

As part of the process of sensitization of all stakeholders to Bonded Labour and Child Labour issues, State level Workshops were organized by the NHRC jointly with the State Governments. The Report below gives details of the Workshop organized for the state of Karnataka, including the comprehensiveness of its design and levels of participation.

REPORT ON THE TWO-DAY SENSITIZATION WORKSHOP FOR FIELD LEVEL FUNCTIONARIES OF KARNATAKA ON BONDED LABOUR AND CHILD LABOUR ISSUES HELD AT BANGALORE ON THE 9TH AND 10TH OCTOBER 2003.

Sub: Bonded Labour – Mandate of the Honourable Supreme Court of India on the Abolition of the Bonded Labour System and Child Labour in the Southern States – a Two-day Sensitization Workshop for field level functionaries of Karnataka held on the 9th and 10th October 2003 at the National Law School of India University, Bangalore.

The National Human Rights Commission, New Delhi in collaboration with the Departments of Rural Development & Panchayat Raj and Labour, Government of Karnataka organized a Two-day Sensitization Workshop on the 9th and 10th October 2003 at the National Law School of India University (NLSIU), Nagarbavi, Bangalore on issues relating to Bonded Labour and Child Labour for the field level functionaries of Karnataka such as the Deputy Commissioners, Chief Executive Officers of Zilla Panchayats, Zilla Panchayat Adhyakshas, other Zilla Panchayat functionaries, NGOs, officers of the Labour Department and Police Department and the Banking sector. Apart from these, the participants included Secretaries to the Government and Heads of Department of the Government of Karnataka whose role is relevant to Bonded Labour and Child Labour work, the Regional Director of the RBI Smt. Devaki Muthukrishnan, the Convener of the State Level Bankers Committee Shri H. Ravindranath Rao and the Chief General Manager, NABARD Shri. B.B.Mohanty. The Workshop was inaugurated at 9-30AM on the 9th October 2003 by Dr. Justice A.S. Anand, Honourable Chairperson, NHRC, New Delhi. Shri.M.Mallikarjuna Kharge, Honourable Minister for Home Affairs, Government of Karnataka presided over the inaugural function and delivered the Presidential address. Shri. Qamarul Islam, Minister for Labour, Government of Karnataka spoke on the occasion and gave his message to the Workshop. The speakers at the inaugural, in addition to the Honourable Chairperson, NHRC, the Honourable Minister for Home and the Honourable Minister for Labour, Government of Karnataka, were Shri K Chandramouli, Joint Secretary, Union Ministry of Labour, Dr A Jayagovind, Director of the National Law School of India University, Bangalore and Smt. Devaki Muthukrishnan, Regional Director, Reserve Bank of India, Bangalore. Shri. P.S.S.Thomas, Secretary General, NHRC

welcomed the participants. Shri. Kaushik Mukherjee, Secretary, Rural Development, Government of Karnataka proposed a vote of thanks.

The scheme of the Sensitization Workshop was so devised as to include the following categories of participants who all have a stake in the issues relating to Bonded Labour and Child Labour:

1. Deputy Commissioners.
2. Zilla Panchayat and Taluk Panchayat Adhyakshas.
3. Chief Executive Officers of the Zilla Panchayats and Taluk Panchayats.
4. Secretaries and Heads of Departments relevant to Bonded Labour and Child Labour work such as Rural Development and Panchayati Raj, Labour, Education, Women and Child Development, Police etc.,
5. Officers of the Department of Labour.
6. Experts on Credit like the Regional Director of the Reserve Bank of India, the Convener of the State Level Bankers Committee and the Chief General Manager of the NABARD.
7. NGOs in the area of Bonded Labour and Child Labour.
8. Certain interested activist officers of the Government of Karnataka who had taken earnest interest in the deliberations in the earlier Consultation sponsored by us in October 2000 and
9. Invitees from the National Law School of India University, Bangalore.

The required reading and reference material for circulation amongst the participants such as the relevant Acts, Supreme Court and High Court Judgments and other material were finalized by Prof. Babu Mathew of the National Law School of India University and were circulated to all the participants well in advance of the date of the Workshop by the NLSIU.

There were eight sessions in all in this Workshop as shown in the enclosed Programme Sheet. All these eight sessions were anchored by Shri K. R. Venugopal, Special Rapporteur, National Human Rights Commission, Hyderabad.

Welcoming the participants to the Workshop, Shri P S S Thomas, Secretary General, National Human Rights Commission called upon them to focus their attention on issues central to the eradication of bonded labour and child labour practices and arrive at practical recommendations to fight the twin scourge.

In his inaugural address Dr. Justice A.S. Anand, Honourable Chairperson, National Human Rights Commission pointed out that Bonded Labour existed in 17 States in the Country even after more than a quarter century had passed after the enactment of the Bonded Labour System (Abolition) Act, 1976. He called upon the State Governments to exhibit the necessary political will to eradicate Bonded Labour and Child Labour so that within the next three or four years these became history. Speaking on the strategies required the Chairperson, NHRC stressed the importance of the State Government providing the District administration funds for rehabilitation in advance so that there was no time lag between release and rehabilitation. The Chairperson

wanted the Centrally Sponsored Scheme presently available for the rehabilitation of the bonded labour families extended to cover the families of released bonded child labour for their rehabilitation as well. He emphasized that the objective of rehabilitation and the manner of implementation of rehabilitation measures should be such that the rehabilitated bonded labour families never slipped back into bondage. He wanted clear cut and specific instructions on all these points issued to the District Administration by the State Government as an earnest of the political will of the State Government to eradicate the practice of Bonded Labour and Child Labour. The Chairperson NHRC complimented the National Law School of India University on the useful and interesting material put together by them for this Workshop.

Shri M Mallikarjuna Kharge, Honourable Minister for Home, Government of Karnataka welcomed the holding of this Workshop and said that it would contribute to the promotion of justice and good governance in Karnataka. Analyzing the various causes leading to bondage and child labour, Shri Kharge called for a multi-pronged attack on them in terms of fighting the evils of the caste system, poverty, apathy of the implementing agencies and lack of political will. Pointing out that legislation would be rendered irrelevant if it is not backed by political will, he reaffirmed the political will of the Government of Karnataka to eradicate all forms of Bonded Labour and Child Labour. Shri Kharge complimented the NHRC for its positive role in the eradication of the twin evil and promised to strengthen the hands of the NHRC through adequate response from the State's own machinery. He emphasized the role of the Zilla Panchayats and Non Government Organizations in the implementation of the Laws and rehabilitation programmes and hoped that the Workshop would throw up appropriate findings showing a clear way as to how society can eliminate the evil practice of bondage. Shri Kharge referred to the work of the Human Rights Cell in Karnataka and reaffirmed the determination of Government to uphold the Human Rights of all citizens and of the poor in particular.

Shri Qamarul Islam, Honourable Minister for Labour, emphasized the importance of political will for the eradication of Bonded Labour and Child Labour practices and stated that Karnataka was determined to implement earnestly the Action Plan for the Elimination of Child Labour in Karnataka so as to eradicate Child Labour practices by the year 2007. In this connection he stated that the mid-day meal scheme introduced recently would be of great help in enrollment and in eliminating the problem of school dropouts and thus help fight the scourge of Child Labour.

Shri K. Chandramouli, Joint Secretary, Union Ministry of Labour spoke on the policies of the Government of India and its programmes, - in particular the CSS for rehabilitation of freed bonded labour - for preventing and fighting Child Labour practices and called for proper and effective rehabilitation of released bonded labour. He emphasized the importance of convergence of efforts of all departments and stated that the implementability of each scheme was the key to its success.

Dr. Jayagovind, Director, NLSIU stated that Bonded Labour was nothing but slavery and was a challenge to the Constitution itself and called for its eradication without further delay.

Smt. Devaki Muthukrishnan, Regional Director, Reserve Bank of India pointed out that institutional credit was basic to protect the poor from the clutches of moneylenders and said that the several programmes of the Government of India, if earnestly implemented, would provide answers to the problem of bondage. She promised the backing of the Reserve Bank of India and the banking system to the efforts for the eradication of Bonded Labour and Child Labour practices in the State.

Shri.Kaushik Mukherjee, Secretary, Rural Development, Government of Karnataka emphasized the point that the essence of this work was the implementation of legislation through sensitization of officers coupled with follow up work in regard to enhancing the livelihoods of the poor in general and the released bonded families in particular. He foresaw Karnataka emerging as the foremost State in this area of work in the days to come and promised to make the Workshop productive of decisions aimed towards this end.

The inaugural was followed by two separate lectures- one on the Law relating to Bonded Labour and Child Labour and the next on the Union Labour Ministry's role in regard to the eradication of Bonded Labour and Child Labour practices including the issuance of policy guidelines, the administration of the Centrally Sponsored Scheme for Bonded Labour and other programmes of the Union Government. The first of these two lectures was delivered by Prof. Babu Mathew of the National Law School of India University and the second by Shri Chandramouli, Joint Secretary, Labour, Government of India.

The details of the topics discussed in the 6 sessions that followed and the experts and panelists who made presentations and guided the deliberations of the various sessions may be seen in the enclosed Programme Sheet at Annex-I.

The list of participants along with their designations may be seen at Annex-II.

The Outcome, Decisions, Recommendations and Action Points that emerged from the deliberations of this Workshop during the two days are listed below:

OUTCOME OF THE TWO DAY WORKSHOP FOR THE SENSITIZATION OF FIELD LEVEL OFFICERS OF KARNATAKA HELD AT THE NLSIU, BANGALORE ON THE 9-10TH OCTOBER 2003.

1. Deputy Commissioners would be the Centre of Convergence efforts in regard to all action relating to Bonded Labour and Child Labour work. With responsibility in regard to release and prosecution being clearly that of the Deputy Commissioner and that relating to identification and rehabilitation being that of the Zilla Panchayat Adyaksha in the area of Bonded Labour, in order to achieve convergence in this as well as all other areas pertaining to Bonded Labour and Child Labour issues, a Committee consisting of the Deputy Commissioner, Zilla Panchayat Adyaksha and CEO of the Zilla Panchayat would be set up with the Deputy Commissioner as the Chairperson. An important test for the successful functioning of this mechanism would be the resources mobilized for Bonded Labour and Child Labour rehabilitation in addition to those available under the C.S.S and mobilized according to the M.C. Mehta judgment. The CEOs of ZPs would be given powers to give first priority to rehabilitation of the released families while determining beneficiaries under all schemes including those not currently with them like the Ashreya housing scheme.
2. In order to ensure that the benefits of sensitization to Bonded Labour and Child Labour issues are not lost in terms of institutional memory, the Deputy Commissioners and CEOs, Zilla Panchayats would make a detailed reference to the action taken and required to be taken in the District in regard to these issues in the charge note to be left for the successor at the time of transfer.
3. The Deputy Commissioners would create a District Level Forum, under their Chairpersonship, for ensuring frequent consultations with NGOs in regard to Bonded Labour and Child Labour issues and to promote networking among the NGOs. The NGOs would be entrusted with the task of participating in the design and monitoring the schemes relating to identification and rehabilitation of released Bonded Labour and Child Labour families, with appropriate funding to discharge this task. NGOs would consider a procedure by which the more established among them would come together to create a machinery to provide credible accreditation to NGOs, which will facilitate their easier funding and quicker acceptability by Government Departments.

4. An important task in the context of rehabilitation will be the comprehensive psychological rehabilitation of these families. The test of successful rehabilitation would be – (a) the absence of a time gap between release and rehabilitation (b) the non-reversion to a life of bondage during and after the completion of rehabilitation measures and (c) an awareness against wasteful practices and customs that lead to avoidable debt and resultant bondage.
5. Capacity building for all the three levels of the Panchayat functionaries, - both elected and official, at all levels below the sub division would be undertaken to sensitize them and equip them for the tasks relating to Bonded Labour detection and identification and rehabilitation. Workshops for sensitization of such functionaries would be held at the District level. Sensitization workshops would also need to be held for judicial officers.
6. An immediate campaign of publicity would be undertaken by the Rural Development and Panchayati Raj (R.D.P.R) and Labour Departments to inform and educate comprehensively all levels of the Panchayat electives, NGOs and the community at large about Section –58 A of the Karnataka Panchayat Raj Act, 1993.
7. The strategy of financing rehabilitation would be informed by the principle that the loan component should be minimal. Keeping this principle in view, the State Level Bankers Committee (S.L.B.C.) would work out a credible credit package taking into consideration the need to provide in full to the released Bonded and Child Labour families the benefit of consumption finance at Differential Rates of Interest and dovetail it to other forms of productive credit.
8. The S.L.B.C would generate separate data relating to the assistance provided for the rehabilitation of the Bonded Labour and Child Labour families including consumption credit and furnish a quarterly report to the Government of Karnataka and the Special Rapporteur, NHRC, Hyderabad so that this vital aspect of rehabilitation undertaken in Karnataka could be periodically reported to the Honourable Supreme Court of India.
9. Banks would consider positively the twin issues of the need to provide fresh loans to bonded labourers exempting them from the rules relating to currently existing outstandings and provision of consumption credit at the lowest possible rate of interest. If need be, these would be taken up with the Reserve Bank of India, Bombay by the Regional Director, Reserve Bank of India, Bangalore.
10. The S.L.B.C would take the lead in organizing Sensitization Workshops for bank officers at various levels, especially those at the cutting edge level of sanction of advances. An important ingredient of this sensitization would be finding concrete answers to the problem of improving Credit Delivery, especially in the area of eliminating time lags between sanction and disbursement. The principle that no

collateral is required in lending to SHGs and individual defaulters in an SHG are no bar to lending to the SHG, would be reiterated by way of a circular.

11. The NABARD would provide a Plan as to how the RRBs could help more positively in the rehabilitation of Bonded Labour and Child Labour families.
12. The Government of Karnataka would examine the Government of India's Insurance Scheme being formulated in consultation with the LIC, aimed at covering health, life, death, disability etc., on the one hand and repairs to the dwelling house on the other, on a nominal contribution of a rupee a day, so as to take advantage of the same for the benefit of the released bonded labourers of the State.
13. There was need for a fresh, comprehensive survey to determine the magnitude of the incidence of Child Labour, including bonded child labour and those in the hazardous categories.
14. The Road Map prepared by the Department of Labour at the instance of the NHRC for the implementation of the Action Plan to Eliminate Child Labour in Karnataka anchoring it in a convergence paradigm is a very good model document. It requires to be fully backed with the funding, proposed in the Action Plan, of Rs. 36 crores in all at the rate of Rs. 6 crores per annum, provided in a lump sum at the beginning of the year.
15. The need for additional primary schools and hostels for purposes of the educational rehabilitation of released child labour should be determined, quantified and taken up as part of the implementation of the Road Map prepared by the Department of Labour to eliminate Child Labour in Karnataka by 2007. As for the wardens of hostels where such children are admitted, appropriate orientation training programmes would be imparted to them to make them children – friendly.
16. Prosecution should invariably be launched in all cases of the more severe cases of bondage and pursued vigorously so as to affirm and publicize the determination of the Government, as a policy, to weed out bonded labour practices.
17. Notices should be issued against employers of domestic child labour on the indicative evidence of such child labour being bonded labour, under the Bonded Labour System (Abolition) Act 1976, with a view to prosecuting them.
18. The thirteen cases of suspicious deaths of domestic child labour reported by the NGOs at the Workshop would be investigated by the Police Department to determine the facts relating to these cases and for taking further action.
19. Deaths of children in domestic labour should be automatically investigated just as the 7-year principle is applied in cases of married women in the context of suspected dowry deaths

20. NGOs would print and distribute pamphlets to households and Police stations carrying information on the provisions of law emphasizing the punitive sections relating to Child Labour and Bonded Labour as a means of sensitizing the general public as well as the Police.
21. The State Government would draw up a pension scheme for released bonded labourers to support them for the period during which the formulation of rehabilitation measures are in progress so that the scope for slipping back into bondage through new debts is eliminated.
22. All anti-poverty measures that the State formulates would be such as to credibly answer the livelihood problems of the target groups as also the problem of credit, as these are the root causes of debt bondage.
23. While examining prosecution, Officers would look at which of the Acts on their own or in conjunction with others would result in effective prosecution and maximum punishment and make a decision accordingly, so as to achieve the objective of exemplary deterrence.
24. The State Government would move urgently in the direction of ensuring the best quality of education up to the upper primary level by addressing issues including those relating to access; a minimum of two teachers in the lower primary schools; four teachers in the upper primary schools; a class room for every teacher and training for at least 20 days for teachers every year. Education as a route to a life of awareness and dignity and not merely for employment would be a concept that will be actively promoted.
25. Deputy Commissioners would themselves personally do a certain percentage of identification checks in regard to bonded labour while the Assistant Commissioners would actively lead identification efforts in the Districts including those of the Panchayat functionaries, so that the Law is applied impartially and without the prospect of its succumbing to extraneous considerations and pressures.
26. Convergence would be effected not only as between Departments within the Government but also between the Departments of Government on the one hand and the NGOs on the other, in a collaborative frame work aimed at the best possible synergy.
27. The workshop identified delayed responses as the main cause of absence of progress in finding solutions to problems of Bonded Labour and Child Labour. Every effort would, therefore, be made to eliminate delays between identification, release and rehabilitation, and prosecution of offenders, by working out model timetables at the State and District levels. One important measure would be to release funds to the Zilla Panchayat / Deputy Commissioners in advance. In its turn the Central Government should allocate untied funds in the case of child labour

with minimal guidelines, in one lump sum and in advance at the beginning of the year to the implementing departments.

28. Sensitization of identified and released Bonded Labour and Child Labour families in regard to their rights under the Law and duties, and skills to work their programmes in an organized, self-reliant, group-based, cooperative mode should precede and continue to accompany all rehabilitation measures.
29. One of the main reasons for the existence as well as continuance of bonded labour and child labour being the absence of minimal essential legislative protection in terms of social security to the unorganized workers including decent working conditions, minimum wages, maternity benefit, workmen's compensation, health insurance, provident fund, pension and unemployment allowance, it is important that the Unorganized Sector Workers Bill, 2003, drafted by the Government of India or the Karnataka Unorganized Workers Welfare Bill, 2002, which provide for these benefits to the workers should be legislated with out delay.

The participants in the Workshop took note of the determination and expression of political will demonstrated in the addresses of the Honourable Ministers for Home and Labour to the Workshop at the time of its Inauguration and hoped that the recommendations and decisions emerging from this Workshop would, therefore, find quick and effective implementation at the field level through the field level functionaries all over the State of Karnataka.

SIGNED BY

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