

Report of Dr. Ashok Sahu, Thematic Special Rapporteur (Child/Bonded/Migrant Labour), NHRC on visit to Karnataka (Bengaluru, Bellary and Mandya) during 23-27-April, 2018.

I. General

1.1 With the passage of the State Reorganisation Act, the State of Karnataka was formed on 01.11.1956 (originally named Mysore, renamed in 1973). The State is rich in agriculture and allied activities and industry and mining, with a number of Central Public Sector Enterprises/Organisations located in the State. It is also leader in Information Technology, Biotechnology etc., with Bengaluru earning the sobriquet of being Silicon Valley of India. The State has 30 Districts and a population of 6.11 crore according to 2011 census, S.Cs and S.Ts constituting about 17 and 7 % of the population respectively. The percentage of people below poverty line was 20.91 in Karnataka as against all India average of 21.92 in 2011-12.

II. At State Level

(a) Child Labour

Position

2.1 According to 61st Round of National Sample Survey, 2004-05, child workforce in Karnataka was estimated at 5.71 lakh. According to 2011 Census, the No. of working children in the age group of 5-14 years was 2.49 lakh. A

District-wise Survey was conducted by Government of Karnataka (Department of Labour) in 2011-12 wherein 51,243 child labourers were identified. Another Survey was conducted in the year 2016-17 and 2017-18. In 25 Districts, in respect of which information is available, 19,419 child labourers were identified. The State Government is taking all possible steps to reduce and eradicate the incidence of child and adolescent labour. During the period 2001-02 to 2017-18, about 4.76 lakh inspections were carried out, 19,525 prosecutions filed, 1,454 convictions made and Rs.4.67 fine imposed.

Important Steps Taken

2.2 Following important steps have been taken by the State Government:

- An Action Plan to eliminate child labour in Karnataka was formulated in 2001 and is being implemented. A Revised Action Plan is being prepared in consultation with the National Law School of India University (NLSIU) for making Karnataka a Child and Adolescent Labour free State by 2022.
- Inspectors have been notified under Section 17 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and regular and periodic planned and surprise inspections are being carried out to identify, rescue, release and rehabilitate working children.

- The National Child Labour Project (NCLP) is operating in 17 Districts. Supplemental State Child Labour Project (SCLP) is operating in 13 non-NCLP Districts.
- State/District/Taluk level Coordination/Advisory/ Executive Committees have been constituted.
- Memorandum of Standard Operating Procedures (MSOPs) has been published.
- Police Stations are registering FIRs against accused employers as employment of child and adolescent labour has been made a cognizable offence under Sec. 17A of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
- The Central Government has developed web-based portal PENCIL (Platform for Effective National Child Labour Project Scheme) for overall supervision and updation of information. All the Districts have been instructed for compliance.

(b) Bonded Labour

Position

2.3 In Karnataka Rural Development and Panchayat Raj Department is responsible for dealing with the issue of bonded labour. During the years 2017 and 2018 (upto March), 11 and 3 cases have been reported respectively. Brick

kilns, quarries, rice mills and weaving sector appear more vulnerable. According to the Socio-Economic Caste Census, 2011, conducted by the Ministry of Rural Development, the number of rehabilitated bonded labour households in Karnataka was 18,452 (Bellary:9 and Mandya:29).

Important Steps Taken

2.4 Following important steps have been taken by the State Government:

- Corpus Fund has been kept at the disposal of Deputy Commissioners of all Districts. Institutional arrangements are in place.
- From State Bonded Labour Rehabilitation Fund, Rs.1,000/- per month for 12 months is provided to natives of Karnataka identified as bonded labour.
- Sensitization and training for all stake holders is being undertaken.
- Steps are being taken for conducting Surveys, early issue of release certificates, medical check-up, provision of financial assistance, allotment of agricultural land/housing sites, vocational education, counselling, Aadhar identification, strict vigilance and creation of data base.

(c) Migrant Labour

Position

2.5 Karnataka is primarily a Host State. It witnesses both intra and inter State migration, the migrant workers spreading across virtually all sectors of the economy. However no precise estimate of migrant workers is available.

Important Steps Taken

2.6 Following important steps have been taken by the State Government:

- Efforts are being made to register the migrant workers.
- Efforts are also being made to register workers employed in brick kilns and other sites as building and construction workers so that the benefits flowing from the Building and Other Construction Workers Cess Fund would accrue to them.

Highlights of Discussion

2.7 Discussions were held with State level officials like Labour Commissioner and other officials of Labour Department and representatives of Rural Development & Panchayati Raj, Social Welfare, Women & Child Development, Police and Education Departments, at Bengaluru. Points made at para 2.2, 2.4 and 2.6, were highlighted in the meeting. It was stressed that fresh Surveys on bonded and child labour should try to capture new forms bondage or 'neo-bondage' emerging in the economy and whether a child's education is being seriously affected while working for the family or not, respectively.

Convergence among various State Government Departments to fight the social evil was emphasized and early release of pending NCLP funds from the Ministry of Labour & Employment was urged.

III. At District 1 (Bellary) Level

3.1 Bellary is known for mining (which suffered due to a slump but has started recovering) and quarries, brick kilns and manufacturing, which attract migrant labour.

Child/Bonded/Migrant Labour

Position

3.2 Bellary District has a history of 165 child labour being rescued in 2005 under the guidance of NHRC from open cast mining in Hospet and Sandur Taluks, rehabilitated in Tent and NCLP Schools, some of whom were also mainstreamed. During 2013-14 to 2017-18, 3321 inspections and 32 raids were conducted, 32 children identified, released and rehabilitated and 24 cases of prosecution launched with conviction in 9 cases and 15 cases pending. Similarly, in 2015, 33 bonded labour were released and sent to their Home States Bihar and Jharkhand and in 2016, 15 bonded labour were released and sent to their Home State Odisha. Migrant workers, coming either through contractors or directly from Andhra Pradesh, Bihar, Jharkhand, Odisha, Tamil

Nadu, U.P. etc., are working in Bellary. Only one case was registered in the past regarding non-registration etc., which is pending in the court.

Important Steps Taken

3.3 Important steps taken are the following:

- The focus is on continuous awareness generation, conducting inspections/raids and inter Departmental coordination.
- Fresh Bonded Labour Survey is likely to be taken up after the Assembly election.
- Registration of migrant workers employed in brick kilns and Highway construction as building and other construction workers to avail benefits flowing from the Cess Fund is continuing.

Highlights of the Discussion

3.4 The meeting with District level officials was attended by Deputy Commissioner and officials of District Administration and among others representatives of Labour, Women & Child Development, Social Welfare, Education, Health, Animal Husbandry, PWD, Urban Development, Gram Panchayat, Transport, Mines, Irrigation, Forest, Cooperative, Library and Horticulture Departments and of Government Boys' Home management, Director General of Mines Safety and Chief Labour Commissioner (Central).

During interaction it was pointed out that due to sustained efforts child labour has declined substantially. Gradual mechanisation of mining has also helped. The importance of capturing new form of bondage or 'neo-bondage' and education of children assisting in family work in fresh Surveys was emphasized. Possibility of neo-bondage existing in garment industry was indicated. Imparting vocational training and inter-Departmental coordination was stressed upon.

Field Visit

3.5 Visits were made to Bellary Diocesan Development Society NCLP School and Government Boys' Home (a Shelter Home). Both institutions located at Ballary seemed to be functioning well. Some inter-State migrant workers from Bihar, employed by Gammon India in Highway construction, were interacted with. They were persuaded to register themselves as building and other construction workers so as to avail benefits from the Cess Fund.

IV. At District 2 (Mandya) Level

4.1 Mandya District is rich in agricultural (paddy, sugarcane and ragi being major crops) and allied (animal husbandry) activities, which attract both inter and intra State migrant workers.

Child/Bonded/Migrant Labour

4.2 Department of Labour and National Child Labour Project Society, Mandya District have taken up a systematic approach to address the issue of child labour. During last five years about 4837 inspections and 28 raids have been carried out resulting in identification, rescue, release, rehabilitation and mainstreaming of 13 child labour. Possibility of both bondage and child labour among migrants working as agricultural workers exists. The focus has been on massive awareness generation.

Highlights of the Discussion

4.3 The District level meeting was attended by officials of Labour, Social Welfare, Child Protection Unit, former Chairperson, CWC and NGOs. During interaction the importance of capturing new form of bondage or 'neo-bondage' and education of children assisting in family work in fresh Surveys was emphasized. It was pointed out that the migrant workers employed in agriculture are vulnerable and in the past some bonded labourers identified among the have been released and rehabilitated.

Field Visit

4.4 Visits were made to a Shelter Home run by a NGO, namely Vikasana Institute for Rural and Urban Development and an Adoption Centre, both being managed efficiently.

V. Any Other Important Observation.

5.1 On the basis of interactions with officials of Police Department who attended various meetings, it appeared that trafficking problem in Karnataka is not serious but the Department is watchful about it.

VI. Recommendations

- (i) Future Surveys on Bonded and Child Labour should try to capture existence of neo-bondage and whether education of children assisting in family work is getting substantially affected or not, respectively.
- (ii) Pending NCLP funds by the Ministry of labour & Employment should be released.
- (iii) The Revised Action Plan for making Karnataka a Child and Adolescent Labour free State by 2022 should be expedited.