

Chapter -7
(Part-A)
Role of Non-Governmental
Organizations (Ngos)

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ORGANIZATIONS (NGOs)

The failure of State Governments and of the administrative mechanisms set up to abolish bonded labour, has left a vacuum which has been filled by NGOs and individuals concerned about the plight of bonded labourers. Their work has included collection of research data, filing 'first information reports' for release of bonded labourers, awareness raising among bonded labourers and helping them to obtain rehabilitation grants from Government. Perhaps the most significant advances gained by NGOs on behalf of bonded labourers, has been the use of public interest litigation, to bring the influence of the Supreme Court to bear on State Government which have failed to carryout their responsibilities.

NGOs in India have played an important role to give a strong pressure to the Government. One of the leading activists from NGO Bandhua Mukti Morcha for this issue is Swami Agnivesh. He has been in the forefront against bonded child labour¹ many other NGOs also concern with the issue, such as Bachpan Bachao Andolan (BBA) in Delhi². Peoples Union for Democratic Right, People Union for Civil Liberties, Volunteer for Social Justice, Rural Litigation and Entitlement Kendra, Jeevika, Akhil Bharatiya Samaj Seva Sansthan and so on.

Furthermore, we can easily find their work, papers or reports, either in National or International level regarding to the bonded labour Studies in India. However it's not an easy task to eradicate bonded labour, but they have shown their commitment in all aspects of Indian society.

1. Bandhua Mukti Morcha (BMM) / Bonded Labour Liberation Front:

BMM is a Non-Governmental Organization in India. It was founded in 1981 by Swami Agnivesh who continues its chairman. It is working to end bonded labour.

Bonded labour was legally abolished in India in 1975 but it remains prevalent with weak enforcement of the law by State Governments, Estimate of the problem varies. Official figures include 1993 estimates of only 251,000 bonded labourer³ while BMM says there are 65 million bonded child labourers and a large

number of adults. A 2003 project by Human Rights Watch has reported major problem with bonded child labour in silk industry.⁴

BMM is one of the vocal organizations, it has been fighting and raising voice against human rights violations of socially and economically weaker section of society and has stood firmly for restoration of rights of the disadvantaged, underprivileged and the exploited people, has raised its voice against pernicious bonded labour system in the country.

Administrative and political will to carry out the constitutional mandate and enforce prohibitive laws of the land failed to produce any result against all odds. Bandhua Mukti Morcha has achieved the release of over 176,000 bonded labourers, among their 26,200 were bonded child labour, from their harsh working conditions and grip of their employers. The organization is not just concerned of taking out these children from bonded labour, but it also provides rehabilitation and primary education for rescue children. A large number of them have been rehabilitated. From the carpet industry alone about a thousand children have been rescued and restored to their parents, their rehabilitations have been monitored effectively, BMM has started a campaign for the provision of formal and full time education for these children along with the supply of nutritious food to each one of them. BMM has also been raising the issue of food security to these poor families.

BMM has conducted two raids on 29th May and 7th September, 2007, at Garhi, New Delhi and Kilokari in Defence Colony, New Delhi, respectively and got released over 100 bonded child labourer, who was working illegally in the embroidery factory.

Bandhua Mukti Morcha has been making a demand for the creation of a National Commission on Bonded Labour with judicial and financial powers. But successive Governments have failed to do so. Bandhua Mukti Morcha has therefore constituted a Citizen's Commission on Bonded and Child labour with eminent person of political, social and judicial integrity as members. They include former judges of the Supreme Court of India, eminent artist, journalist, lawyers and social activists.⁵

BMM has intervened in the area of rescue and rehabilitation of bonded labourers their livelihood, skill development, health and education.

Contribution of BMM: There are the following measures taken by BMM.

1. Non-formal education
2. Capacity building and skill development through vocational training.
3. Awareness campaign.
4. Rescue and rehabilitation of bonded labourers.

(1) Non-formal education:

BMM run a non-formal school for children and training center for girls, who belong to the backward and poor families and unable to go to any skill development training center at Garhi, New Delhi.

It also runs one non formal school for children at Golan District Mirzapur U.P. with the financial help from Carpet Export Promotion Council. New Delhi.

(2). Capacity Building and skill development through vocational training.

BMM runs vocational training centres on different trades at Dayanand Shilp Vidyalaya, Garhi (New Delhi) and Shivpuri (Madhaya Pradesh)

BMM runs skill formation training courses for those girls who are unable to get training in the cutting & tailoring, computer and beauty therapy skills from any other private training centre with the financial help from Agni Foundation, the Netherlands. The rapidly changing face of Delhi's economy has opened new avenues of employment for like Beauty Therapy and this had to be taken into account. Three skills courses for girls are running at the Garhi center.

- ❖ Cutting and Tailoring
- ❖ Beauty Therapy
- ❖ Computer Course

On the same line of trainings at Garhi, Vocational training on different aspects is given to poor and marginalized sections of society at Bansheri, District Shivpuri (M.P.) with the financial assistance from Ministry of Tribal Affairs. At Bansheri Dist. Shivpuri (M.P.), training in tailoring and Dari weaving is given to 25 young women and 30 men in each skill from Sahariya Tribal community. Most of these trainees were earlier bonded labourers and were rehabilitated near the training center at Mukti Gram Bansheri and given a Stipend of Rs. 1000/- per month for each trainee during the training period. There are 5 trainees from each village are selected for skill development. In the same way, at village Anandpur and Dheekwar, Dist- Alwar (Rajasthan) Vocational training in cutting and tailoring

was given to 30 women each at both the places and Sewing Machines and Material was provided to them. An experienced teacher was there to guide them. Monthly test is conducted to check the progress of trainees and at the end of the course certificate is being issued to all participants. This entire training program benefited the participants in terms of increase in their income and empowered the women.⁶

(3). Awareness Campaign:

BMM makes people vigilant against the exploitation through awareness programmes. It has been campaigning for the rights of labourers, particularly the labourers of unorganized sector since more than last two decades. It uses different modes of awareness among mass in general, like street plays (Nukkad Natak), wall- writings, leaflets and handbills posters and educational camps and rallies etc. to educate them about their rights.

Awareness Rallies are one of the important tools to create awareness among the unorganized labourers. The main focus of the rallies is on the abolition of the bonded labour, child labour and alcoholism habit from the society and nation as well. Such Awareness Rallies were organized in all the three blocks of project area.

In Sohana, from 30th Oct to 31th Oct. 2006 Awareness Rally went from Bhuteswar Chowk to Kadarpur village, Islampur, Bad Shapur brick kilns, stone-quarries and other places where unorganized labourers were working. Like wise Sohana, such rallies were organized at Ramgarh (Alwar) and Chanderi (Guna) to create awareness among the unorganized labour force.

During the awareness marches and rallies the following slogans were also written on the roadside walls:

1. Abolish bonded labour system.
2. Eradicate child labour system.
3. Implement Prescribed Minimum Wage.
4. Why lakhs of people still in bondage even more than 60 years of Independence.
5. Those who toil- will eat, Robbers will go, and a new era will dawn.
6. Child labour system is a blot removes it unitedly.
7. There is a constitutional mandate that man and woman are equal.

It always tries its level best to inform the labourers for their minimum wages in different trade. From time to time it organized camps for the labourers, to inform them about the welfare laws designed for them, particularly the Bonded Labour System (Abolition) Act 1976, Minimum Wage Act 1948, and so on.

(4). Legal Action:

Apart from direct action through persuasion and pressure, BMM has successfully fought legal battles in Courts including Supreme Court for liberation of bonded labour and their subsequent rehabilitation. In the case of stone quarry workers in Faridabad, a long legal battle has emerged. It was started in the year 1982, yet it is going on. It now hinges on provision of houses to ex-bonded labourers. Under the direction of the Supreme Court, a piece of land has been earmarked by the local administration for this purpose.⁷

Now, it has to pursue the cases of bonded and child labour, with the National Human Rights Commission, New Delhi for their liberation, and rehabilitation and payment of due wages. This channel for legal action in respect of bonded and child labour has proved speedy and effective.

The nature of these issues is such that without legal action, justice cannot be done.

In the long run, it can be said the main aim of BMM is to identify adult bonded labour, child bonded labour, child labour in the various sector of the economy, liberated them from slavery and follow up their rehabilitation by the Government under the law of country.

2. Bachpan Bachao Andolan (Save the Childhood Movement):

Bachpan Bachao Andolan is an Non-Governmental Organization in India. It has emerged as an organisation of thousands of individual supporters under the banner of 'Bachpan Bachao Andolan' as well as network of over 780 NGOs, Trade Unions, Human Rights Organisation etc. dedicated towards the total elimination of child labour and quality education for all in India. The group was founded by Kailash Satyarthi in 1980. Bachpan Bachao Andolan has released over 76,000 child and bonded labourers since 1980.

Bachpan Bachao Andolan has been instrumental in the field of eradicating the social stigma of child labour, for the past 30 years. It has successfully initiated the movement against child labour across 147 countries by

way of providing meaningful education so as to enable the oppressed and the under-privileged children to gain freedom from the economic exploitation, they are subjected to. Since few years back, the organization has been actively organizing such entertainment evenings dedicated in the name of this social cause. The main highlight behind organizing such events is to gift an evening to remember for the children so as to bring back a smile on their face. Organizing such charity events also facilitates in collecting funds for the NGO as the event proceeds will be beneficial in helping the NGO to gain momentum towards the noble social cause.

Bachpan Bachao Andolan (BBA) is not a conventional NGO or a typical institution, it is the ray of hope in millions of hearts, the first dream in their eyes, the first smile on their faces. It is the sky and wings together for innumerable children, excluded from human identity and dignity, with a desire to fly in freedom. It is the tears of joy of a mother who finds her rescued child back in her lap after years of helplessness and hopelessness. It is a battle to open the doors of opportunities, a fire for freedom and education in the hearts and souls of thousands of youth committed to wipe out the scourge of slavery and ignorance from the face of mankind.⁸

BBA is the first lamp lit by those who didn't believe in cursing the darkness, they dared to hold fire in their hands, determined to dig out spring from stones. In an age of ignorance, neglect and denial on the issue of child servitude, these ordinary youth had a vision to see beyond heavens. Equipped with a strong will to demolish age-old myths and misconceptions about child labor, they fought mighty criminals, slave masters and mafia with exemplary courage.⁹

BBA has triggered a ripple effect in India and in international community. The tide is turning in favour of children, a ray has multiplied itself into a sun which is constantly supplementing brightness and warmth to the lives of unprivileged children. We need more support...BBA calls you to join hands in bringing a smile – the smile of freedom, love and peace, on the face of every child in this world¹⁰.

It receives complaints from parents and gathers information from various sources about such children, rescues them with the help of Government authorities, and reunites them with their families. It ensures their education and rehabilitation

using various State provisions, and through its own rehabilitation-cum- education centers. Since 1980, more than 76,000 child/bonded labourers have been freed from brick kilns, stone quarries, domestic labour, hotels/dhabas, carpet looms, agriculture and allied work etc. BBA makes a major difference in their lives by restoring their childhood, freedom and dignity.

It also works to prevent child labour, bonded labour and trafficking through preventative measures. It runs campaigns on local, national and international level to change society's attitudes towards child labour as well as improve Government policy and legal provisions. BBA has also established a programme of Bal Mitra Grams (child friendly villages) where the communities are sensitized to effects of child labour, and children receive a quality education and an opportunity to participate in local Governance structures

In 2007, it organized a month-long march across the Indian, Nepal and Bangladesh borders to raise awareness about child trafficking. It also founded RugMark, which offers voluntary 'child-labor-free' certification of carpets. In 1999, It began the Global Campaign for Education. "Now people realize education is key to their liberation; education is key to their human rights and key to their poverty eradication programs,"

01 November 2007, New Delhi: In yet another rescue operation on complaint filed and lead by the child rights NGO Bachpan Bachao Andolan "BBA" (Save the Childhood Movement), 75 child labourers between the ages 7 and 15 years were rescued from the Khanpur area of South Delhi.¹¹

All child labourers rescued were natives of Bihar, namely Araria, Motihari and Sitamarhi Districts. Most had been trafficked from their villages and sold into bondage by unscrupulous labour recruiters cum traffickers. Some like Kader, 12-year-old boy from Araria District was shockingly kidnapped 2 months back to be sold as a slave. Kader says his parents would be worried sick about him since for the last 2 months they do not know where he has been. He does not even know the name of the employer for whom he has been working.¹²

Since Jan 2008, BBA has rescued over 800 child bonded labourers from 7 different States from zari embroidery units, hotels/dhabas, shellac handicrafts industries to mention a few. All these children have received statutory economic rehabilitation of a minimum of Rs. 20,000 each under the Bonded Labour System

(Abolition) Act, 1976. The total amounts to INR 16,000,000 (INR 16 million). In addition, a fine of Rs 20,000 was collected from the employers for each rescued child.¹³

It is for the very first time that a rescue operation has been conducted on the world day against child labour.

On 6 May, 2010: Fifty-four child labourers were rescued by authorities from button-making units in south Delhi on Thursday and 10 of their employers taken into custody.¹⁴ This was the fourth such operation in the national capital in the last eight days in which a total of 145 children were rescued from various parts of the capital. The Delhi Task Force on Elimination of Child Labour, police and Labour Department officials conducted raid in Govindpuri area following a complaint filed by child rights NGO Bachpan Bachao Andolan (BBA).

On 28th April 2010, 72 child labourers were rescued from bag manufacturing units in Nabi Kareem area of Central Delhi and eight of their employers taken into custody.

On 3rd May 2010, 16 child labourers were rescued from a bakery unit in Rohini while three children were rescued by authorities from an electric sockets manufacturing unit in west Delhi on 4th May.¹⁵

3. Rural Litigation and Entitlement Kendra (RLEK):

Rural Litigation and Entitlement Kendra (RLEK) is a Non-Governmental Organisation that works with communities in the hill State of Uttarakhand. The Kendra has evolved after years of struggle against atrocities meted out to underprivileged and marginalized communities in the region. It began in the late 1970s, when a group of young people started development work amongst tribal communities in the area of Jaunsar-Bhawal in Dehradun District. Systemic inequities and injustices deprived these communities of their fundamental human rights. The young group's main thrust was on empowerment and emancipation of bonded labour, with special focus on women. This would be crucial to their effort for restoration of rights to these marginalised communities. RLEK fought for community as well as individuals in Courts of justice and the Government was forced to pass new Acts in accordance with the various decisions of the Courts. The Acts were merely the starting point. People had to be organised and mobilised. Persistent advocacy efforts brought about a country-wide exposure to widespread

violation of Fundamental Rights. RLEK initiatives led to the promulgation of: Bonded Labour Abolition Act of 1976; Environment Protection Act of 1986; and Narcotics and Psychotropic Substances (NDPS) Act of 1988.

After two decades of work without any external support, RLEK formally registered under the Societies Registration Act, 1860 as a Non Profit Organisation in 1989 under registration number 1044/ 1988 - 89. It is registered by the Ministry of Finance, Government of India under Section 35AC of Income Tax Act which allows donors 100% income tax deduction on their contributions, and under the Foreign Contribution (Regulation) Act (FCRA), 1976. The State Government of Uttaranchal also recognises RLEK as a charitable organisation.

It builds on the strength and ability of even marginalised people to learn and to grow, and their ability to solve problems that affect their lives. Education (including knowledge of laws); legal aid; organisational, technical and other skills - are seen as essential to give people the "power of knowledge" needed to address the root causes of poverty, deprivation, inequality and exploitation. Following are the objective of the RELEK.

- To work on economic and social problems of the poor and unprivileged, particularly women, by organizing them into community based groups.
- To empower women and build capacities by providing information and knowledge regarding local self-governance.
- To mobilise women through training, networking and by providing institutional support, to contest elections and bring about gender equity in local self governance.
- To provide education to tribal, nomads and other marginalised sections through formal and innovative non-formal programmes.
- To work for conservation, environmental enrichment, and the spreading of awareness of environmental issues.
- To involve participation of forest dependent communities in conservation and sustainable forest management while safeguarding traditional rights.
- To sensitise, raise the level of awareness of legal rights in the poor, and create a cadre of para-legal workers in marginalised communities.

- To establish a culture of humanism through promotion of social justice and to secure entitlements for deprived sections of society through Public interest litigation and advocacy.

Though the Government of India passed the Abolition of Bonded Labour Act in 1976 after strenuous lobbying by RLEK; many were still deprived of freedom because of lack of awareness and inaccessibility.

RLEK led an initiative to help free large groups of such bonded labour. Volunteers of the organisation were accompanied by sensitised youth from the Jaunsar region in an effort to reach all settlements in the locale's rough terrain. All topographical and geographical impediments were overcome to spread awareness of laws through printed and oral media. The grapevine carried the 'memorandum of freedom, to the furthest corners. RLEK led an informed population to justice, and ensuing deliverance.

In addition to the male members serving as slaves to the higher castes in Jaunsar Bawar, their women were being coerced into prostitution in inhumane conditions at brothels and red light areas of the larger cities in northern India. RLEK rescued these women from this work. There were several obstacles created by corruption and inefficiency prevailing in the political and administrative systems. RLEK's vigorous campaign helped to free many women and provide new prospects for their future.

Bonded labourers freed in the area were given land by the Government in 1976. However, due to a high level of ignorance, the same land was often taken away from them in the name of development activities by the same Government, without any provision for compensation.

RLEK carried out a comprehensive study in the Jaunsar area and came across 128 instances of such injustice. In nearly 30 years, hardly any land settlements had taken place. The rightful owners were denied claim over their land and ownership was given to the wrong people. The bonded labourers could not take possession of the allotted land. The situation was brought to the notice of the Supreme Court by RLEK. The SC ordered the State Government to facilitate the allotment of land to the freed labourers.

4. The Akhil Bharatiya Samaj Seva Sansthan:¹⁶

The Akhil Bharatiya Samaj Seva Sansthan (ABSSS), formed in 1978, has played a major role in intervention. It identified as many as 7,000 bonded labourers in Manikpur and Mau blocks and in the Shankargarh block. The ABSSS started work for rural development under the District sponsored programmes. They took up land issues and provided training in Government land records at the village level; more than 2,000 Kol families benefited from such intervention. The ABSSS played a major role in the rescue, release and rehabilitation of around 5,000 bonded labourers in the Mau and Manikpur blocks. The organisation is currently working to build pressure groups of Kol labourers and bonded labourers from other sections of society to sensitize Government officials and politicians about their problems.

Other organisations like the Patha Kol Vikas Samiti (PKVS), Manikpur and Sankalp have also been involved in intervention measures. These organisations started self help groups for bonded workers, especially bonded Kol workers engaged in quarries. They played a crucial role in pressuring the State Government and the District administration to distribute rehabilitation packages to released labourers.

In the absence of any aid from the U.P. Government and the District Administration, it was Sankalp which played a major role in encouraging Kols to run the quarry. A lot of work remains to be done in this area. The stronghold of the Raja, the landlords and the contractors has not yet been broken. Moreover, assets given as rehabilitation measures have not made much difference in the lives of the freed labourers. Self help groups have come forward and released 60 per cent of the bonded labourers while The U.P. Administration rests after having released only 105 workers in the region.

The Labour Department, Government of U.P. under pressure from the ABSSS appointed a Project Rehabilitation Officer, Manikpur (Banda) and identified, released and rehabilitated some bonded labourers in the region. Between 1980/81 and 1995/96 only 641 bonded workers were released mere 20 per cent of the actual 3,000 bonded workers identified by the survey of UPDESCO. Similar work was also done in the Shankargarh block.

Lacunae in rehabilitation measures are revealed in the very nature of the rehabilitation packages, in Chitrakoot District, most released workers, who had

been employed in the stone quarries were given 12 goats of exotic breeds by the local administration, instead of the stipulated amount of Rs. 10,000. This was a common feature of the rehabilitation package in 1996. Labourers, who mostly came from the Kol tribe or the chamarcaste did not have the wherewithal to rear the goats. Many animals died, leaving the released labourer with no option but to return to the quarries. In Shankargarh, on the other hand, most of the released workers were given a package comprising a loudspeaker set and a rickshaw trolley. In many instances, the rickshaws of these workers were boycotted by the upper castes in the village. Although some workers did benefit to some extent from these measures, owing to the weak planning of the rehabilitation measures, the packages were largely inadequate in addressing the needs of the erstwhile bonded labourers.

In a majority of instances, the grant of 12 goats hardly improved the situation of the newly released labourer, who, in his middle age suddenly found himself burdened with animals of exotic breeds, which he was ill equipped to raise. Apart from the sum given for rehabilitation, there was a complete lack of any other related development scheme. As a result many released labourers were compelled to return to bondage. Also noticeable is the marked absence of female bonded labourers from the list of identified and released workers. The rare instance when the released labourers' situation improved was when rehabilitation was land-based. Here, again, the administration showed negligence in following up the allotment of land to the labourers. In Shankargarh and Chitrakoot, it was common for a household of released labourers to come into possession of the gram sabha land as late as 2003 when they had been allotted the land in 1972. Despite efforts by organisations, such as the ABSSS, there are many other labourers in bondage who have not been identified.

5. Jeevika (Jeeta Vimukti Karnataka):

Jeevika is an NGO based in Karnataka which undertakes a wide range of corrective measures to tackle the evil of bonded labour. It is estimated that nearly 21% of Bonded labourers in Karnataka are children below the age of 18. These children are deprived the joys of childhood and a basic education, and are forced to accompany their parents to work on the lands of the landlord in order to pay-off the debt.

Jeevika undertakes a series of measures to extricate children from Bonded labour. These include conducting awareness campaigns across villages in Karnataka, petitioning local administrators (and police) to intervene and remedy situations where bonded labour is identified etc. The most important programme undertaken by Jeevika in this regard is the Back to School Programme.

The Back to School Programme is positioned on the belief that every child below 14 is entitled to free education. This is a 'bridged' programme that focuses on children who do not go to school or have discontinued from school. These children are tutored and their skills nurtured until they are considered to be fit to join the formal schooling system. Jeevika's activists ensure that the children are placed in Government schools at the appropriate level.¹⁷

Goals:

The primary purpose of Jeevika is to eradicate bonded labour from Karnataka and, to this end, to rescue children from labour. The aim is to provide these children with an environment that enables them to build confidence, skills and literacy. Once the children reach a level where they can benefit from the formal education, they are placed into Government schools and their progress monitored. The goals of the programme are detailed below:¹⁸

1. To identify children who do not go to school or whose education has been discontinued. To seek the support of parents and work in conjunction with local authorities in order to put a stop to child labour.
2. To bring children into boarding centres where they are nurtured: provided food, shelter and, most importantly, the company of other children. Residence in these boarding centres ensures that these children are protected from being forced back into agricultural labour.
3. To train and monitor children and bring them to an appropriate level that allows them to fit into the formal education system. The bridge course does not offer formal education, as we understand it. A greater emphasis is placed on instilling self-confidence into children and on encouraging children to express themselves.
4. To make every effort to enroll children into Government Schools, usually after a year stint in the back to school centres. In the majority of cases, once these children are put into the Government school, Jeevika

activists also ensure that these children reside in Government welfare hostels so that they are able to continue with their education.

5. To involve the parents of children who go through these programmes. In a majority of cases, the parents of these children contact Jeevika to enrol their children in these programmes. Jeevika awareness campaigns on Child Labour are specifically aimed to increase the awareness of parents about the rights and opportunities open to their Children.

'Jeevika' has been set up by the Vimukti trust to run 'back to school programmes' for children below 14 years, in order to prevent children from getting into bondage or other working situations detrimental to their growth. Vimukti Trust is a registered trust. It endeavours to organise legal assistance with the aim to secure compensation from the State for bonded labours.

Jeevika operates two Back to School Centres. One is at the town of Anekal where nearly 120 children currently reside. More than 200 children have graduated from the residential bridge programmes conducted in the Anekal Centre. The Malur Centre has now 100 children comprising of 2 bridge course centres, one boys and one for girls.

Over the last 5 years, more than 200 children have directly benefited from the Back to School Programme centres started by Jeevika. These children have been rescued from a life of virtual slavery and been given the opportunity to experience a true childhood and to work towards a bright future for themselves. The children who have passed through these programmes have become more aware of their rights and many of them have themselves started to participate in the initiatives to eradicate bonded labour.¹⁹

6. Jeeva Jyothi:

The Chennai based Indian Non-Governmental Organization was started in 1994 to promote, protect and advance the rights and lives of indigent sections of people. Children, youth, women and men in the city with primary focus on child labour and street children.

Jeeva Jyoti has been working towards achieving a Child labour free society. Jeeva jyothi takes up a holistic approach to tackle with the problem of child labour. Since this is a by-product of the Increase poverty in the recent years. The only realistic solution lies with empowering of the family of these children. The various

programs and activities of Jeeva Jyothi are targeted towards achieving the above mentioned goal. Jeeva Jyothi has till date reached out to more than 1000 child labourers in the project area.²⁰

Jeeva Jyothi intervention with children in bonded situations has found a major breakthrough in the Nerkalams of northern Chennai. There Jeeva Jyothi has school enrolled more than 1400 children of the bonded labourers and most of children below the age of 5 in the contact areas of Jeeva Jyothi utilises the Jeeva Jyothi balawadi's (playschools) in the area.²¹

7. Volunteers for Social Justice (VSJ):

Volunteers for Social Justice (VSJ) a human rights organization based in phillaur Jalandha came into existence in 1985 through the initiative of Shri Jai Singh. In 1982, he established the Brick Kiln and Construction Workers Union, and succeeded in revising wage rates for brick kiln workers. Slowly he extended his work to agricultural labourers in Punjab. Jai Singh himself being a Dalit came in close contact with agricultural labourers who are invariably dalits. He also started organising agricultural labourers into the Khet Mazdoor Union.²²

VSJ got its first shot in the arm when the Supreme Court ordered the payment of compensation to all those labourers who lost their limbs while handling agricultural machinery in response to the writ petition filed by Jai Singh. The Punjab Mandi Board was made responsible for paying the compensation in proportion to the damage to the workers during the accident. In 1998, VSJ organised a Peoples' Vigilance Committee whose focus was to fight against child labour and bonded labour. Jai Singh also opened up a Transit Camp for labourers in 1998 where bonded labourers stay till they are rehabilitated after their release from bondage.

In 2001, VSJ intensified its activities in releasing bonded agricultural labourers where help from Action-Aid was also taken. A campaign of awareness against Bondage was launched in Punjab that finally ended in Chandigarh in 2001. At the end of the campaign a rally was held in Chandigarh and a memorandum on the condition of bonded labour was submitted to the Governor of Punjab, whereby he was requested to end the tradition of bondage. Another similar bicycle campaign was launched in August 2003 from the village Dalel Singh Wala in District Mansa. The campaigners passed through the Districts of Bathinda,

Mukatsar, Moga, Amritsar, Kapurthala, Ludhiana, Patiala, Chandigarh Ambala, Kurukshetra, Panipat, Sonipat and finally terminated it in Delhi on the 15th September 2003 where, once again, a memorandum on the plight of bonded labourers was submitted to the President of India. Further on 28-29 February 2005, VSJ also organised a National Conference of bonded labourers at Chandigarh in which there was widespread participation from different parts of the country. Under Jai Singh's leadership a team of workers has been constituted, including a project coordinator, a legal advisor, activists and volunteers. He also maintains office staff: documentation officer, typist and a supervisor for the Transit Camp, computer operator, an accountant, office assistant, driver and a cook.²³

Working of VSJ:

The volunteers of VSJ keep in touch with the ground reality either through released bonded labourers or through the personal visits to different villages. Whenever the VSJ come to know of some bonded labourers, they file a writ with the High Court at Chandigarh from where a Warrant Officer is appointed to raid the place where the bonded labourer is in existence. The Warrant Officer records the Statements of the bonded labourer, and after going through the legal procedure the labourer is 'freed' from bondage and is brought to the Transit Camp at Phillaur. The 'released' labourer stays at the Transit Camp till he/she is rehabilitated in an alternative place/occupation.

There are also some labourers who run away from their employers and reach Phillaur for protection. VSJ files a legal suit in the District Courts on the prescribed form for their release and rehabilitation, the copies of which are also dispatched to the Punjab State Human Rights Commission and other legal quarters. In the meanwhile the victim of bondage is kept at the Transit Camp where he is educated on his rights and empowered to fight back. A labourer can stay in the Camp for 15 to 60 days and is slowly encouraged to look for alternative employment.²⁴

From on going study it can be suggested that. NGOs should always be viewed as important partners and collaborators of Government. Such a partnership should flow naturally and spontaneously from both sides. In the context of eliminating forced labour, the Government should invite NGOs for an open dialogue to plan a joint strategy instead of expecting NGOs to approach the

Government for a partnership role. There are a number of good, reliable and committed NGOs which are largely non-political or apolitical and are based in remote, interior and inaccessible areas, and which have been working unrelentingly to establish the muchneeded outreach to the deprived and neglected cross sections of society (such as the bonded labourers), carrying hope, faith and conviction to them. The role that such NGOs can play in eliminating forced/bonded labour can be outlined as follows:

- Only such NGOs that have the correct understanding of the phenomenon of forced/bonded labour and which are willing to work in the direction of the elimination of such labour should be selected. The help of NGOs of repute and standing at the national and State level should be taken into account in the selection of such NGOs;
- Such NGOs should be willing to adopt an area specific, time-bound, need-based, cost-effective and result-oriented approach;
- They can help the process of creating associations/groups of already *identified and released bonded labourers and involve them in the task of* identification;
- They can also mobilize SC and ST students and specially those from the landless agricultural labour families. Students of the above categories who also have a rural background should be first thoroughly trained and actively associated with the work of identifying bonded labourers as well as with that of organizing the work of relief and rehabilitation;
- The rural labour training camps being organized by the VV Giri National Labour Institute should be utilized for providing the right type of orientation to the student volunteers in handling the delicate task of identifying bonded labour systems;
- Training of the student volunteers should primarily focus on the methodology of conducting a survey in areas where forced/compulsory/bonded labour is endemic on the basis of existing reports in a discrete and circumspect manner. All such surveys should be preceded by confidential inquiries in the neighbourhood through interaction with members of the local community in a non-intensive manner;

- While undertaking the survey with the help of student volunteers, the NGOs are likely to incur the wrath of vested interests. To counter this, the NGOs would need the support of the representatives of the people, i.e. MPs, MLAs, MLCs, members of local self-governing bodies, functionaries of all development departments, as well as that of officials of the law enforcement machinery. This would involve a great deal of planning and coordination;
- It should be clearly noted that the existing law has entrusted the responsibility for identifying bonded labour systems to vigilance committees at the District and Sub-Divisional level. The involvement of NGOs and student volunteers with the task of identifying bonded labour systems should, therefore, be with the full knowledge and approval of vigilance committees and that of the DM and SDM which head them respectively;
- It should be clearly noted that the existing machinery at the block, mandal, taluk, Sub-Division and District level, is totally inadequate to deal with the enormous task of identifying bonded labour systems. The officers of the machinery being saddled with their own responsibilities neither have the time nor the requisite attitude and approach so vitally needed to attend to an unconventional task such as identifying bonded labourers. What is of vital importance is that the official machinery in all humility should acknowledge the impossibility of the task and should gracefully involve the NGOs in the entire process of identification;
- NGOs work and live with the people at the grass-root level. They have flexibility in organizational structure and operations. They have a team of committed and dedicated activists who are intimately involved with the working and living conditions of people at the ground level. This flexibility and presence of a hardcore team is the greatest strength of the NGOs. Apart from taking responsibility for identification of bonded labour through survey and rehabilitation of freed bonded labourers, the NGOs can be the most effective medium for transmitting the following central message:
 - The existence and continuance of forced labour is a crime and all outrage against humanity;

- It is a negation of inalienable human rights;
- It is a negation of all the values and principles reflected in the ILO's Constitution and Declaration of Philadelphia as well as in the Constitution of India;
- It cannot be tolerated in any manner, in any form and in any part of the territory of a country.

This can be done through print, electronic and through folk-cultural media. It can also be done through songs, slogans, nukkad nataks (street theatres), skits, posters, role play and simulation exercises. The services of such NGOs should be enlisted for this purpose since they have amongst them first-rate creative thinkers, writers, playwrights, singers, dancers, painters and other artistes who can be the most effective conduits of transmission of messages relating to elimination of forced labour.

PART-B

ROLE OF NATIONAL HUMAN RIGHTS COMMISSION

The NHRC is the Government of India's autonomous human rights body. Its statutory functions include conducting independent investigations into human rights abuses, both on its own initiative and in response to petitioned complaints. In conducting these investigations, the Commission enjoys the same powers as a civil Court and can, accordingly, summon witnesses and examine them under oath; compel discovery and production of documents; and requisition public records from a Court or office. However unlike a civil Court's ruling, the NHRC's recommendations are not binding, although the Commission has been able to pressure the Government into complying with its recommendations on many occasions. Following the Supreme Court's request in 1997 that it monitor States implementation of the bonded labor law, it appointed various special rapporteurs to address the issue.

- The Supreme Court in the Writ Petition (No.3922/1985) – *Public Union for Civil Liberties v. State of Tamil Nadu & Others* – requested the NHRC to get involved in the monitoring of the implementation of the *Bonded Labour System (Abolition) Act, 1976*. The Supreme Court Stated that the NHRC should follow the manner indicated in the order passed by the Supreme

Court on 11-11-1997 in Writ Petition No.1900 of 1981 requesting the NHRC to be involved in the supervision of the working of the Agra Protection Home to “ensure that the Home functions in the manner as is expected for achieving the objects for which it has been set up” and that “the concerned authorities would promptly comply with the directives given by the NHRC”.²⁵ The Commission has been involved in the monitoring of the implementation of the Bonded Labour System (Abolition) Act as per the directions of the Supreme Court in WP (Civil) No. 3922 of 1985 (PUCL V State of Tamil Nadu & Others). The Commission is presently monitoring the BLS (Abolition) Act by calling for information from the State on a quarterly basis on identification, release and rehabilitation of bonded labour.

- The NHRC views the responsibility assigned to it from the angle of the constitutional guarantee [Article 23(1) of the Constitution of India] incorporated in the *Bonded Labour System (Abolition) Act, 1976*.
- The NHRC took up the monitoring of implementation of the *Bonded Labour System (Abolition) Act, 1976* in early 1998.
- It focused attention on 13 States – Andhra Pradesh, Arunachal Pradesh, Bihar, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh, identified as bonded labour prone areas by the Union Labour Ministry on the basis of several study reports.
- Commission has been monitoring the implementation of the *Bonded Labour System (Abolition) Act, 1976* through its Special Rapporteurs.
- The Commission keeps the Supreme Court informed about the steps taken by it to discharge the responsibility entrusted.
- The NHRC constituted an Expert Group in 2000, chaired by Mr. S. R. Sankaran, for identification of bonded labour prone Districts, industries and occupations and for various aspects relating to legislation and implementation. The Expert Group, in its Report submitted to the NHRC in 2001, concluded that although the Ministry of Labour had identified 13 States and 172 Districts as being bonded labour prone, the system is prevalent in almost all States.²⁶

The Expert Group also concluded that bonded labour in agriculture has a high rate in the States of Andhra Pradesh. Bihar. Haryana, Karnataka, Madhya Pradesh. Maharashtra. Orissa, Punjab and Tamil Nadu. In the non-agricultural sector, it concluded that bonded labour is rampant in brick kilns, stone quarries. beedi manufacturing, carpet weaving and construction, and child bonded labour in the silk industry, it further concluded that migrant bonded labour invoking States such as Bihar, Jharkhand, Chhatisgarh, Tamil Nadu, Madhya Pradesh. Orissa, Rajasthan. Punjab and Haryana represented an aggravated form of deprivation and exploitation.²⁷

The Group felt that, owing to the efforts made by the NHRC through Its Special Rapporteur system, the process of identification, release and rehabilitation of bonded labourers had received a fillip. For example, till 2001, 1,069 cases of bonded labour had been identified in Karnataka and another 1,212 were being investigated. In Tamil Nadu, since the survey of 1996-97, 10,850 cases had been identified. In Andhra Pradesh 3, 122 cases of bonded labour had been identified mostly in 2001. Although systematic, non-official surveys of bonded labour are difficult to come by, there are several surveys in different parts of the country and different industries which-give an idea of the continued nature of the problem. Moreover, Non-Governmental Organizations which have taken up issues relating to bonded labourers and been leading the process of identification and release, have compiled extensive documentation.²⁸

- The group in its report gave its findings on the present status, the position of the existing schemes and recommendations relating to the law. It also gave an Action plan for the NHRC indicating that the task of monitoring entrusted to the NHRC by the Supreme Court requires the Commission's involvement in all the three functions, namely Identification, Release and Rehabilitation of bonded labour.²⁹
- The Commission is pursuing the States/UT Government to complete the mandatory measures under the *Bonded Labour Act*,³⁰ namely –
 - (i) Specifying authorities for implementing the provisions of the Act (Section 10);
 - (ii) Constitution of Vigilance Committees in each District and each sub-division (Section 13);

- (iii) Authorizing the Executive Magistrates to exercise powers of Judicial Magistrates for the trial of the offences under the Act (Section 21);
- (iv) Identifying the sensitive Districts and industries where bonded labour system is being practised in one form or the other.

The NHRC through its Special Rapporteurs has been interacting with the State Government and with the Ministry of Labour to evolve suitable measures to eradicate the problem of bonded labour. Several reviews in the States have been conducted by the Chairperson and Members of the Commission.

The chairperson Dr. A.S. Anand assisted by Shri Chaman Lal, Special Rapporteur reviewed the bonded labour situation in Haryana in the meeting held in Chandigarh on October 21, 2005, justice Y. Bhashar Rao assisted by the special Rapporteur reviewed the bonded labour situation in Chattisgarh at Raipur on February 14, 2006. The Special Raporteur carried out review of the bonded labour situation in Uttar Pradesh with focus on carpet belt District from 2 to 7 September 2005 and 4 to 7 March 2006, and Jharkhand on March 30, 2006.³¹

Justice Mr. Y. Bhaskar Rao, Member, NHRC conducted a review of the status of implementation of the Act for the State of Andhra Pradesh at Hyderabad on 19 October 2006. The last such review was conducted by him on 23 June 2006. He was assisted by Dr L. Mishra, special Rapporteur in conducting the review. Subsequently, Justice Mr. Y. Bhaskar Rao also conducted a review of the status of implementation of the Act for the State of Tamil Nadu at Chennai on 9 November 2006 backed by field visit to Kancheerpuram District on 10 June 2006. He was also assisted by Dr. L. Mishra, Special Rapporteur in this review. Subsequently, the Special Rapporteur, Dr. L. Mishra independently carried out a review of the status of implementation of the Act for the State of Haryana, Orissa, Madhya Pradesh and Rajasthan.³²

The Commission is involved in sensitizing and educating the District Magistrates, Deputy Commissioners, Deputy Development Commissioner and other Senior Officers of the State Governments by holding Sensitization workshops. These workshops are presided over by the Chairperson and Member of the Commission. During 2003-04 sensitization workshops for the District Magistrates were held in Punjab, Uttar Pradesh, Bihar and Karnataka. During 2004-05, four additional workshops were proposed to be held.³³

On February 1, 2006, a workshop was held in Uttaranchal at Dehradun was inaugurated by justice Y. Bhaskar Rao, Member NHRC, shri Hira Singh Bisht. Labour Minister Uttaranchal in his presidential address expressed the commitment of his Government towards eradication of bonded labour in the State. The participant numbering 36 included one Divisional Commissioner, three DMS, five Chief development officers and four ADMS. The workshop proved useful in clarifying for the benefit of the District officers of the newly created State the definitional aspects of Bonded Labour System Abolition Act, 1976 and removing their misgivings on the issue.³⁴

On March 10, 2006 another workshop was organized in collaboration with Maharashtra Institute of Labour Studies Mumbai at Yashwant Rao Chavan Centre, Mumbai. It was inaugurated by Dr. Justice A.S. Anand, chairperson, NHRC. The participants numbering 41 included one collector, one Addl. Collector and four Deputy Collectors. The Chairperson expressed his unhappiness over the poor attendance of collectors for whom this workshop was specially designed. However the presence of Deputy Labour Commissioners and Assistant Labour Commissioners, who are Member Secretaries of the District Vigilance Committees proved useful in interacting with the authorities at functional level about the implementation of the Bonded Labour Act. The workshop helped in identifying the problems of migrant bonded Labourers including child Labourers detected in Maharashtra in recent years due to the initiative of some committed NGOs³⁵.

Recently on 21, 22 August 2009 a workshop was organised by NHRC in collaboration with Panchayati Raj Department and labour employment govt. of Orissa, at SIRD, conference Hall, Bhubaneshwar.³⁶

Initiatives taken by National Human Rights Commission in the following Cases:³⁷

(1). The Commission took suo-motu cognizance of a press report which appeared in the 'Indian Express' dated 17 December 1999. In the press report, it was stated that 84 bonded labourers, who were freed from a cold storage construction site, stated that they were beaten and were given third degree treatment. The woman workers alleged rape and molestation. None of the workers were paid their wages.³⁸

The Commission directed the Director General of Police, Punjab and the Senior Superintendent of Police, Jalandhar to send reports to the Commission on this article. The latter responded saying that one Mohan Singh, who was constructing a cold storage, was providing labourers with clothes, food, free accommodation and Rs. 600 per month. The labourers, however, had Stated that they had been working for the last four months and were not given wages because the owner had promised to pay them when they returned to their native places. When the Sub Divisional Magistrate, Shahkot and Station House Officer, Police Station, Shahkot visited the spot, the labourers told them that they did not wish to work with the cold-storage owner as his behaviour was insulting. A woman labourer, named Saloni Stated that one Pappu had beaten her husband and locked him in a room. The owner could not, himself, be contacted. However, employer agreed to pay the wages to the labourers. The report added that the Labour Inspector had been directed to ensure the payment of wages to the labourers so that they might go wherever they wanted. The labourers had been brought to the office of the Sub Divisional Magistrate where food had been arranged for them. The labourers were then set free and they went back to their homes. The report concluded by saying that a case, FIR No. 236 dated 15 December 1999, had been registered under section 16, 17 of the Bonded Labour System (Abolition) Act and under Sections 342/323/354 of the Indian Penal Code.

Upon perusing the report, the Commission noted that it was not clear whether the District Magistrate, Jalandhar had issued release certificates and ensured that the bonded labourers would be rehabilitated. By proceedings dated 23 March 2000, the Commission therefore directed its Director General (Investigation) to contact Senior Superintendent of Police (SSP), Jalandhar and to secure the relevant details. The further report, received from the SSP, indicated that the 65 bonded labourers had been released and that the minimum wages due to them had been collected from Mohan Singh, owner of the cold storage. However, release certificates under the relevant Act and the rehabilitation package envisaged under it had not been provided. The Commission, therefore, directed the District Magistrate, Jalandhar to issue release certificates to all the 65 bonded labourers, namely the 42 men and 23 women involved. Further, a sum of Rs. 20,000 was to be paid to each of the 65 released bonded labourers under the relevant legislation,

of which a sum of Rs. 5,000 may be paid in cash or by demand draft to each labourer and to form a cooperative society; have it registered under the State Cooperative Societies Act as a Released Bonded Labourers Cooperative Society; treat the balance amount of Rs. 15,000 per head as share capital of each of the members of the society.

Under the appropriate Rozgar Yojana or any other appropriate scheme available, It is further directed provide Governmental work to the cooperative society and an Inspector of the Cooperative Societies should monitor the working of the society. The work allotted to it would be jointly done by all the members of the cooperative society and the returns from their labour would be enjoyed by them in equal proportion. In case any Government land was available in the village, the District administration shall take steps to allot the same to the cooperative society and all the members would collectively cultivate the land and reap the benefit in equal proportion. The District Administration would also, in that event, arrange appropriate loans for reclamation of land, its cultivation, and supply of seeds or saplings for agricultural operations, manure etc., for the successful working of the society. The Agriculture Department should be directed to help them in the farming.

In case all the members of the Society were illiterate, the Inspector belonging to the Cooperative Department should assist them in writing the accounts regularly and ensuring its successful working.

The District Labour Officer should ensure the successful prosecution of the offender for the offences charged against him. The District Labour Officer should act in collaboration with the concerned Public Prosecutor/District Attorney, as the case may be, and take the case to its logical conclusion.

The report received from the Deputy Commissioner, Jalandhar was placed before the Commission on 29 April 2002 when the Commission observed that partial compliance had been made, but it appeared that inadequate steps had been taken to comply fully with the directions of the Commission. It was added that the District Magistrate, Jalandhar should not take the directions of the Commission casually but should make strenuous efforts to trace the labourers who had been released, issue them the release certificates that were required under the law and

provide them with other benefits directed by the Commission in its proceedings dated 18 September 2000.³⁹

(2). The Commission received a complaint from Prof. Sheotaj Singh, General Secretary of the Bonded Labour Liberation Front, Delhi alleging that 20 persons including men, women and children were being kept as bonded labourers in a stone quarry in Gurgaon, Haryana. According to the complaint, though the Sub Divisional Magistrate of the area had visited the site and admitted that minimum wages were not being paid to the labourers, he had refused to issue release certificates to them.⁴⁰

On 21 September 1999, the Commission directed the Chief Secretary, Haryana, to look into the matter and submit a report. In response to the Commission's notice, the Labour Commissioner of Haryana Stated that this was not a case of bonded labour but a dispute between workers and their employer regarding wages. Both the parties had reached an agreement, after which the labourers had been sent back to their home District, namely, Jaipur in Rajasthan. The report further Stated that the complaint of Prof. Sheotaj Singh alleging non-release of the bonded labour was false.

The Special Rapporteur of the Commission, Shri Chaman Lal, was asked to look into the matter. He recommended that the Commission's own investigation team should meet the bonded labourers who were now living in Jaipur District in order to ascertain the facts.

Accordingly, an investigation team of the Commission, along with senior representatives of the Rajasthan University Women's Association and an officer deputed by the District Magistrate of Jaipur, visited Durgapura, 10 kilometers away from Jaipur city where about 29 persons including 10 children were found camping in the open. They had been living there since their return from Haryana in the second half of September 1999. They belonged to the Banjara Nomadic Tribe and had gone to Haryana in 1994 to market their products. While they were there, one Balkar Singh lured them to work in a stone quarry, offering them attractive wages. After a year, they were denied payment of wages and in lieu of wages, arrangements were made with a local general merchant to provide them daily rations on credit. When the labourers objected and demanded full wages, they were forcibly confined in their hutments after working hours and were guarded by

armed musclemen. In August 1999, they somehow managed to establish contact with Prof. Sheotaj Singh. When word spread that Prof. Singh had lodged a complaint, labourers were made to put their thumb impressions on papers of agreement declaring that they had received Rs.5,000 each towards the settlement of their wages. This was done in the presence of the local Sub Divisional Magistrate and police officials. The money was, however, not given to the labourers and, instead, it was adjusted against the items taken by them from the local merchant. In the third week of September 1999, they were transported away from Haryana, escorted by policemen, and later dumped in the outskirts of Jaipur city.

The Sub Divisional Magistrate, when questioned by the team of the Commission, reiterated that the issue related to a wage dispute in which he had worked out a compromise and that, to avoid any further chance of exploitation, he had made arrangements for the transportation of the labourers to Jaipur on their request. He claimed ignorance of the legal interpretation of the Supreme Court verdict wherein the word "bonded labour" had been given a wider interpretation, covering all cases where wages paid to the labourers was less than the minimum fixed by the Government. The Deputy Commissioner, Gurgaon, was also not fully aware of the whole episode. However, after discussions with the officials of the Commission, the District officials dispatched 19 Release Certificates to the Commission to be handed over to the labourers. The District Magistrate, Jaipur assured the Commission that immediate steps would be initiated to render all help to rehabilitate these Banjaras under various welfare schemes of the Government.

The Release Certificates were handed over to the labourers in December 1999 at a small function held in Jaipur. To rehabilitate these labourers, arrangements were made to shift their families temporarily to a Government housing building in Sanganer, near Jaipur city. Thereafter, they would be permanently settled under the Indira Awas Yojna. The Government of Rajasthan informed the Commission that efforts are also being made to allot them cultivable land. Employment is being given to them under the Rural Development Schemes near Sanganer Airport to help them earn their immediate livelihood. A cooperative is being created for them, to which stone mines would be leased in order to generate work in which the tribals had experience. Of the Rs10,000 given to each of the 19 labourers, along with their Release Certificates, Rs. 2,000 was given in

cash and rest of the money was deposited in their respective bank accounts. The District Magistrate had sanctioned Old Age Pensions to two elderly women. A pension was also announced to a person who became disabled following serious leg injuries while working in the Gurgaon mines. Cash relief of Rs. 5,000 from the Chief Minister's Relief Fund was also announced for his treatment.⁴¹

The Commission expressed its appreciation of the role of the officers who were involved in the release of the bonded labourers.

(3). Omak Apang, the then Minister of State for Tourism, Government of India forwarded a petition received from Kashok Hale, President, All Puroik Welfare Society, Naharlagum, Arunachal Pradesh regarding non-implementation of the High Power Committee's recommendations on Bonded Labour of East Kameng District, Arunachal Pradesh which was constituted on the behest of the Supreme Court Order Ref. No.2AB(W) 22/97 dated 23 December 1998. It was alleged that although according to the 1991 Census, the number of bonded labourers were 3,542 but actually their number was more than 5,000-7,000 in the East Kameng District, most of whom had not been identified. Pursuant to the Commission's directions, the report submitted by Shri Sudarshan Agarwal, the then Hon'ble Member of the Commission was sent to the Chief Secretary, Government of Arunachal Pradesh as well as to the Secretary, Ministry of Home Affairs for their response. The State Government of Arunachal Pradesh submitted its report stating that 882.4 hectares of land had been selected and also a model village was established for settlement of the freed bonded labourers and 2,992 bonded labourers were released and paid Rs.2992 lakhs as subsistence allowance @ Rs. 1,000/- each. Subsequently, the Commission received a report from the Ministry of Labour which indicated that the Sponsored Plan Scheme had been modified from 1 April 2000 and rehabilitation grant was raised to Rs. 20,000 per freed bonded labour. Further in respect of North-Eastern States, 100% rehabilitation grants would be provided by the Central Government. In addition, grants-in-aid would also be provided to the State Government for conducting survey for identification of bonded labourers, awareness generation activities, evaluatory studies and monitoring and review of the implementation of the Bonded Labour Act, 1976. On further consideration of the matter, the Commission directed the Union Ministry of Labour as well as the Government of Arunachal Pradesh to send

progress reports in respect of progress made towards eradication of the bonded labour system. In a subsequent report, the State Government indicated that 373 out of 2992 freed bonded labourers had been rehabilitated in January 2002 by paying rehabilitation grant to the tune of Rs. 70.84 lakhs @ Rs. 19,000/- per person under the approved scheme. The remaining 2588 bonded labourers out of 2,619 bonded labourers, had also been rehabilitated in March, 2002 and 31 bonded labourers had since died. The report also indicated that a sum of Rs. 491.75 lakhs had been spent out of a total grant of Rs.497.64 lakhs provided by the Central Government and the balance amount of Rs.5.89 lakhs could not be utilized due to death of 31 bonded labourers.⁴²

On consideration of the matter, the Commission noted that the Government of Arunachal Pradesh, Deptt. of Labour had submitted the utilization certificate of Central assistance provided under the Centrally Sponsored Scheme for Rehabilitation of bonded labours of Arunachal Pradesh. Since appropriate action had been taken, the case was closed by the Commission.⁴³

(4). The Commission received a complaint from one Butan son of Pitam residing in Madhya Pradesh that was forwarded by Prof. Sheotaj Singh, Bonded Labour Liberation Front alleging that about 400 bonded labourers had been working in Chauna Stone mines in District Gwalior and they were not paid their wages; besides they were tortured and harassed. On consideration of the report submitted by Shri Chaman Lal, Special Rapporteur, NHRC, the Commission asked the Government of Madhya Pradesh to direct the Labour Commissioner, Madhya Pradesh to ensure a comprehensive inspection of these establishments and also to ensure strict enforcement of all Labour Law, particularly, the Minimum Wages Act. On perusal of the report submitted by the Labour Commissioner, Madhya Pradesh, the Commission observed that the District Administration had freed Butan along with 43 other persons on 9 July 2002 and all of them had been sent to District Guna as per their wishes. The report was however silence as to what action was taken against the persons with whom Butan and 43 others were engaged as bonded labourers and about the relief and rehabilitation measures that had been taken for the freed bonded labourers. The Commission, therefore, further asked the Government of Madhya Pradesh to furnish the information with regard to the manner in which action had been taken regarding Butan and 43 others as indicated

above. In a subsequent report, Labour Department, Government of M.P. spelt out the steps taken by the Government of Madhya Pradesh for rehabilitation of bonded labourers freed in July 2002 and also indicated the action taken against the guilty employers. On consideration of the report, the case was closed by the Commission.⁴⁴

(5). A complaint was received from Thenmozhi, Periyar District, Tamil Nadu alleging that her aunt, Madeswari who had been working as a bonded labourer in the powerloom factory owned by K.Nallusamy and K.Duraisamy in Periyar District, Tamil Nadu for 1 ½ years against an advance amount of Rs. 12,000 managed to repay the advance amount but the factory owners still demanded Rs. 24,000 more from them. Madeswari somehow managed to escape from the clutches of K.Nallusamy and K.Duraisamy along with her husband and daughters, and that she also found a new employment and started staying with the petitioner. It was further alleged that when Madeswari and her husband were away, Nallusamy and Duraisamy, the factory owners forcefully abducted the petitioner and her aunt's two minor daughters and they were compelled to sign fake loan documents of Rs. 64,000. When Madeswari and her husband came in search of their children and the petitioner, they were also compelled to work. Not satisfied with the report received from Director General of Police, Government of Tamil Nadu, the Commission requested Shri K.R.Venugopal, Special Rapporteur, NHRC to enquire and submit a report. The Commission, on consideration of the recommendations made by Shri K.R.Venugopal, Special Rapporteur directed vide its proceedings dated 26 December 2000 that the same be forwarded to the Chief Secretary, Government of Tamil Nadu for comments. An interim report dated 11 November 2002 submitted by the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu indicated that the State officials had been instructed to take necessary action against the police officers concerned, as also to inquire into the action taken by the Collectors of Salem District from 1996 onwards and the arrangements made for reorientation of senior officers of the Government with regard to abolition of Bonded Labour System in Tamil Nadu. The report further indicated that the Court had carefully examined the merit of the case and decided to sanction a sum of Rs. 25,000/- to Thenmozhi. On perusal of the above report on 20 October 2003 the Commission expressed its dissatisfaction

and further directed to send the records to Shri K.R.Venugopal, Special Rapporteur, NHRC to take up the matter with the State Government for appropriate action and report.

In response, Shri Venugopal pursued the matter with the State Government as a result of which the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu intimated that the State Government has decided to pay a total amount of Rs. 1.00 lakhs (including Rs. 25,000/- already paid) to Thenmozhi. On consideration of aforesaid report, the Commission on 24 March 2004 appreciated the stand taken by the State Government and agreed to the payment of Rs. One lakh (including the amount of Rs. 25,000/- already paid) to Thenmozhi and asked the State Government to intimate the Commission whether the actual payment has been made to Thenmozhi and if so, send a copy of the proof of payment. The case is being monitored by the Commission.⁴⁵

(6). In Spetember, 15, 2008. The NHRC had ordered the Puri District collector to hold a fresh inquiry in all the 17 cases which were brought to his notice by the District Bonded Labour Vigilance Committee and pass speaking order in all the cases keeping the provisions of Bonded Labour System Abolition Act in mind. Such persons who are identified as bonded labourers after conclusion of inquiry shall be given release certificates and appropriate steps shall be taken for their rehabilitation by giving them financial assistance for opening saloons or laundry etc. The inquiry shall be expeditiously concluded and action taken report shall be submitted to the Commission within 12 weeks, the NHRC order said. The complainant, Baghambar Pattnaik, advisor of Odisha Gotimukti Andolan [Odisha Freed Bonded Labour Movement] had drawn the attention of the NHRC top officials in the State not only disobey the orders of the Commission but also encourage bonded labour system. The officials have scant regard for the NHRC order. Washer men and barbers are still treated like Bonded Labourers which is why across the State, people are demonstrating before the office of Revenue Divisional Commissioner and others. We hope, NHRC will impart us justice and relieve the bonded labourer by rehabilitating them properly.⁴⁶

(7). The National Human Rights Commission has directed the Government of Orissa to register an FIR against those who are responsible for the illegal confinement of 17 persons and many others under the pernicious custom of

'bartan', which is a manifestation of the bonded labour system.⁴⁷

The Commission gave these directions while hearing a case no. 13/18/2006-2007 registered on a complaint filed by Mr. Baghambar Pattanaik, Puri, Orissa. The complainant had alleged that 17 persons and many others are victims of 'bartan' prevailing in District Puri of the State.

The complainant had alleged that under the custom of 'bartan', the upper castes families in a village give an advance of a little quantity of paddy for each married male at a particular time of the year and in return, that person called 'sewak' has to render service to all the members of the family throughout the year without any remuneration.

The sewak is also required to wash the feet of the guests visiting the family and he has to perform many other menial jobs in case of a death or a marriage in the family. He is also required to perform many community services including removing the banana leaves containing the leftover meals.

Taking serious view of the issue the Commission has directed the State Authorities that after registering FIR they investigate the matter and initiate a legal action against the persons involved in the illegal confinement of fellow human beings and who are extracting forced labour from them under 'bartan'. It has also asked the State authorities to consider appropriate action against the officers who have failed to stop this illegal practice.

The Commission found the inquiry report furnished by the Collector of Puri on the issue factually incorrect that no 'bartan' system existed in the District. This has been proved wrong by the information made available under the signature of other Government functionaries in the District that there has been a kind of agreement they worked out between the upper caste families and sewaks for a little more quantity of paddy against their services under 'bartan'.⁴⁸

The Commission has given two months time to the State Authorities to submit action taken report. During the hearing the Collector of Puri and the Commissioner, Panchayati Raj were present before the Commission.

The Commission during the course of hearing the case has earlier observed that any custom which forces a person to wash the feet of another or to remove leaves containing left over food after community feast is against the human dignity and such practice must be abandoned.

The State Government has the duty to abolish such customs, and it must ensure that the barbers and the washer men in the State be given sufficient remuneration for rendering these services by notifying minimum wages for them.

The Commission observed, "If the pledge of egalitarian society made in the Constitution of India is to be redeemed the public servant entrusted with the task of implementing social welfare legislation shall have to imbibe the values of justice, liberty, equality and fraternity enshrined in the Preamble of the Constitution.

Unfortunately, in the present case the District Magistrate and the Collector, Puri appears to have turned a blind eye to the ignominy and ridicule heaped on the sewaks by the upper caste families in the District.

The Commission is of the view that there can be no doubt that the practice of 'bartan' is a manifestation of the bonded labour system as defined in the Section 2g of the Act (Bonded Labour System Abolition Act). The Act clearly says that bonded labour system means the system of forced, or partly forced labour under which a debtor enters, or has, or is presume to have, entered into an agreement to the creditor to the effect that by reason of his work in any particular castes or community he would render by himself or through any member of his family or any person dependent on him labour or service to the creditor for specified period or for an unspecified period, either without wages or for normal wages.

Therefore, the Commission said the stand taken by the Panchayati Raj Department of the Government of Orissa in its letter No. 3364 dated 8th April, 2004 is erroneous in saying that the barbers and washer men working in rural areas cannot be identified as bonded labour.⁴⁹

From ongoing study it can be said that by focusing on bonded and child labour, the National Human Rights Commission has changed the environment in the areas where it has investigated. The following improvement came in the light in those areas:

- Vigilance committees have been constituted in most of the Districts and sub-divisional headquarters of the State.
- Workshops on bonded labour to sensitize and educate the District officials have been conducted and more such workshops are planned.
- Quarterly information relating to release and rehabilitation of bonded labourers is being furnished by the State to the NHRC.

- A status report is submitted to the Supreme Court from time to time

However, while it can encourage law enforcement, machinery with limited power and resources it cannot replace it. The NHRC has the powers of a civil, not criminal Court and its recommendations are not binding. For Example, it can recommend prosecution but cannot prosecute or force unwilling Districts to do so. It is precluded from taking cases under investigation by a State Human Rights Commission or cases regarding events that happened more than one year before the complaint was made. Thus, the NHRC's role is important, but it is no substitute for law enforcement machinery.

CHAPTER-7

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