

**LEAD PAPER FOR DISCUSSIONS PRESENTED TO THE ONE- DAY WORKSHOP  
AT MYSORE ON THE 17 FEBRUARY 2006 TO REVIEW THE ACTION TAKEN  
ON THE REPORT ON THE TWO-DAY SENSITIZATION WORKSHOP FOR  
FIELD LEVEL FUNCTIONARIES OF KARNATAKA EARLIER  
HELD ON THE 9 AND 10<sup>TH</sup> OCTOBER 2003.**

**BY**

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I am grateful to the Principal Secretaries, Rural Development and Panchayati Raj and Labour for very kindly sending me the Action Taken Reports on points that pertain to their respective Departments in the Report on the Two-Day Sensitization Workshop for field level functionaries of Karnataka held on the 9 and 10<sup>th</sup> October 2003. In addition, **I am grateful to the Principal Secretary, Rural Development and Panchayati Raj for sending me notes on a few success stories of release and rehabilitation of Bonded Labour, even as I am grateful to the Principal Secretary, Labour and the Commissioner of Labour for sending me a Progress Report on the Implementation of the Road Map for elimination of Child Labour practices in Karnataka.**

2. I thank Principal Secretaries V.P. Baligar and Vatsala Watsa and Commissioners of Labour and Special Employment programmes Manjunath and Gopal Hiremaniyavar respectively for the excellent Action Taken Reports and the Child Labour Road Map. I must in particular commend the association by Government of reputed NGOs like JEEVIKA, SICHREM and APSA in the work of the Departments; instructions issued to the Zilla Panchayats to initiate rehabilitation schemes pending release of grants by the State Government; **the formulation of a new scheme called “Bonded Labourers Rehabilitation Assistance Scheme” on the 21<sup>st</sup> January this year under which Rs.300/- per month will be given to released Bonded Labourers for 24 months with effect from the date of their release to stop them from relapsing back into bondage;** emphasizing to the Deputy Commissioners that the process of identification of Bonded Labour and Child Labour jointly with the NGOs and through the Vigilance Committees is a continuous process; stepped up identification of hazardous Child Labour though this requires to be further speeded up; and **the commendable importance given to eliminating domestic Child Labour** which we all know is as hazardous as any thing we can conceive. The areas that require to be strengthened

are those relating to obtaining more convictions through sustained investigation and **prosecution in regard to Bonded Labour and Child Labour cases based on inspections conducted; and the coordination that should exist, as often times emphasized by me in my periodical reviews with the State Government and strongly recommended in the October 2003 Workshop, between the RDPR and Labour Departments in regard to identification of Bonded Child Labour who constitute at least 50% of all Child Labour.** For some reason this coordination is not taking place and this is a serious gap that needs to be bridged. There are two ways of doing it – (1) during the identification survey of Child Labour itself and (2) by establishing facts relating to advances taken based on which the children are pledged or bonded for labour, by contacting the families of released Child Labour available at the various bridge schools. Thus the bridge schools are an important source to distinguish bonded Child Labour from other Child Labour. Also, the Labour Department needs to pursue all suspicious deaths of domestic Child Labour reported by the NGOs with the Police Department. Coordination in this regard does not seem to be satisfactory either, as seen from the Action Taken Report.

3. However, I must express my disappointment with the Banking system for not furnishing the NHRC with information on the finances extended to rehabilitation of Bonded Labour and Bonded Child Labour families as expected under the October 2003 Report. Nor has the NABARD, Bangalore furnished the desired plan as to how the Regional Rural Banks could help more positively in the rehabilitation of Bonded Labour and Child Labour families. No doubt the Banking system has, as seen from the Action Taken Reports, conducted sensitization programmes for the bank officers but that itself is not adequate. The banking system should demonstrate by actual action and through furnishing of information that they have indeed implemented in letter and spirit the recommendations and decisions of the October 2003 Workshop. It is distressing, for example, that the banking system has not issued instructions in regard to dispensing with collateral security for lending to released Bonded Labourers. It is most disappointing that the banking system has done nothing to implement the decisions of the October 2003 Workshop in regard to incentives and loans by the banks to trade and industry that these should be conditional upon the banks obtaining from them an undertaking that they should not engage Child Labour nor accept a product or service involving Child Labour. The RBI and the SLBC owe it to their own social conscience to immediately implement these recommendations. So should the Government of Karnataka in regard to awarding works to contractors who engage Child Labour. In short, **the most**

**crucial cause of bondage, which is absence of credit delivered in a credible way to the poor, still requires to be addressed and we have to get actual action going from this Workshop onward in this regard.**

4. By far the most commendable action being taken by the Labour Department is the formulation and reviewing of a Road Map for elimination of Child Labour practices in Karnataka initiated at my instance. This was conceived to critically examine and to see whether the implementation of the Action Plan of May, 2001 itself is on track, especially in regard to the timeframe, which in turn depends on, among other things, adequate funding by the State Government. What emerges from the Road Map is that while the Department of Labour is trying to do its best, the Government of Karnataka has not fully supported these efforts through adequate financing of the Action Plan. While the Action Plan proposed an annual expenditure of Rs.6 crores per year, the Government of Karnataka provided just about this amount of Rs.6 crores over a period of 4 years! In other words, hardly  $\frac{1}{4}$  of the funding envisaged in the Action Plan is in reality being provided by the State Government. This needs to be corrected at once if the Action Plan is to be credible.

5. While we would have opportunities at this Review Workshop to discuss several issues relating to Bonded Labour and Child Labour in Karnataka, I wish to highlight the following points for the information, benefit and consideration of all the assembled stakeholders here this morning:

- (i) **The Report on the Two-Day sensitization Workshop for field level functionaries of Karnataka held on the 9 and 10<sup>th</sup> October 2003 at the National Law School of India University (NLSIU), Bangalore signed jointly by the Principal Secretaries of Rural Development and Panchayati Raj, Labour and me on behalf of the NHRC is a veritable blue print on what all of us assembled here representing the Government of Karnataka at all levels including in the field, NGOs and the NHRC should do to defend the human rights of the marginalized in general and of the hapless victims of Bonded Labour and Child Labour practices in Karnataka in particular. This document covers every aspect of the Law, the case law and the implementation of all the programmes by all concerned with considerable precision and passion. While today we would review the action taken on this Report, this document should continue to be the basic guide for future action as well.**

(ii) **We need to have a Road Map for Bonded Labour work in Karnataka as we have for Child Labour work** so that we do not have open-ended recommendations and assurances, which do not benefit any one. We need to have specific timeframes for specific actions so that the goals we set up for ourselves in basic documents that we have formulated like the Action Plan for Child Labour or the Rehabilitation Plan that we are currently working on for released Bonded Labourers, are physically achieved within the next 5 years in our march towards a Bonded Labour-free and a Child Labour-free Karnataka.

(iii) **Specifically in regard to Bonded Labour it is important for me to emphasize that the National Human Rights Commission or the NGOs or the media would look for proof of the sincerity and the earnestness of the Government of Karnataka in terms of the actual attitudes that the District Officers of the Karnataka Government would display towards these problems and the actual action they take in the field to identify, release and quickly and effectively rehabilitate the released Bonded Labourers and Bonded Child Labour. In regard to these, the record of the Government of Karnataka has been dismal in the years that immediately followed the directions of the Honourable Supreme Court of India in 1994. However, I am happy to acknowledge and place on record the initial turnaround in attitudes brought about by Shri Kaushik Mukherjee and now the excellent work being done by Shri V P Baligar IAS, the present Principal Secretary, Rural Development and Panchayati Raj. The number of bonded labour identified by the State Government stands today at 2063 and those rehabilitated at 1954. The NHRC wants the momentum of identification and rehabilitation be stepped up considerably, given the ground realities. While acknowledging the attitudinal improvements noticed, I have to, nevertheless, point to some disturbing trends we continue to notice at the field level in Karnataka. I shall illustrate:**

(a) All of us assembled here are aware of the infamous Hongarahalli chained Bonded Labour case where a number of quarry workers had not only been kept as Bonded Labourers but also had been kept in chains. Though this incident took place in the year 2000 the prosecution of the perpetrators has been most lackadaisical despite the best efforts of Shri Baligar and has been allowed to drag on, with no end in sight, including in the Court of the Deputy Commissioner and District Magistrate, Mandya.

As for the proceedings in the Sessions Court, the victims themselves turned hostile. My personal inquiries made at the time of my several visits to Ganjam village where the victims have been rehabilitated show that the only reason for their having turned hostile to their own freedom is that they live in mortal fear of those very perpetrators who are accused in this case. This is because the State of Karnataka has failed to provide the minimum protection that it owes to these victims, as part of its duty in serious cases of atrocities, during investigation and prosecution of the offenders in the courts of law. This egregious negligence of the State was also further compounded by the credible allegation that the State's own prosecution machinery colluded with the accused in this case against the interests of the victims and against the interests of the State of Karnataka. It has taken enormous and disproportionate efforts on the part of the National Human Rights Commission represented by its Special Rapporteur to get this case moving in the courts and departmentally against the alleged collusive actions of the Government prosecutor. All this has been a blot on the human rights record of a State otherwise considered progressive.

**(b)** I shall mention just another case by way of illustration that should cause deep concern about the consideration that Karnataka owes to the National Human Rights Commission, as an institution. The NGO JEEVIKA gave a representation to the National Human Rights Commission, Delhi alleging the existence of Bonded Labourers in some villages of Yadagiri Taluk of Gulbarga District. On the orders of, and on behalf of, the National Human Rights Commission I personally investigated into alleged cases of Bonded Labour in the Yellheri village of Yadagiri Taluk of Gulbarga district and found several persons to be actually Bonded Labourers. I addressed the State Government to have them all released and rehabilitated. This does not seem to have happened till my last periodical review in November 2005. On the contrary, two of the Bonded Labourers have petitioned the Government of Karnataka to the effect that they are being threatened by the field level officers of Yadagiri Taluk against reporting to any one that they were Bonded Labourers. In both these cases the masters are allegedly demanding that the advance that the Bonded Labourers had taken from them be paid back or else the bonded labourers continue to be bonded. As you know, these actions are directly in violation of the Bonded Labour System Abolition Act, 1976. I attach credence to these complaints because the Bonded Labourers have themselves made this petition to the Government of

Karnataka and a responsible NGO Vimukti Trust, who originally identified these Bonded Labourers and petitioned the Honourable National Human Rights Commission, have now brought these facts of threats from Government officials to the poor Bonded Labourers to none less than the Honourable Chairman of the NHRC himself.

**6. We should discuss the Hongarahalli and Yellheri cases in this Workshop in order that we clearly have a commitment that the Government of Karnataka at the field level will indeed address with seriousness these alleged efforts at suppression of people's freedom. Else, the National Human Rights Commission has to consider appropriate measures. In fact, in the Hongarahalli case the National Human Rights Commission has already set up a Committee under the chairmanship of one of its Honourable members to monitor the case. Similar action might be called for in regard to the Yellheri cases as well.**

7. The points made by me above as lead points for discussion are obviously not exhaustive. There are a number of other things which would need our attention in the context of the observations made by Honourable Dr. Justice Shivraj V Patil, Member, National Human Rights Commission in his inaugural address and the points that would be made by the Principal Secretaries, Labour and RDPR and by the distinguished NGOs and most importantly by the Deputy Commissioners and other field level officers. **We should consider all these in a spirit of mutual understanding keeping in view the ultimate good of those in bondage and who need to be liberated from their hardships without delay so that articles 23 and 24 of the Constitution of India are fully defended in their broadest spirit.**

**I congratulate Shri. Baligar, Smt. Vatsala Watsa, Shri. Manjunath and Shri. Hiremaniyavar for their qualities of leadership and for making this Review Workshop possible today, underpinned by documentation of substantial content. On this occasion I should also recall the great contribution that officers like Shri. Lukose Vallatharai, Shri. Bulla Subba Rao and Shri. Sanjeev Kumar of the Government of Karnataka have made in the past to the cause of Bonded Labour and Child Labour. I thank the NGOs of Karnataka for the role they are playing in defending the Human Rights of those who have been forced to become Bonded Labour and Child Labour. I specially thank the media for their presence and support because it is on the ultimate awareness on the part**

**of the leaders of public opinion, which the media alone can generate, will crucially depend the rights and the very lives of the poor. I am grateful to Honourable Dr. Justice Shivraj V. Patil for being with us to inaugurate this Workshop and giving his invaluable guidance through his address to take forward our efforts at the elimination of Bonded Labour and Child Labour practices in Karnataka.**

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