employment, Government of India could take the initiative of inviting representatives of the originating States (Bihar, U.P., M.P., Chattisgarh, Jharkhand and Orissa) and those of Gujarat to initiate a dialogue/discussion with them keeping the following objectives in view:-
 - organize a joint survey for identification and enumeration of families of interstate migrant labourers;
 - ensuring that the statutory provisions relating to journey allowance, displacement allowance, wages during the journey period, residential accommodation according to the prescribed standard, health and medical care etc. are provided to the interstate migrant workmen;
 - opening non-formal education centres at the worksite for education of the children of the interstate migrant workmen for the period the migrant families are at the worksite;
 - rescuing and releasing interstate migrant workmen who are found to be working under conditions akin to bondage and repatriating them to their native places for rehabilitation.
 - ensuring that workers who are suffering from occupational diseases like Silicosis, Pneumoniosis, Asbestosis, Pleurosy, T.B., bronchitis and bronchial asthma are provided specialized treatment.

- joint survey teams comprising of representatives of the originating State and destination State should be constituted. Such teams should make it a point to visit the work site, meet the families of interstate migrant workmen and should listen to their grievances with a view to redressing them and provide the desired relief in time with the help of the officers of the destination State.
- while the above constitute certain grey areas in a few selected geographical pockets where the incidence of immigration is high, there are a number of silver linings in terms of mobilization and organization of the rural poor in shape of Self Help Groups (SHGs) or Sakhimandals as they are called in Gujarat in all the 26 districts of the State. The following have been some of the positive offshoots which have come out of this movement:-
 - SHGs have been able to meet the immediate family needs from out of the corpus of the fund created out of their own savings and on a nominal rate of interest.
 - Members of the SHGs feel naturally and spontaneously that they can rise and sink altogether.
 - This successful experiment in micro finance has put an end to the culture of dependence on money lenders as also the culture of indebtedness to money lenders.
 - A climate of trust, goodwill and solidarity has also been built up through such a group approach to development.
 - It has been possible to integrate a host of economic activities such as literacy, skill training, animal husbandry and veterinary etc. through the SHGs.
 - Government of Gujarat has initiated a number of pro-poor programmes like Garib Kalyan Mela reminiscent of 'Administration to Villages' conceptualized by late Shri B.C. Mathur, ex-Chief Minister, Rajasthan for poverty alleviation in Rajasthan in 80s.

- Fifty such melas have been organized, 40 lakh people have participated, 21.2 lakh beneficiaries have been selected and financial assistance to the tune of Rs. 2741.71 Crores disbursed covering a sizeable portion of the beneficiaries belong to SC, ST, OBCs, women, widows and disabled.
- Incidence of child labour in Gujarat according to 2001 decennial census has come down from 5,23,585 working children to 4,85,530 working children.
- The decennial census figures are a decade old and most of those who were in the age group of 10-14 would have crossed childhood and entered adolescence/adulthood by now. The census estimates as of now may not, therefore, serve any worthwhile purpose of social planning.
- The need of the hour is to conduct a fresh household and establishment wise survey by (a) constituting fresh survey teams (each team comprising of 2 members) at the village and ward level (b) providing a brief orientation to the members of the survey team before they proceed to conduct the survey on the ground (c) collecting, compiling and analyzing the feedback which will emerge at the end of the survey for a detailed action plan for rescue, release and rehabilitation of all working children and (d) the plan should provide specially for repatriation and rehabilitation of all migrant children to their originating points.
- Even in respect of few cases where prosecutions against offending employers were filed by the officers of labour law enforcement machinery and which have been disposed off paltry fines have been imposed which do not create any impact on the offending employers as they prefer to pay the fine and escape with impunity.

- The amount of fine collected from the offending employers in the light of the judgement of the Supreme Court in CWA No. 465 M.C. Mehta Vs. State of Tamil Nadu and the directions issued by the apex Court is also very small (against the collectable amount of Rs. 2 Crore 3 lakh and 60 thousand barely Rs. 9.56 lakh only has been collected). Some difficulties were posed by the officers of the labour law enforcement machinery in the light of the judgement of Hon'ble High Court in the case of M/s Harsa Ginning and Pressing Factory Vs. Mamlatdor and Others dated 30.7.2007. The same were brought to the notice of Justice Shri B.C. Patel, Hon'ble Member of the Commission at the time of his visit to Ahmedabad on 16th January, 2010 who in turn raised it in the Full Commission and the FC has since issued a clarification. The State Government should in all fairness go back to the High Court with a request for review of the earlier decision which has not been done so far.
- Sanctioned National Child Labour Projects are small in number (9 out of 26 districts have been covered) but there are serious management problems. Sizeable amounts have been left unspent and there are huge imbalances in receipt and expenditure. Honorarium of teachers (@ Rs. 1500/- per month) which is a pittance is not being disbursed in time even though there are unspent balances. Text books are not being printed and supplied free of cost soon after the commencement of the session in July ever year. Principal Secretary, Labour and Employment should carry out a review, remove the imbalance and fix responsibility for poor expenditure and poor performance.
- The programme for universal enrolment, retention, participation and achievement of the minimum levels of learning under the aegis of Sarva Shikshya Abhiyan should go on simultaneously with equal gusto and tempo but Sarva

Shikshya Abhiyan by itself may not put an end to child labour unless simultaneous planned, coordinated and concerted initiatives have been taken to (a) minimize the incidence of poverty, hunger, starvation and malnutrition (b) minimize the incidence of migration and (c) minimize adult unemployment, under employment and illiteracy.

- Labour and Employment Deptt., Government of Gujarat has set up (a) Core Committee under Chairmanship of Chief Secretary (b) State level Monitoring Committee under Chairmanship of Principal Secretary, Labour and Employment (c) Monitoring Cell under the Chairmanship of Commissioner of Labour and (d) Task Force in every district under Chairmanship of the Collector and DM but no information is available on (a) number of times they have met (b) number of decisions taken (c) major activities taken up by them in the direction of elimination of child labour and (d) positive outcomes thereof.
- The law on universal registration of all births should be strictly enforced. If there is universal registration of all births, disputes centering round age of a person entering the world of work will automatically come down.
- It appears that appreciable number of inspections have been conducted but a few prosecutions have been filed, a few cases have been disposed off and large number of prosecutions are still pending in different Courts which need to be disposed off expeditiously. This needs to be brought to the notice of Hon'ble High Court Gujarat through a letter to the Registrar so that appropriate instructions could be issued to all subordinate Courts for such speedy disposal.