

Letter to the Chief Secretary to the Government of Andhra Pradesh on the Chained Bonded Child Labour Case in Kurnool dated the 11th May 2002.

11th May 2002

Dear Shri Swaminathan,

May I recall our conversation on phone on the morning of the 8th May 2002 regarding the cases of the chained bonded child labourers of Kurnool and my planned visit to Kurnool?

I visited Kurnool on the 9th May 2002 to study the facts in this case. I am grateful to Shri Jannat Husain, Principal Secretary, Social Welfare and Dr. Manmohan Singh, Commissioner and Director of School Education for kindly accompanying me to Kurnool. Shri Jannat Husain had also been kind enough to e-mail the Collector about our visit, which greatly helped our discussions with the Collector and the Superintendent of Police, Kurnool. Shri I V Subba Rao, Secretary, Education had kindly agreed to visit Kurnool with me but could not do so as his presence was required at Hyderabad for important meetings with the Chief Minister and he, therefore, deputed the Commissioner and Director of School Education to Kurnool. I am grateful to you and all the officers in this regard.

At Kurnool I visited the homes of the two victims Bhuvanewari and Sreenu (Sreenivasulu), the 12 year old girl and 8 year old boy respectively, who had been kept in chains by their masters and the homes of their masters and elicited all relevant information regarding the circumstances leading to and the conditions in which these children had been working in *beedi* manufacture. It emerged that these child labourers were also bonded labourers, their parents having been given “advances” in return for which the children had to work for their masters on very low wages. In any case, **these wages were not being paid to them in reality.** In the case of the minor girl Bhuvanewari the wages were supposedly Rs.10 per day which in fact was never paid and these non-paid wages were supposed to be accounted for against the advance of Rs.4, 000 given to her parents. The advance was “interest free” but considering that the nominal wages were Rs.10 per day, it is obvious that the absence of interest was being more than made up by unacceptably low wages. The crux of the matter is the girl was bonded to the master, with no daily income, against an advance paid to her parents. This case is a classical combination of child labour, absence of (minimum) wages and bonded child labour. This is a case of forced labour in all senses of the term. She was

made to work from 8 AM to 10 PM every day. She was also being repeatedly beaten at work whenever she failed to produce the daily target of 1,500 *beedis* a day. What compounds the cruelty of all this is that the girl was making every effort to break loose from her bondage and whenever she did so she always wanted to get into a school and a hostel. But on every such occasion this minor girl was forcibly brought back to work. Eventually, when she persisted in getting away from her bondage and into a school, she was forcibly brought back and put in chains by her master so as to restrain her from gaining freedom, and do forced labour. **The enormity of this is further enhanced when we find that the master is a Government servant working in the District Panchayat Office, Kurnool.** The girl had been kept in chains and made to work for seven long months and there were festering wounds on her ankles caused by those chains. **Even on festival days like Ugadi she was not released from her chains and work by her master.**

The seriousness of the other case emerges from the fact that the child Sreenu is only about 8 years old and appears to be definitely a child of below average mental development. He is also physically not well developed as could be seen from his gait. He is practically an orphan, being the child of a Basavi, who at present is a beedi roller. He, obviously, has no father and has been bonded to his master who put him in shackles.

In both cases the children had to live with the chains on without respite in the sense that even while they ate and answered the calls of nature, they were kept in chains. Bhuvanewari had to walk the distance every day from her own house to her master's house shackled and when she returned home at night she had to fetch the household requirements of water with her chains on before she could eat. **Thus, for seven long months she walked, slept, ate, answered calls of nature and worked in chains.**

In this case the minor child Bhuvanewari who had tried to escape from bondage and managed to go to school was forcefully brought back by her master. Also, she had been employed as a bonded labourer, considering that she was made to work without the wages being actually being paid against a loan of Rs.4, 000/- taken by her parents. She was being made to work in beedi making which is a prohibited process under the Child Labour Act. Above all else, this minor child being brought back forcibly would appear to partake of the character of kidnapping of a minor girl. To top it all, she was wrongfully confined with iron shackles placed on her ankles and made to do forced labour. This shackling has led to festering wounds and injuries of a grievous nature on her ankles. Despite the cumulative effect of the atrocities committed against this minor girl child, the public-servant-perpetrator of these offences against her was able to secure bail from the Court. While obviously no comments can be made about the decision of the Court, it is

not clear, given all the gruesome facts of this case, as to what provisions of law were invoked in charging this case and it would appear that the prosecution consisting of the Investigating Officer and Assistant Public Prosecutor allowed a situation that led to the enlargement of the perpetrator of these heinous acts against a girl on bail easily. The State Government would need to go deep into this serious aspect of the case, among other things. Further, in the days to come, considering the exceptional nature of this case, it would be essential for the district administration and the district police administration at the very highest level to closely supervise this case and ensure that prosecution in this case is effectively taken forward so that exemplary punishment is got meted out to the accused in this case. Else, the State's credibility will be in jeopardy. Witness protection in this case would be very vital given the vested interests who would like to see the case fail in the court. It would also need to be ensured that the victims in this and other similar cases are not harassed by the masters to pay back the advances taken by them. The State Government has to get this case monitored by the nodal Department for Child Labour as a test case so that the opportunity afforded by this case to send a strong policy message to all concerned and to mobilize state-wide awareness and other connected efforts in a big way in favour of child labour eradication, is not lost.

My discussions with the accused and the victims show that the beedis that are being made by these child labourers are actually for a bigger manufacturer called Namasthe Beedi Company. It is obvious from this that it is a bigger manufacturer who is involved in the employment of child labour and child bonded labour behind the scenes. It is inconceivable that this bigger manufacturer would not have known about these atrocities. Investigations, therefore, need to be carried out to establish the culpability of this bigger manufacturer from the point of view of the provisions of the various laws concerned, including abetting of the practice of bonded labour. This aspect of the case would also seem to have been lost on the District administration and the police.

A look at the facts of this case would make us apprehend that the awareness generation programmes have made no difference to the over all environment considering that Bhuvanewari was walking every morning and night in chains to and from her employer's house in the full view of the community living in the Budavarpet area of Kurnool town and yet none of them came forward over a long period of seven months to do any thing about it, not even to complain informally to the law enforcing agencies. Any further comment on this is superfluous. Obviously, the entire effort being made in regard to awareness generation needs a review.

A positive aspect of the facts in this case is that Smt. Varalakshmi, an activist of a voluntary organization called Jana Vikas Education Society, Kurnool provided the

information pertaining to Sreenu (Sreenivasulu) to the Project Director, NCLP, Kurnool Shri. Mohammed Ishaq, who in turn took further steps promptly by sending out teams to detect if there were other similar cases in the area, which resulted in the detection of the case of Bhuvanewari. He also had the children in shackles photographed for further action. **For this action, Shri Mohammed Ishaq, Project Officer, NCLP, Kurnool and the voluntary organization Jana Vikas Education Society deserve appreciation. This highlights the importance of a collaborative relationship of Government with grass roots level voluntary organizations.**

In the drive that followed the detection of the children in chains very good work was done by the District Administration and the District Police in identifying about 235 children in the beedi and other industries in various parts of Kurnool District. However, most of them were returned to their parents, instead of being sent to schools for educational rehabilitation. It is for the Government to consider if there are adequate numbers of schools set up in Kurnool district to meet the child labour needs. Prima facie, it does not appear so. Also, no action seems to have been contemplated about the rehabilitation of the families of these children in terms of the fundamental causes as to why in the first instance these children found themselves as child labourers or bonded child labourers. In view of the very large resources reportedly available for poverty eradication efforts in Andhra Pradesh under the World Bank and other programmes – education is one dimension of poverty -, this should not pose a serious problem. Close convergence of policy efforts of the Education and Labour departments in particular in regard to the required support strategies and enforcement including minimum wages and of all other development departments in general on the one hand, and convergence of all the Government efforts with those of the NGOs on the other, would be called for. A State level Plan and District level Plans also need to be formulated with out delay.

After my visits to the homes of the victims and their masters I visited the NCLP Residential School where these two children are presently admitted and spoke to them in regard to the atrocities perpetrated against them. The Collector of Kurnool Shri. Sai Prasad and the Superintendent of Police Shri. Sanjay accompanied me on all these visits.

After these visits a meeting was held at the Collector's office presided over by the Collector and attended by the Superintendent of Police and other officers as well as a few voluntary organizations including Jana Vikas. In this meeting the Collector and the Superintendent of Police outlined the measures they would initiate to make child labour practices eradication a reality in Kurnool and also the successful prosecution of the present cases so that a deterrence effect is immediately achieved. Shri. Jannat Husain and Dr. Manmohan Singh gave

suitable guidelines to the Collector and the officers present at the meeting in regard to convergence and awareness generation measures that needed to be undertaken. **The points made by the NGOs at this meeting that the opportunity cost amount of Rs. 100 sanctioned by the Government should be paid to the parents once a month instead of being kept in National Savings Certificates and that meetings with the NGOs should be held by the District Administration at least once in 3 months with out fail, deserve acceptance.**

It is not my desire to go into the other aspects of the work relating to child labour in this letter since the State Government is fully aware of what needs to be done in eradicating this scourge. However, I have mentioned just a few points which are relevant to the exceptionally reprehensible situation created by the shackling of a girl child of extremely vulnerable age and a little boy who seems to be certainly mildly retarded mentally and physically. In view of the seriousness of the situation, I shall be grateful if you would kindly furnish a report to the Secretary General, National Human Rights Commission, New Delhi at your earliest convenience under copy to me in regard to these cases in Kurnool in particular and child labour eradication in general in the State. In this connection the letter addressed by Dr. Justice K. Ramaswamy, Honourable Member, NHRC, New Delhi to the Chief Minister of Andhra Pradesh in his reference No. PS/ KRTS/ NHRC/ 2001 dated the 4th January, 2001 and my latest reference to Shri. I.V. Subba Rao, Secretary, Education on 27th April 2002 refers. Both these call for the preparation of an Action Plan for the State in regard to the eradication of Child Labour.

Permit me to thank through you once again Shri. Jannat Husain, Principal Secretary, Social Welfare and Dr. Manmohan Singh, Commissioner and Director of School Education for taking the trouble of accompanying me to Kurnool and the Collector and the Superintendent of Police, Kurnool for all the help extended to me.

Yours Sincerely,

(K.R.VENUGOPAL)

Shri K Swaminathan, IAS
Chief Secretary

Government of Andhra Pradesh
Secretariat
Hyderabad 500 022

Copy to Shri Jannath Hussain, IAS, Principal Secretary, Social Welfare Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.

Copy to Shri I V Subba Rao, IAS, Secretary, Education, Government of Andhra Pradesh,
Hyderabad.

Copy to Dr. Manmohan Singh, IAS, Commissioner and Director of School Education,
Government of Andhra Pradesh, Hyderabad.

Correspondence with the Government of Andhra Pradesh on the need to formulate a credible Action Plan for eradication of Child Labour practices in Andhra Pradesh on the lines got done in the states of Karnataka and Tamil Nadu.

29th August 2005.

Dear Ms Rani Kumudini,

Sub: Mandate of Honourable Supreme Court in regard to the Abolition of Bonded Labour and Child Labour practices in Andhra Pradesh – Formulation of an Action Plan for Eradication of Child Labour Practices in Andhra Pradesh – Reg.

- Ref: 1. My DO letter to Shri Ajyoendra Pyal IAS, Commissioner of Labour, Andhra Pradesh dated the 14th May 2002 forwarding a copy of “An Action Plan to Eliminate Child Labour in Karnataka, India”.
2. Government of Andhra Pradesh, Labour Employment Training and Factories Department Memorandum No.270-Lab-IV/A2/2002-1 dated 17.5.2002 addressed to the Commissioner of Labour, Hyderabad under copy to the School Education Department seeking preparation of an Action Plan for Eradication of Child Labour practices in Andhra Pradesh in pursuance of my letter dated 11/13th May 2002, under copy to me.
 3. My DO Letter to Shri Ajyoendra Pyal IAS, Commissioner of Labour, Andhra Pradesh dated the 17th July 2002 requesting formulation of an Action Plan for Elimination of Child Labour practices in Andhra Pradesh.
 4. My DO Letter to Shri K Swaminathan IAS, Chief Secretary to the Government of Andhra Pradesh dated the 17th July 2002 requesting formulation of an Action Plan for Elimination of Child Labour practices in Andhra Pradesh.
 5. My DO letter No.DO/AP/CS/2003 dated 21st June 2003 addressed to Dr Mohan Kanda IAS Chief Secretary to Government of Andhra Pradesh requesting preparation of an Action Plan for Eradication of Child Labour practices in Andhra Pradesh.
 6. My DO letter No.DO/AP/CS/2003 dated 4th July 2003 addressed to Dr Mohan Kanda IAS Chief Secretary to Government of Andhra Pradesh forwarding there with a copy of the Government of Tamil Nadu’s Acton Plan for Eradication of Child Labour in connection with the request made in the earlier references.
 7. My DO letter No.DO/AP/Secy. Lab/2003 dated 4th July 2003 addressed to Dr Priyadarshi Dash IAS, Principal Secretary, Labour, Government of Andhra Pradesh forwarding there with a copy of the Government of Tamil Nadu’s

Acton Plan for Eradication of Child Labour in connection with the request made in the earlier references.

8. My DO letter No.DO/AP/Comm.Lab/2003 dated 4th July 2003 addressed to Shri Karikalvalavan IAS, Commissioner of Labour, Government of Andhra Pradesh forwarding there with a copy of the Government of Tamil Nadu's Acton Plan for Eradication of Child Labour in connection with the request made in the earlier references.
9. My DO letter dated 30th October 2003 addressed to Dr Priyadarshi Dash IAS, Principal Secretary, Labour Government of Andhra Pradesh forwarding the report on the outcome and recommendations of the Two-Day Sensitization Workshop for field level functionaries of Karnataka on Child Labour and Bonded Labour issues held on the 9th and 10th October 2003.
10. DO letter No.2/15/2003-PRP&P dated 28th March 2005 of the Director, National Human Rights Commission addressed to me forwarding letter No.4525/SPR&E-2/2002-13 dated 19.2.2005 of the School Education Department, Government of Andhra Pradesh, forwarding a four page Action Plan to the NHRC, New Delhi.
11. DO Letter No. nil dated the 7th June 2005 addressed to me by Shri K Chandramouli IAS, State Project Director, DPEP, Hyderabad forwarding a Draft Action Plan on "Eradication of Child Labour" in Andhra Pradesh.
12. Your letter No.N1/1946/2004, dated 10.6.2005 addressed to me forwarding Draft Guidelines of the Scheme for Elimination of Child Labour in the State of Andhra Pradesh.
13. My DO letter addressed to you dated the 16th June 2005 forwarding a copy of the Joint Report of the National Human Rights Commission and the Government of Tamil Nadu on the Two-Day Sensitization Workshop for Field Level Officers and NGOs of Tamil Nadu on Bonded Labour and Child Labour issues held on the 4th and 5th March 2005 at Chennai.

I invite your kind attention to the correspondence over the past few years resting with the reference 12th cited on the above subject kindly handed over to me personally by you when I called on you on the 10th June 2005 in your office for discussions. Earlier, I had received from Shri K Chandramouli IAS, State Project Director, DPEP-SSA and CEO, State Literacy Mission in the reference 11th cited a draft Action Plan on "Eradication of Child Labour", following my discussions with him and the Principal Secretary, School Education on the 5th May, 2005 in the latter's chambers in the Secretariat.

2. I have gone through the draft scheme formulated by you and Shri K Chandramouli very carefully and find them both extremely well thought out. The draft schemes are comprehensively conceived and address every concern relating to Child Labour. Permit me to take the liberty of congratulating you on this excellent effort.

3. You have been kind enough to seek my suggestions on the draft scheme. At the periodical review meeting held in the chambers of the Principal Secretary, Social Welfare when the Project Director, DPAP was also present on the 1st August 2005 I gave in detail my comments on the draft schemes. I am now following it up by forwarding these comments, which are given below. These should have reached you immediately after the 1st August 2005 meeting but have been delayed on account of my preoccupation with the investigation into the health crisis faced by the tribal in the Paderu Agency area in Andhra Pradesh.

4. The draft schemes prepared by you and Shri Chandramouli have the same points in regard to rehabilitation of the children; rehabilitation of the family; all the Annexures on “Core Activities” and the composition of the District level, Sub-divisional level, Mandal level, Gram Panchayat level and State level Committees and the note on Vigilance and Monitoring Committees. In certain other aspects his draft has other inputs like the preamble that gives the current data relating to Child Labour in the first four pages. There is also a reference to the list of existing laws that impact on Child Labour. The draft of Shri Chandramouli also spells out a separate strategy for urban areas from pages 16-21. Another important point in Shri Chandramouli’s draft is his spelling out in specific terms from pages 32 to 46 the responsibilities of various Departments. I am of the view that all these inputs of his draft may be included in the excellent draft Plan that you have formulated, with appropriate changes, wherever felt necessary, after discussions with him and with others concerned.

5. I now place below my comments on the draft scheme drafted by your good self for favour of consideration:

- (i) We may call the scheme as “Action Plan for the Elimination of Child Labour practices in Andhra Pradesh”.
- (ii) **The fact that the State has to take a lead role in regard to the elimination of Child Labour practices in the light of its obligations under the Constitution and the various Laws and policies may kindly be stated explicitly in the Action Plan at the very beginning, though Non-Government agencies have considerable responsibilities in this regard.**
- (iii) While the approach to Child Labour as one that considers all children out of school, as Child Labour is commendable, care needs to be taken to ensure that the enforcement of all laws relating to Child Labour and violation of children’s rights are strongly enforced. This needs to be clearly spelt out because **enforcement by way of prosecution** has certainly been an area of weakness in regard to Child Labour in Andhra Pradesh. This weakness should be completely eliminated in the strategies that the Action Plan would incorporate. **It may also be added here that stringent enforcement of the laws also contribute to the generation of awareness on the part of all concerned, especially those who violate child rights by employing children as labour, traffic in them etc.** An emphasis only on enrolment to schools as done hitherto in Andhra Pradesh could weaken the resolve against punishing the violators of children’s rights and, therefore, it is important that the Action Plan spells out a clear message to all the actors that the laws would have to be enforced stringently. In fact, even universalisation of education, apart from all other efforts, is also today an issue and an obligation under the law as contemplated by the amendment that incorporates Article 21 A to Article 21 of the Constitution of India. In short, enforcement of all laws relating to Child Labour including Bonded Labour System (Abolition) Act, 1976 should have a pride of place in the Action Plan.
- (iv) Your draft scheme needs to be commended for frankly reflecting strongly the present situation obtaining in Andhra Pradesh. Those facts may be retained along with the information furnished in Shri Chandramouli’s preamble and stated upfront in the Action Plan as that would clarify for all the stakeholders what is actually at stake in regard to this plan of action.

- (v) The draft scheme is commendable for including two separate chapters – one on the rehabilitation of children and the other on the rehabilitation of the family. One without the other can never eliminate the practice of Child Labour and it is a happy augury that for the first time this has been officially recognized by the State Government, which is a very significant recognition of grass roots level realities. However, the chapter on rehabilitation of the family requires to be fleshed out so as to incorporate details of the strategies required including, in particular, those relating to convergence of efforts by the various Departments of the Government, - not only the Departments of Labour and Education but all Social Development Departments and their corporate agencies. In particular, how to calibrate the educational rehabilitation of the child with the economic rehabilitation of the family so as to achieve progress simultaneously, hand in hand and in harmony, needs to be spelt out. In other words, each Development Department may be given a quantitative and qualitative responsibility for elimination of Child Labour practices and for rehabilitating the identified and released Child Labour families under the guidance of the Nodal Department. **The Nodal Department has to be the Department of Labour over all.** For example, the Social Welfare Department should be responsible for the rehabilitation of the families of Child Labour identified as Bonded Child Labour. The reason for this is the Social Welfare Department is the Department responsible under the business rules for bonded labour in Andhra Pradesh and have total responsibility for implementing the Bonded Labour System (Abolition) Act, 1976 as also for implementing the Centrally Sponsored Scheme designed for rehabilitation of the released Bonded Labourers for which there is a budget provision of Rs.20, 000/- for each case of release. This helps in the immediate availability of resources for rehabilitating bonded child labour families. It goes without saying that in addition, the Social Welfare Department should mobilize additional finances required through its own Scheduled Castes Finance Corporation and the DRDA/ Velugu. Thus the concept would be that the Nodal Department for the Action Plan at all times would be the Labour Department with the ultimate responsibility for eliminating Child Labour in Andhra Pradesh but it will entrust the socio-economic rehabilitation of the

family and the child, under its own watch, to various Departments depending upon the profile of the family. Thus, the Tribal Welfare Department and its agencies will be responsible and take the lead for the rehabilitation of the tribal families from which the Child Labour has been identified and released. However, the Education Department will have a very crucial role since all released children will have to go to school without exception, through, here again the Education Department will take the help of all other Departments, depending upon need. Those needs, whether of the educational rehabilitation of the child or the economic rehabilitation of the family of the erstwhile Child Labourer, will have to be determined by the concerned Department having the lead responsibility and that concerned Department will approach the other Departments including DRDA/ Velugu. Such an approach will, in a focused fashion, help the much-needed resource mobilization for elimination of Child Labour practices. **For example, against the slogan that “every child out of school is a child labourer” should be viewed the adequacy of the available number of bridge schools; the facilities available therein for residence and food; their quality of teaching in terms of equipment and personnel and other relevant parameters of useful learning. Else, this remains a slogan as we now see from the appalling drop out rates of school going children in Andhra Pradesh, which is a staggering 53.17 percent of the children enrolled and admitted in standards I to VII.** In this situation, the entire approach to bridging and mainstreaming needs to be reviewed, human, and financial resource gaps identified and plugged. The Departments of Labour and Education should do that assessment jointly and jointly they may have to take up the shortfalls with the Finance Department, the Chief Secretary and the Chief Minister.

These are by way of illustration as to how we need to work on convergence of efforts of all Departments in the area of Child Labour. **On this basis we need to draw up a Road Map with time frames and financial allocations so that within a foreseeable future Andhra Pradesh would be Child Labour free. For this, fixing a date and year is a sine qua non supported by year-wise financial budgetary projections. The Action Plan should incorporate such a**

- Road Map for it to be credible.** This would also involve redrawing of the composition of the details of Annexure-I, mentioned in your draft scheme.
- (vi) The surveys to determine the number of Child Labour as shown in the draft scheme seem adequate, including the concept of updating once every quarter. However, the Action Plan should expressly state that this identification should also ensure (a) identification of Bonded Labour children from among the Child Labour children working in hazardous occupations and processes in all enterprises, including cottage enterprises, even if one or two children are working in such a work place, as we all know how the law is being defeated by large establishments by farming out hazardous work to the cottage level and (c) identification is categorized according to gender.
- (vii) **The Mobile Courts cannot deal with cases of Bonded Child Labour.** Prosecution of the masters of bonded child labour can only be done by the Executive Magistracy as per the procedure laid down in the Bonded Labour System (Abolition) Act, 1976. This may be clearly spelt out in the Action Plan, duly referring to the responsibilities of the Collectors, Sub-Collectors / Revenue Divisional Officers and other empowered officers in regard to providing a release certificate to the liberated child labour, prosecution etc. **Any reference to letting off of the masters in bonded child labour cases with a warning etc., as contemplated in the draft scheme may please be deleted as this flies in the face of the law relating to Bonded Labour.**
- (viii) It appears that some of the Committees contemplated at various levels are too large. Their numbers may be re-examined so as to make them muscular and functionally effective. **Further, how to utilize and improve upon the performance of the District level and Sub-Divisional level Vigilance Committees already (expected to be) in existence and constituted under the Bonded Labour System (Abolition) Act, 1976, for furthering the elimination of Child Labour practices may also be examined in consultation with the Principal Secretary, Social Welfare and select Collectors.**

6. I shall be happy to discuss the Action Plan further with you and Shri Chandramouli in person should you feel that it might be useful. I would like to request you in this context to kindly take another look at the references 9th and 13th cited as those reports reflect the kind of holistic action we need in successfully eliminating child labour practices in the country including allied problems like inter-State trafficking in children.

Thanking you for your consideration and with my congratulations to you and Shri K Chandramouli on the earnest efforts you are making to formulate a much-awaited credible Action Plan for Child Labour in Andhra Pradesh and looking forward to its early completion,

Yours sincerely,

K R VENUGOPAL

Smt. I Rani Kumudini IAS
Commissioner of Labour
Government of Andhra Pradesh
Tanguturi Anjaiah Karmika Bhavan
Hyderabad 500 020.