

**REPORT TO THE NATIONAL HUMAN RIGHTS COMMISSION DATED THE
5TH JULY 1999 OF INVESTIGATION INTO THE PREVALENCE OF CHILD
AND BONDED LABOUR IN SILK INDUSTRY IN THE MAGADI AND
RAMANAGARA AREAS OF KARNATAKA.**

BY

**K. R. Venugopal IAS (Retd), Former Secretary to the Prime Minister and
Special Rapporteur, National Human Rights Commission.**

As desired by the Secretary General of the National Human Rights Commission, New Delhi in pursuance of the directions given by the Chairperson, National Human Rights Commission, New Delhi to investigate into the allegations that child labour and bonded labour existed on a large scale in the Silk Industry in the Magadi and Ramanagara areas of the State of Karnataka, I visited Bangalore, Magadi and Ramanagara between the 29th March, 1999 and 1st April, 1999 and investigated into the matter.

Immediately on reaching Bangalore on the evening of the 29th March, 1999 I held a three hour preliminary discussion with Shri C K Neelakanta Raj, IAS., Principal Secretary, Labour, Government of Karnataka, Shri Lukose Vallatharai, IAS., Commissioner of Labour and Shri D N Nayak, IAS., Deputy Commissioner, Bangalore Rural on their appreciation of the problem. Shri Lukose Vallatharai, the Labour Commissioner had already done considerable preliminary work in this regard and I had obtained from him even before reaching Bangalore a copy of the report of a surprise inspection of the Silk Twisting Factories in Magadi made by him in October, 1998 and a copy of the follow up letter that he had written in January, 1999 to the Deputy Commissioners, Bangalore Urban, Bangalore Rural, Mysore, Bellary, Tumkur, Kolar and Chitradurga under copy to the Divisional Commissioners of Bangalore, Belgaum, Gulbarga and Mysore, the Chief Executive Officers of the Zilla Panchayats of the afore-mentioned Districts and the Principal Secretaries in the Departments of Labour, Rural Development and Panchayat Raj, and Revenue. This material was very valuable to me as it had highlighted the fact

that children had been employed as regular workers in the twisting and reeling units, that many of them were bonded labour, their parents having taken advances from the owners of these units and pledged the labour of their children in return, that these children worked for between 12 and 14 hours a day with a break for just one hour, that the conditions in which these children in the age group 6 to 14 years were made to work were most pathetic and that while none of these units had been licensed in any way, the Karnataka Electricity Board had provided them with meters. The Commissioner of Labour, in his report, had pointed out that though the agreed wages ranged from Rs. 2 to 3 per hour, only a portion of the wages was actually paid. There was violation of the Minimum Wages notification. The conditions of work were appalling, the children having to work standing all the time. In the twisting factories the children were asked to operate steam vessels and some times they suffered mild electric shocks from touching them. The Commissioner of Labour had concluded that the spread of child labour in Magadi had assumed alarming proportions, their number estimated at 3,000 in Magadi taluq alone and that therefore strict enforcement of the Bonded Labour System (Abolition) Act, 1976, the Child Labour (Prohibition and Regulation) Act, 1986, the Factories Act, 1948 and the Minimum Wages Act, 1948 would have to be ensured.. In his letter forwarding his inspection report, the Commissioner of Labour had discussed the legal provisions relevant to dealing with this problem and had given detailed guide lines as to how the efforts at eradication of this evil should be handled including making arrangements for free schooling, discharge of debt, involvement of Gram Panchayats and involvement of various segments of the civil society including the NGOs, among other things. In short not only had Shri Lukose Vallatharai, Commissioner of Labour had done an honest inspection of the silk units functioning in Magadi but had also brought out all the facts into the open and to the notice of the entire official machinery at all levels in Karnataka and had appealed to them to take action to fight this evil of child labour and bonded labour.

Against the background of these efforts of the Commissioner of Labour, I sought in my meeting with the Principal Secretary, Labour on the 29th March, 1999 information on the efforts made to involve in a convergent fashion the key departments of the Government

such as those of Rural Development and Panchayat Raj, Education, Labour, Health, Factories, Revenue, Housing, Women and Child and other departments concerned, to deal with the legal and development issues involved since the issue of child labour, bonded child labour and bonded labour cannot be dealt with in isolation by any one department of the government, least of all by the Department of Labour single-handedly. I pointed out to the Principal Secretary, Labour that while commendable initiatives had been taken by the Commissioner of Labour, there appeared to be no follow up based on a convergence of efforts of all the departments. While I did not get a categorical answer to my question, I was given to understand by implication that such efforts did not exist in the Government of Karnataka. In short, there was no coordination or convergence of efforts directed at this problem at any level. That is a serious shortcoming.

During the next two days, that is, the 30th and 31st March, 1999 I visited the Magadi and Ramanagara areas accompanied by Shri Lukose Vallatharai, Commissioner of Labour and Shri D N Nayak, Deputy Commissioner of Bangalore Rural for an on - the - spot study of the conditions existing and the issues involved. On the 30th March, 1999 I devoted to the Magadi area my time between 9.00 am and 7.40 pm and on the 31st March, 1999 to the Ramanagara area between 8.15 am and 4.00 pm. Magadi is 49 kms from the city of Bangalore in one direction and Ramanagara is 48 kms from the city of Bangalore in another direction. The list of officers who accompanied me to these two areas, as furnished by the Commissioner of Labour, is enclosed- Annexe 1.

I started my work in Magadi with a meeting of the field level officers and reviewed with them the way in which they approached their tasks in the field. This was preceded by a detailed description by me of the events leading to the Supreme Court mandate on bonded labour abolition, the details of that mandate, the District and sub-divisional level vigilance machinery provided for this work in the Bonded Labour System (Abolition) Act, 1976, the legal provisions including the penal provisions that empower authorities under this Act and other connected Acts and the stand of the Supreme Court that those who practise forced labour cannot the enjoy the benefits and fruits of various government policies. Much of these appeared new to the field level officers since, apparently, no effort had been made by the senior officers of the Karnataka Administration to sensitize

the field level officers to issues of this kind as also to the relevant special laws of the land. For example, the sub-divisional level vigilance committee meeting on bonded labour did not seem to have been held for several years, despite the law in this regard and the Supreme Court's emphatic mandate in this regard. Happily, however, the one organisation which seemed to have acted in support of the Labour Commissioner's effort was the Karnataka Electricity Board at the lower levels by threatening to cut off power to the reelers if conditions relating to children in the matter of number of hours of work, wages etc., did not improve. I found from the discussion that a notification had been issued in 1996 amending the Factories Act to include reelers under Section 85 of the Act so as to deem them as factories. The reelers promptly went to the Court and obtained a stay order, which has not been got vacated till today. However, action can be taken under the Factories Act if the number employed is more than 10. At the same time, the Shops and Establishment Act applies only to urban areas and therefore the reeling units in Magadi will not be governed by its provisions. All these things need to be looked at by the Government at the highest levels. The Government of India have, however, amended the Child Labour Act in February, 1999 making silk reeling and twisting, that is, sericulture processing a hazardous industry. The need, nevertheless, is for the State Government to enforce the provisions which prohibit the employment of children as defined under the Act. It is also necessary for the State Government to look at the various other laws and the powers they provide to authorities to take action in a manner that can bring pressure on the employers of child labour to discontinue the practice and or improve the conditions where such employment is not violative of the law. Such an integrated approach does not seem to have been adopted by the Government of Karnataka. I exhorted the officers assembled to adopt strategies of this kind in dealing with the problem.

After this meeting, I made a 90-minute inspection of a reeling unit at Hombalambanapete of Magadi, owned by one Shri Ranganath, employing 10 workers. Of the 10 workers, 5 were girls. I moved around in this unit and spoke to the following workers and elicited the information given below:

1. Rangaswami s/o Thimmappa. - He will be about 12 years old though he claimed he was 13 years. He has been working in this unit for the past 2 years, that is, from the time he was 10 years. His body was fully covered with waste thread. He looked poorly nourished. He told me that he lives in the house of the master himself. He starts work at 9 am and goes on till 7 pm. He gets a break of an hour in between. He is at work for 10 hours. Every Saturday his master takes him back to his home at Ballehanihalli near Magadi and brings him back himself in the morning every Monday. His maximum earnings on a day on which he works the hardest would be Rs.30/. His wages are calculated on a daily and not hourly basis. His parents have taken, according to him, a loan of Rs.100,000 for his elder sister's marriage from 3 different creditors in the village and that is why he had been made to work instead of going to school so that his earnings may help repayment of the debt. Presently his parents have approached his master Ranganath for another loan of Rs.10, 000/- "probably to repay a part of the loan already taken in the village from others". Ranganath, the master has not yet taken a decision regarding giving this loan. The child told me that when the master does decide to give the loan, "my wages will be retained by the master towards the loan repayment due to the master". He added that it would be an interest free loan and he, the child, would have to work here in this unit till the loan was repaid and cannot go to work any where else. To discharge this debt, a period of between one and two years would be allowed and if the repayment is made within that period, the child could go elsewhere for work but not otherwise. The child told me the story of another boy who ran away after his parents had taken a loan of Rs. 10,000/- from Ranganath master and that Ranganath was now searching for him. The child explained that any one taking an advance is required to stay put with the master till the complete discharge of the debt. The child told me that he thought that it would be an unjust act and an act of cheating if any child chose to run away from his master after taking a loan without making repayment. This case of Rangaswamy is a clear case of child labour and also a case of bonded child labour, his parents having taken a loan of Rs.100, 000 from three persons. Even in his very childhood, while the child has been taught one aspect of morality, namely, honouring a promise made to another however unjustly extracted, another aspect of morality

which the society, the government and the law of the land owe to the child has not been taught to him as a right. That is the tragedy of bonded child labour. Thus he has no escape from a situation of chronic injustice, which he has been made to believe is actually fair play. This highlights the enormous amount of work in front of us in terms of spreading awareness and legal literacy among the people in general and the victims of injustice in particular. Also in front of us is the task of making our Society understand that a sense of sin and morality should as much be enforced against the haves and the powerful as it is relentlessly doing against the poor and the have-nots, particularly when the country's Constitution and the laws provide for such enforcement. This is where the Government and the non-Government Organisations have so much work that they can do in collaboration with one another.

2. Lakshmi d/o Hanumanthappa - She claimed to be 15 years old but in reality could be about 13 or 14. She was carrying her master's child in her arms, in addition to doing twisting work. She has been working here since one year. She has studied up to the 4th standard and after that did not do any thing. She works from 8.30 am to 8.00 pm with a break of one hour. Thus she works for 10 1/2 half hours a day. Since she does doubling work she claimed that she was being paid Rs.230/- per week. She said her father has taken a loan but was not sure whether it was Rs.6, 000 or Rs.11, 000/- . He himself does *coolie* work and has three daughters and a son. The case of Lakshmi is another clear case of bonded child labour.
3. Saroja d/o of Gopal - having studied up to the 5th standard, she left school a few years ago and has been working in this unit since two years. She would be about 15 years. She stated that her parents had not taken any loan. Considering that she has been working since the time she was 13 years old, this is a case of her having begun her life as a child labourer in this unit.
4. Renuki d/o Kempiah - She would be about 15 years and stated that she gets about Rs.200/- per week. She appeared a very sensitive girl and was extremely upset with her condition. She gave me the impression that her father must have taken a loan from

her master though she did not know how much. She had never gone to a school in her life.

5. Ranga s/o Putta Rangiah - He would be about 20 years old though he claimed he was only 16. He has been working in this unit for the past 2 years. He claimed that his father is a drunkard. Ranga had taken a loan of Rs.2000/- himself and was now working for his master. He said that he had taken this loan to visit the Ayyappa temple. This is a case of bonded labour.

Lakshmi and Renuki are from Hombalambanapete of Magadi town while Ranga is from Hospet of Magadi. All the girls interviewed by me in this unit were very young, callow and looked completely lost and helpless. They seemed unhappy and in the grip of fear. I got a clear impression that they had been tutored in a routine way to give standard replies. Saroja, for instance, constantly stonewalled against every question put to her but even she, along with the other girls, brightened suddenly when I asked if they would all be willing to go home in case they were released from their debts. They all smiled happily at the prospect of freedom and their faces visibly brightened.

All the children interviewed stand all the while during their work. The machinery is so designed that they can only stand as they work. They told me that all of them hand over the wages earned by them to their fathers.

Between 1.35 pm and 4.00 pm I held a combined meeting attended by some child labourers, parents of child labourers, an NGO named CHIGURU, released bonded labourers and field officers of the Government working in the Taluq. The District Women's Welfare Officer was also present in this meeting. One C. Reviah of Hombalambanapete who is presently a bonded labourer and working as a Supervisor in a twisting unit gave his own life history as an interesting example of a perpetual bonded labourer. He became a bonded labourer when he was 15 years old, his father having taken a loan of Rs.3, 000/- in 1978. He had no freedom to move, worked for 4 years, could not repay the debt, went to another master, took Rs.6, 000/- as a loan from him of which he

paid Rs. 3000/- to the original or the first master and became bonded labourer to the second master. The second master, owner of a twisting unit, gave him no leave when he needed it, no medicines when he fell ill, scolded and beat him when he asked for leave and such wages as he was paid depended on the output. He had no freedom what so ever. He sought his freedom from this second master by going to a third master from whom he borrowed Rs.10, 000/-, paid the Rs.6, 000/- to the second master and bonded himself to the third master with whom he is presently working. Thus, the only freedom he has seen in his life is to rotate in bondage from one master to another master. The only condition on which he can even temporarily find freedom is by providing a substitute in his place when he wants to go off for a few days. While he could get one or two days of leave, a week long leave was out of the question unless he repaid this debt. The original debt that his father contracted for Rs.3, 000/- was for his sister's marriage, the next loan was for the marriage of another sister and the third loan was for his own marriage. This highlights, as have done many such illustrations elsewhere, the big role marriage expenditures including dowries play in the crippling indebtedness our poor contract leading to their bondage. This is another area of social reform where the NGO's have their task cut out, duly encouraged by Government. Shri Reviah himself has children who are below 9 years but he said that he would never send them to do child labour for he **"has learned and suffered enough"**. He explained in answer to my questions that bonded labourers like him were not getting organised for they are unable to come together because of their constant pre-occupation with and struggle for food and shelter and this condition of chronic poverty drove them also to send the children for child labour. He went on to say that he had repaid his loan of Rs.10, 000/- to the third master, borrowing from a fourth master an equivalent amount. He made the change since the new master pays him Rs.450/- per week as against Rs.350/- paid by his earlier master. He works 6 days a week, for 12 hours a day with a one hour break for lunch. He stated that if he had not taken an advance, his wages would have been about Rs.150/- higher per week. He had the benefit of the weekly wages because he was a *maistry* where as others, including the children, were paid only daily wages. Children were some times paid at as low a wage as Re 1/- per hour and the range never exceeded between Re.1/- and Rs.3/-.

This was because child labour was also invariably bonded labour. However, children who

where not bonded labour could get up to Rs.4/- per hour but even then children never got more than Rs. 210/- per week. He stated that larger the advance a child labourer or an adult labourer took, lower were their wages. No interest is charged on such advances and hence the wages also become lower. The wages in all cases of advances were lower because the masters would adjust the interest payable against the loan advance and paid the workers only the balance. Shri Reviah stated that he could come out of bondage if the government could give him a loan to set up a twisting unit. He can run such a unit very competently since he had the expertise. He explained the economics of a twisting unit and stated that even by employing adult labour and paying at the rate of the prescribed minimum wages, he would still be able to make profits of about Rs.2, 500/- per week. According to him, in Magadi taluq, child labour in the reeling / twisting units would be about 3, 000 out of the total labour force of 15, 000. The number of units in this area would be 1000, the bigger units employing about 15 to 20 workers and the smaller ones about 5 or 6 workers. The biggest factory employs about 24 persons. He felt that if wages were paid even at Rs.6/- per hour, that would be adequate for keeping the workers from poverty and at that wage level the workers could still educate their children, which in turn would eradicate child labour.

The essential points that emerge from Shri. Reviah are the need for fair, minimum wages and the need for assisting the released bonded labour from the silk industry for setting up sericulture processing units, an area in which they have developed expertise.

A 30 year old woman named Lakshamma w/o Narsimiah of Hombalambanapete repeated the experiences of Reviah almost verbatim and also added that women experienced a certain amount of sexual harassment but added that this was not wide spread. She made the important observation that girls working in these units achieved puberty earlier than normal children - from 11 years itself because of the heat in the work sheds. She stated that some times the girls worked in the nights also. She and her two daughters - one 12 years old and another 8 years old - have also been bonded labour against a loan of Rs.14, 000/-. The 12 year old girl was released as she was infected with TB but she, the mother and the 8 year old daughter are continuing as bonded labour. The 12 year old girl had started working when she was only 7 and she contracted TB at the age of 11. The loan

of Rs.14, 000/- had originally been taken for meeting other health expenditure but later it came to be spent on curing the child's TB and part of it - about Rs.5, 000/- went to meet the cost of funeral rites of her father. She explained that she had no alternative but to work in a twisting unit for the only other alternatives was agricultural labour but agriculture in this area being seasonal, wages are very low in summer and compared to the working conditions in agriculture in summer for such low wages, wages in the twisting units were better. The same was true in *Beedi* work where the wages were about Rs.40/- per day. As a solution to all these problems, Smt. Lakshamma demanded that industrial employment opportunities should be created, the debts they had incurred be cancelled and the children put in school. She pointed out that even if the law declared their debt as discharged, the masters would continue to pursue them for the repayment of the debt and equally importantly no other twisting units would employ them unless the released bonded labour discharged their debt to the original creditors. Even when tempting workers with higher wages, the new masters always make sure that the earlier debt incurred by them had been discharged. This forces again a new loan from the new master and the new master gives an advance to be paid back to the old master and only thereafter does the new master permit employment in his unit to the worker. In fact every time any worker approached a master, the first question put was whether such worker had a previous debt and then this procedure of discharging of the earlier debt by taking a new loan from the new master was enforced. This was insisted upon so that the new master could ensure, from several points of view, trouble free and continuous production in his unit. In any event, the previous master from whom an advance had been taken would never let the debtor get away without repayment. In other words, complete understanding about the enforcement of bondage existed between all the owners of the reeling / twisting units. Smt. Lakshamma's presentation high-lighted the importance of credit for women from the point of view of their health needs, sexual harassment in the silk industry, the over-all low wages prevailing for rural labour, the need for diversifying employment opportunities in the rural areas through industrialization and the organised way in which the masters of silk industry perpetuated bondage to their individual and group advantage. We need action on all these fronts through two kinds of convergence high-lighted already earlier in this Report- one, a convergence of efforts that is internal to

the various Departments of the Government and the other of a convergence of efforts of the Government and the non-Governmental Organizations.

To a straight question to all the assembled bonded labourers whether if, under the law, the government cancelled the debts incurred by them, they would thereafter live in freedom without lapsing into bondage again, they all stated that they would do so provided that such cancellation of the debts was given in writing, that they did not have to face unemployment in future and that where necessary they have to be given physical protection. If these were assured, they would discipline themselves and live within their means so that they did not have to contract fresh debts.

Ms Sarojamma, General Secretary and Field Director of CHIGURU, an NGO working in the area of child labour stated at this meeting that while the child labourer and bonded labour were lacking in awareness of the laws, the employers have unionized themselves and hired lawyers to defend their interests. It was therefore important that we should take steps to enhance the awareness of the parents about their rights such as the Minimum Wages Act and help them to organise themselves and fight for at least a wage of Rs.65/- per day for adults and take other associated action like actually providing free and compulsory education for children. The Gram Panchayats, teachers, Village Education Committees under the DPEP, anganwadi workers - should all be oriented to the importance of education for children and also provide information to the parents on various government schemes. The victims of bonded labour and child labour should receive help to improve their political and social awareness. Education must be made attractive and imparted in a manner and followed up in a manner that the parents come to believe that quality education is available and would be productive in future for their children, so that they would send the children to school and also continue to do so. Equally important was the need to enhance the awareness of the employers about the existence of the penal provisions of various laws like the Child Labour Act, the Bonded Labour System (Abolition) Act, 1976, the Factories Act, the Minimum Wages Act etc. particularly through prosecution of employers under these Acts. To a specific question from me as to what the NGOs would do for release and rehabilitation of the victims of child and bonded labour the NGOs pointed out that the owners of units were very

influential people and could physically harm them and, therefore, the government should come up with the measures suggested earlier in the first instance with physical support and resources and once the work of release and rehabilitation picks up, the NGOs would be able to take the work forward. During this discussion the Commissioner of Labour pointed out to the NGO representatives that awareness must be generated amongst the community also to own its responsibility in the eradication of child labour. Also, the owners of units must be made to share the financial and other responsibility for the rehabilitation, education and other measures required in the process leading to the eradication of child labour practices.

I next held a meeting at the Taluq Office, Magadi with the owners of the Twisting Units. Among those present was also Shri Seetharam, who was formerly president of the Magadi Municipality. Speaking to them I made it clear that I had personally seen the existence of child labour and bonded labour in Magadi, that in terms of the laws and the mandate of the Honourable Supreme Court and as part of its own commitment, the NHRC was determined to tackle this problem and warned the employers of prosecution unless they themselves initiated action for the release and rehabilitation of the child and bonded labour employed by them. In particular I demanded that they initiate measures forthwith towards setting up facilities in Magadi for the education of children, who have been child labour. In the discussions that followed, Shri Seetharam President of the Employers Association and Shri M H Ranganatha, speaking on behalf of the employers made the following points:

1. That the units run by them are all small and were not making any profits. They were all living from hand to mouth.
2. That no child labour was employed in Magadi Taluq and in any case almost 90% of all the child labour employed hitherto had gone away from Magadi. Such children as were working were employed during the leisure hours after they return from their school. The employers were not giving any advances for retaining the workers but advanced such loans to their workers only to help them to meet their needs.
3. The NGO CHIGURU was acting against their interests and was making false complaints against them, including to the police.

4. They were willing to take responsibility in regard to the education and other rehabilitation measures required in phases if government would come forward to initiate measures in this direction.

I responded to them by pointing out that large scale incidence of child labour and bonded child labour was a reality in Magadi and my own personal investigation had shown the falsity of their claims and called upon them to make real their offer that they were willing to take their share of the responsibility for the measures required for the education and other rehabilitation, through concrete programmes. The only thing that was required to be done was to phase out child and bonded labour within a short time frame and ensure the comprehensive rehabilitation of those released. They should learn to live conforming to the law of the land and cooperate with NGOs like CHIGURU.

At 6.15 pm I made a surprise inspection of another twisting unit run by one Shivakumar. It is a unit employing about 10 people and as I went round the unit I found a child of about 10 years hiding himself beneath the machinery installed to avoid detection by me, obviously under the standing instructions of the Manager of the unit. The child was covered with waste yarn. It was another case of child labour with every worker in the unit doing their best to obfuscate the truth about the boy's wages, his age etc.

I returned to Bangalore around 9.00 pm after the day's work.

On the 31st March, 1999 between 9 am and 4 pm, accompanied by the Commissioner of Labour, Karnataka and the Deputy Commissioner, Bangalore Rural I visited Ramanagara to investigate in to the incidence of child labour in the Reeling Units there. I started my visit with an inspection of a unit owned by one Shri Ziaullah. Shri Ziaullah, a long time resident of Ramanagara has 16 persons working in his unit. On my entering into this unit Shri Ziaullah denied that any child labour was working in his unit. However, there indeed were a few. The following are the details:

1. Krishni d/o Madiah of Kollegal. She told me that she was 17 but it was quite clear that she was only about 15. She had already been working in this unit for the past 3

years. She had never gone to a school. She had been working all her life, even before she joined Shri Ziaullah's unit. She has two elder brothers and two elder sisters and they were also working in the reeling units elsewhere. She does not know what her wages are since her mother Chikkamma collects the wages from her master and takes them away. The mother also is working in this unit. This girl had started her life as a child labourer.

2. Asma d/o Samiullah - Asma would be about 11 years. She told me that her working hours were from 7.30 am to 7.30 pm. She kept on repeating that she was being paid wages at Rs.3/- per hour. She told me that she was working there since the past 3 years. The saddest thing about Asma is that, in my opinion, she is mentally retarded. I discussed her condition with Shri Ziaullah who thought Asma was already about 14 or 15 years old and that she was in good mental shape. I directed him to ensure that the child received proper medical attention and directed the officers accompanying me to ensure that she was taken out of this place and properly rehabilitated with the help of doctors and her family members. This is an obvious case of child labour, compounded by the mental condition of the girl.
3. Zabina - she would be about 20 years, married and has a child. Her husband Imtiaz, a tailor had taken an advance of Rs.5, 000/- for his marriage with Zabina and hence Zabina was working here. No interest was expected to be paid as part of repayment. So far, no part of the advance had been repaid either. This is prima facie a case of bonded labour.
4. Shaheena - she is married and has two children and her husband Akram Pasha sells mangoes using a push cart. Shaheena was found tutoring the other women workers to say that they were getting high wages in the unit. She told me that she worked between 7.30 am and 11 am and again 12.30 pm to 3.00 pm only, for which she was paid Rs.80/- . However, when she was asked more questions she came out with the reply that she was getting Rs.200/- only for a whole week of work. Hers was a clear case of a worker being tutored about her wages and being used to tutor others.

I had a long discussion with the owner Ziullah. Though he had child labour working in his unit he claimed that since the past six months he and the other reeling unit owners were checking the age of children before employing them in their units so as to avoid child labour. However, he conceded that about 5 or 6 of his workers had taken advances up to Rs.5, 000/- each from him. The advances had been taken for purposes like the celebration of Id and other functions. In order to collect his advances back, he makes his workers work 2 hours more when the cocoon supply goes up so that through increased number of hours of work extracted he ensures the repayment of his advances. In such a high season the work starts at 7.00 am though he added that his unit never works beyond 5 pm in the evening. After some discussions he conceded that in April his unit works till 6 pm. He confirmed that there was no question of any worker who had taken advance accepting employment with any other owner for higher wages than what he himself pays, unless the advance given by him was repaid first in full. He claimed that he never checks with workers who come for employment with him whether they are already indebted and that "such information was revealed to him by the workers themselves on their own". Shri Ziullah explained that Ramanagara area was an area of high unemployment. There was very little employment outside reeling. He revealed that 20% of all labour employed in Ramanagara would be child labour. Child labour was always paid very much less than the wages paid for adult workers. He claimed that repeated inspections on the part of the government machinery had brought down child labour from about 40% six months earlier to around 20% now. He revealed that 40% of all the workers in the reeling units of the Ramanagara have taken advances from their masters. The owners felt that such advances were essential because those workers who took advances had to stay on with the masters and work for them when the season starts so that production does not suffer. Obviously, child labour, bonded child labour and bonded labour exist in the Ramanagara area. After completing the inspection I met a few press persons who had come to see me on hearing of my visit. I briefed them on the mandate of the Supreme Court and the action initiated by the NHRC to implement the mandate.

At the Taluq Office, Ramanagara I had a meeting with an assemblage of child labour, bonded labour and parents of child labour and also representatives of two voluntary

organizations namely Jeevika and Shakti. It was a very large gathering consisting of about 50 persons. Also present at this gathering was Ms. Jayamma, Municipal Councilor. The senior officers who had accompanied me and other field level officers like the Assistant Commissioner of the Revenue Subdivision, the District Sericulture Officer and the Joint Commissioner of Labour were also present. The press persons also stayed on at this meeting where discussions were held on the same lines as in Magadi yesterday and I elicited information from the actual victims of bondage.

Smt. Puttamma w/o of Chikkalingiah, a cocoon sorting worker of Aijoor village which is part of the Ramanagara town and who works in the filature unit of one Shri Adil spoke on behalf of all the bonded labourers. She said prior to her becoming a cocoon sorter she was a farm hand. Since she was in need of credit she took Rs.5, 000/- from Shri Adil as advance and came to work for him. She stated that her sons of 25 and 21 years have also taken advances of Rs.5, 000/- and Rs.4, 000/- respectively and working in the sericulture industry. Neither she nor her sons can change their masters unless they repaid the entire amount in full and at one time. Her working hours were 9.00 am to 5.30 pm and her wages Rs.30/- per day, as was the case also for her sons. Wages were paid not daily but once in 10 or 15 days or some times even 20 days. They take these advances to access their basic needs because of their poverty and also for events like marriage. They were always given half the loan asked for whether it was the initial advance or subsequent loans. The reason why these advances were given by the masters was to ensure the permanent availability of labour because advances brought the workers under obligation to work for a particular master. Even a worker who had not taken an advance could be paid wages that were lower than those paid for a bonded labourer for what the master looks for is a permanent supply of labour. No worker can change his employer once an advance had been taken, unless the advance is repaid in full and at one time. **Smt. Puttamma added that children and youth were preferred in the reelers on account of their finger dexterity.**

In reply to questions on the measures required for rehabilitation, Puttamma stated that Government should extend adequate credit for productive works. Minimum wages should be enhanced and enforcement ensured. New industrial units should be set up for creating

avenues of employment. Permanent arrangements and facilities for providing education to children should be made. An important area of employment would be through providing credit for setting up reelers. Smt. Puttamma was categorical that at the present levels of income, that is, wages for adult labour and the resultant poverty, there was no way the parents would find it feasible to send their children to go to school. There was a clear correlation between household incomes and children going to school, according to her.

There was a remarkable similarity in the understanding of the problem of bondage, its cause and the action required between what Shri. Reviah and Smt. Lakshamma had told me at Magadi the previous day and what Smt. Puttamma told me today. The issues of minimum wages and diversification of employment opportunities through industrialisation were high-lighted by both. The importance of education was well understood as also the reason why parents did not send their children to school.

A child of 7 years who had come to this meeting was a motherless child labourer. Some of the children showed me wounds resulting from scalding from hot water cookers used in the units where they work for boiling cocoons.

On being invited to offer their suggestions as to how we can fight the problems of bondage and child bondage, Shri Govindaraj, state coordinator, Jeevika, an NGO stated that residential schools were needed to provide education. Home based and cottage industries should be designed so as to decentralise the existing reelers. In other words, released bonded labourers should be given cocoons and arrangements should be made for buying back the yarn. All the government programmes available for the poor should be implemented together as a package. Land could play a crucial role in fighting bondage and where land is assigned, officers must extend protection to the new assignees. The strategy of organising the released bonded labourers into self help groups and using micro credit should be adopted. Shri H Suresh of Shakti, a local NGO working in the Magadi, Ramanagara and Kanakapura areas in the field of women and child labour said promotion of food security for the poor through the public distribution system by way of making available larger quantities of food grains than being done at present, community

irrigation wells for better production and awareness generation of and motivation to utilise the existing programmes, with emphasis on credit would go a long way in fighting bondage. I am in complete agreement with the points made by the two NGO's. It would be seen that what they are advocating is a strategy of convergence of efforts, stressing the importance of land and water resources development, decentralisation of sericulture industry, organisation of the bonded labour to give them group strength, adequate credit and food security which is the basis and starting point for all productive effort by the poor. I should also high-light the point here that there is great congruence between what the victims themselves perceive as the cause and solutions to their problems and what the NGO's are articulating. Herein lies the value of the role of the NGO's at the grassroots level in terms of the understanding of issues and problems from the bottom and evolving solutions from the bottom rather than a top-down approach adopted usually by the Governments. The urgent need for a collaborative effort between Government of Karnataka and the NGO's marrying Government's resources and the strategies advocated by the NGO's can not be over emphasised.

The next part of our programme which lasted an hour was the meeting with the owners of the Twisting / Filiature units. The Deputy Commissioner, Bangalore Rural, the Commissioner of Labour and I spoke to the owners who were about 40 in number about the Supreme Court mandate on bonded labour and the National Human Rights Commission's determination to eradicate bonded and child labour and called up on the owners to explain to us what role they would play in support of measures for the rehabilitation of the child labour and bonded child labour released from bondage. In addition, I stressed the importance of education for the released child labour as being central in solving this problem. Responding to this, their President Shri Imtiaz Pasha, vice president Ramachandra and members Sarva Shri Fiaz Pash and Ziaullah spoke. President Imtiaz Pasha claimed that they were reducing the employment of child labour and would remove the "remaining 20%" of child labour shortly. Shri Fiaz Pasha offered that they would start a school and also provide a building and help in the education of children, provided the government took other necessary steps. He suggested that Government should extend credit to released bonded labourers for starting small, 2 to 3 basin units and

help them become small entrepreneurs themselves. Shri Ziaullah suggested that the Price Stabilisation Fund which had Rs.40 crores in its account could be used for the welfare and development of the released child and bonded child labour. This fund came from the market fee collected by the government. I welcomed these suggestions and called for the setting up of a joint machinery consisting of government officers and the owners for overseeing the release and rehabilitation of child and bonded labour including for the purpose of mobilisation of resources required, especially from the owners, with education as the centre of these efforts. The only discordant note came from Vice President Ramachandra who said it was difficult to identify whether a person was above or below 14 years and how difficult it was to pay minimum wages in a fluctuating business environment like the one experienced in silk industry. He was severely admonished for his tactics of half truths and alibis and warned not to obfuscate and to conform to the law. The gathering of owners agreed with me that the points made by their vice president were not valid. There was unanimous agreement about setting up of a joint machinery of Government officials, owners and NGO's. The Government of Karnataka should take this proposal forward earnestly.

After completing these meetings, I addressed the officers present on the need to take forward the work on the lines discussed keeping in mind the suggestions made by the various participants in these meetings.

Returning to Bangalore, I held a meeting with Smt. Vandana Gurnani., IAS, Chief Executive Officer, Bangalore Rural on the initiatives that the Zilla Parishad should take in coordinating and achieving convergence of all the anti-poverty programmes available and directing them on priority in favour of the rehabilitation of child and bonded labour. I also requested her to use the strategy of organising the poor as fundamental to their ability to access and utilise the resources made available by Zilla Parishad. She promised to take action accordingly.

The conclusions that I arrived at on the basis of my field investigations and the discussions I had held with the officers starting from the Principal Secretary to the Government of Karnataka in the Labour Department, the Commissioner of Labour and

the Deputy Commissioner, Bangalore Rural down to the field level officers, with the non-Government organisations working in the field, with the victims of bondage themselves and the beneficiaries of bonded and child labour, namely, the captains of silk industry in the Magadi and Ramanagara areas are as follows:

1. That there is large scale incidence of child labour, bonded child labour and bonded labour in the silk industry in the Magadi and Ramanagara areas is beyond doubt. Probably around 30% to 40% of all labour employed could be child labour and almost 80 % of them would be bonded labour. Their absolute number would be anywhere in the region of about 3, 000 in each of these places.
2. The recent work done by the Department of Labour especially by Shri Lukose Vallathari, IAS, Commissioner of Labour has definitely generated a momentum in the direction of creating awareness of the need to solve the problems of child, bonded child and bonded labour. For the first time, the owners of the Twisting and Reeling units were feeling the pressure of Governmental action initiated through the field level officers of the Karnataka Electricity Board and the Factories Department, at the instance of the Commissioner of Labour.
3. The NGOs have played a small but extremely effective role in generating awareness about the existence of child and bonded labour in the Magadi and Ramanagara areas and their constant campaigning has created the required unease in the minds of the owners of the reeling and twisting units to the extent that they were willing to see reason for the first time. The role of CHIGURU, a voluntary organisation functioning in this area has been truly praise worthy. The grassroots level NGO's of the area have clear ideas of the issues involved as also the solutions needed as explained earlier in this Report and would need to be included and supported in all efforts aimed at the eradication of child, bonded child and bonded labour.
4. Taken together, the work of Shri Lukose Vallathari, Commissioner of Labour and CHIGURU and other small voluntary organisations has made considerable impact in the area in terms of awareness generation.

5. Points 3 and 4 above are a good augury, if sincerely taken forward, for the implementation of the mandate of the Honourable Supreme Court in relation to bonded labour, which includes bonded child labour.
6. My visit to the two areas of Magadi and Ramanagara, accompanied by the Commissioner of Labour and the Deputy Commissioner, Bangalore Rural as also the field level officers, discussions with local officers educating them on the strategies to be followed especially in the matter of the application of the laws, the meetings held by me with the victims of bondage, the NGOs and the owners of the reeling and twisting units and my talking to the press in Ramanagara, I believe, have all had a salutary effect on all concerned. My stern warning to the owners that the long arm of the Law, as mandated by the Supreme Court would reach them through the NHRC has made a deep impact on the owners and also the field level officers of the Government of Karnataka. **What we need is a serious and earnest follow-up at the highest levels of the Government.**
7. It would be up to the Government of Karnataka now at the highest level to take the momentum so generated, as mentioned at points 5 and 6 briskly forward so as to make the implementation of the mandate of the Honourable Supreme Court a reality.
8. It was quite clear that the basic issue is one of poverty as manifested in its various dimensions, most particularly in the lack of adequate employment, very low wages, absence of credit for urgent and basic needs, enforcement of the provisions of the related laws and failure to prioritize the implementation of the anti-poverty programmes in favour of those who need them first and foremost, that is, the poorest of the poor represented by child labour, bonded child labour and bonded labour. The centrality of education needs greater recognition and massive support. What ever may be the theoretical arguments about which aspect of poverty should get priority treatment - often theoreticians argue whether regardless of household level poverty children should not be able to go to school -, the basic question of poverty in its various dimension has to be tackled on a war footing on the one hand and backed on

the other by determined and stringent application of the provision of the Bonded Labour System (Abolition) Act 1976, the Child Labour (Prohibition and Regulation) Act, 1986 Act, the Minimum Wages Act, 1948 the Factories Act and other relevant penal laws. We need a combination of both strategies- Law and Development. The important point to remember is, to repeat, that the priority in applying the resources available should be for the poorest of the poor, namely child labour, bonded child labour and bonded labour and the resources should not be frittered away without a specific focus of this kind. It may be politically convenient to spread the resources thin to “satisfy” the politicians but that will not solve the problem of either poverty or more urgently the problem of the poorest of the poor to which sections the child, the bonded child and the bonded labourers belong.

Having come to the above conclusions, I called on the Chief Secretary to the Government of Karnataka in his chambers at the Vidhana Soudha between 5.30 pm. and 6.30 pm on the 31st March, 1999 and briefed him in detail on what I saw and did in the field and the above conclusions arrived at by me and urged him to complete the identification and release of bonded labour of all kinds including the child and the bonded child labour and formulate a credible, concrete plan of action in a time bound manner so that the mandate of the Honourable Supreme Court of India could be fully implemented. I specifically emphasised the large scale incidence of child and bonded child labour in the rich and powerful silk industry so close to the city of Bangalore and the need to eradicate this scourge. Shri Bhattacharaya agreed to take action on these lines. I also suggested to Shri Bhattacharya that, considering the significance of education to the whole issue, a programme like the one being implemented by the MV Foundation in Andhra Pradesh in Ranga Reddy District where some 9, 000 child labour have been brought to school is worthy of study by the officers of the Karnataka Government. I also emphasised the need to involve in a big way the non-Government organisations in the identification of bonded labour and also in the implementation of programmes relevant to their rehabilitation. A basic strategy of convergence of the efforts of the government and the NGOs on the one hand and convergence of all the various and different efforts of the government on the

other was fundamental for the success of these efforts. The role of the NGOs in the mobilisation of resources was also highlighted by me.

The next day, that is the 1st April, 1999 as had been requested by me earlier, the Chief Secretary called a meeting of the Additional Chief Secretary, senior Secretaries to the Government of Karnataka in the Departments of Rural Development and Panchayat Raj, Labour, Education and Women and Child Development, the Chairman, Karnataka Electricity Board, the Commissioner of Sericulture, the Deputy Commissioner, Bangalore Rural and the Chief Executive Officer, Zilla Panchayat, Bangalore Rural, among others at the Vidhana Soudha. The list of officers who attended this meeting, as furnished by the Commissioner of Labour is enclosed to this report. At this meeting I brought out in detail all that I had seen in Magadi and Ramanagara and those points which I had made in my meeting with the Chief Secretary the previous day. I placed on record my appreciation the work done by the Commissioner of Labour Sri Lukose Vallatharai, IAS by way of inspections and measures at sensitizing the owners of the Reeling and Twisting Units. In particular I expressed my appreciation of the support given by departments like the Factories Department and the Karnataka Electricity Board. I stressed the importance of education for child labour and need for sustained work in regard to the identification, release and rehabilitation of adult bonded labour by adopting a strategy of convergence by pooling the resources, financial and human, of all the departments. I drew the attention of the assembled Secretaries and Heads of Departments to my previous visit in April, 1998 and stated that these points had been made at that meeting as well and that it was time that a concrete action plan emerged. The importance of credit was stressed. I suggested to the Secretaries that it was worth a visit by some of them to Andhra Pradesh to study the work being done by the M V Foundation and the Government of Andhra Pradesh in the Back to School programme. The role of the NGOs from the point of view of the mobilisation of both financial and human resources was stressed. I pointed out the significance and seriousness of the mandate of the Honourable Supreme Court and the need to take that mandate forward. The importance of selective prosecutions was also stressed.

I drew the attention of the Chief Secretary and the assembled Secretaries to the existence of the Price Stabilization Fund and wondered how it is that the resources available there were used exclusively for the benefit of the owners of the reeling and twisting units and never for the benefit of the child labour, who through their toil and deprivation contributed to the wealth of these masters. I called up on the Chief Secretary to immediately take action to get substantial funds out of the Rs.40 crores currently available in the Price Stabilization Fund and use them for the welfare and development of the children by taking them out of their bondage.

The Chief Secretary, in response, stated that he recognized the existence of the problems I mentioned and agreed with the strategies recommended by me in the approach to the eradication of bonded and child labour. He called up on the Departments of Rural Development and Panchayat Raj and Labour to complete the survey work relating to bonded labour, involving the NGOs wherever they were available, within a time frame and also work out a programme of rehabilitation. The Additional Chief Secretary Smt. Achala Moulik IAS strongly endorsed the points made by me especially in regard to locating the problem in the context of the poverty eradication efforts and the educational strategies to be adopted by the State Government and called for coercive measures for prosecution to go hand in hand as a support strategy. The other significant contributions to the discussions came from the Secretary, Education, the Commissioner of Labour, the Deputy Commissioner, Bangalore Rural and the Chief Executive Officer, Zilla Panchayat, Bangalore Rural. The Secretary Education, Shri Sanjay Kaul spelt out the action being taken to generate an environment for encouraging children to come to school and also to strengthen the environment within the school by way of improving the quality of education. Efforts at convergence were being tried in 10 blocks with funding from various international agencies. Shri Kaul made the point that multiplicity of committees hampered convergence and highlighted that the MVF model could be taken forward and replicated only through NGOs. There was a paucity of NGOs in Karnataka. Shri D N Nayak, Deputy Commissioner, Bangalore Rural pointed out that there was a resource constraint for adequately rehabilitating bonded labour. Smt. Vandana Gurnani, IAS, Chief Executive Officer, Zilla Parishad, Bangalore Rural made the valuable and

significant point that the Government of Karnataka should take a policy decision of giving priority in terms of resource allocation to the release and rehabilitation of bonded labour and child labour. Shri Lukose Vallathari, Labour Commissioner stressed the importance of making the community itself realize its role and responsibility, taking up an MVF type programme as a model to begin with, selective prosecution, a strategy of convergence by taking up two taluqs as a model and then expanding its application, and the role of the NGOs. He referred to the Coordination Committee headed by the Additional Chief Secretary Smt Achala Moulik and desired that it should become a Task Force consisting of the Departments of Revenue, Education, Sericulture, Women and Child Development and Labour, meeting once every 10 days and pushing the programmes forward. The special schools for child labour should be for the whole year and not for 8 months as at present, supported by resources for feeding arrangements. The 2000 hostels in Karnataka, as a policy, should admit released child labour, bonded child labour and children of bonded labour. For this purpose, these hostels should be kept open all through the year and not for 10 months as of now, if not for all children, certainly for the 3 categories of released child labour, bonded child labour and children of bonded labour. The large scale resources available under the DIET programme should be used for this purpose. Shri Agwani, Commissioner of Sericulture, expressed his readiness to spend the funds available under the Price Stabilisation Fund if the government released the same, for the benefit of child labour.

The Principal Secretary, Rural Development and Panchayat Raj, which is the nodal department for the work relating to bonded labour was not present at this meeting as he was reportedly unwell. The Principal Secretary, Department of Labour was not present at this meeting as he had been called away for other urgent work.

In this meeting, the Chairman, Karnataka Electricity Board, in response to my words of appreciation about the support given by the Electricity Board to the Labour Commissioner in trying to improve the working conditions for child labour in the silk industry, made the point that the "Electricity Department should not be used" in this kind of effort. I pointed out to him that it was the tax payers' money which went to create the infrastructure for the generation and distribution of electricity by the Karnataka

Electricity Board. Such tax payers' money cannot be used by the Karnataka Electricity Board only for the benefit of the captains of the silk industry who were generating wealth for themselves through exploitative and unlawful methods, involving the employment of children, which is now prohibited by law in sericulture processing. I also pointed out that the Supreme Court had clearly laid down that the State cannot facilitate such methods through its agencies. On hearing me make these points, the Chairman, KEB promised to abide by the Supreme Court directions. I thanked the Chairman for his cooperation.

While the general trend of the discussions as detailed by me above was positive, surprisingly certain observations were made by two officers present at the meeting which distorted the spirit of the consensus I was trying to achieve in taking the mandate of the Supreme Court forward in Karnataka. While the Chief Secretary had earlier in the meeting promised to initiate and complete the long-delayed survey of bonded labour, the meeting took a somewhat unexpected turn with the Joint Secretary in the Department of Rural Development and Panchayat Raj, representing the Secretary of the Department in his absence, taking the stand that a survey of bonded labour had already been done in the years 1994 and 1996 and that very few bonded labourers had been found and action also had been taken. She took the stand that, "if necessary, we will conduct a survey".

I promptly drew the attention of the Chief Secretary to the contradiction between what he had promised earlier in the meeting and what the representative of the nodal department in charge of the bonded labour work was now saying. At this stage, the Commissioner of Sericulture, intervening in the discussion made some observations on what he described as "ground realities" in Karnataka relating to the conduct of the survey for identification of bonded labour at the village level. In a very long intervention, he mentioned that it was physically not possible to conduct a survey in villages because officers cannot even enter some of these villages and particularly because the Sarpanches would not allow such a survey to take place. He added that local political leaders and the Sarpanches sided with the masters of bonded labour and there was not much that the officials could do. He mentioned that the Supreme Court should have given a directive that the Gram Panchayats should be made responsible for the work relating to the abolition of the bonded labour system in terms of the provisions of the 73rd amendment to the

Constitution of India. On this, I pointed out that the Constitution of India had abolished forced labour and that the Supreme Court had nothing to do by way of making Gram Panchayats responsible for abolition of bonded labour. That was entirely left to the Legislature and, in any case, the Bonded Labour System (Abolition) Act, 1976 provided for Vigilance Committees at the district and sub-divisional levels in which could be included non-official representatives, by the authorities of the State Government themselves. Viewed against this background and the importance of the mandate of the Honourable Supreme Court, I wondered whether these points were being made seriously. The response I received from the Chief Secretary to this question was that the Supreme Court should call upon Sarpanches to file the affidavits relating to the bonded labour question rather than holding the Chief Secretary responsible. A point was made more than once that there was a lack of awareness of “ground realities”. I responded to these observations by pointing out that while there could be differences in perceptions, there was full knowledge of the ground situation on our (NHRC’s) part based on visits to the field and villages and pointed out that the arguments that the officers in Karnataka cannot enter certain villages sounded incredible, considering that Karnataka did not even face problems like the PWG movement, witnessed in a State like Andhra Pradesh. I expressed my deep concern on the stand taken by the representative of the nodal department for bonded labour abolition, namely, the Department of Rural development and Panchayat Raj and the Commissioner Sericulture and the defence of the points made by the latter, by the Chief Secretary. I sought to know from the Chief Secretary, in the light of the stand taken by him and some of his officers, what and how I should report back to the National Human Rights Commission and the Honourable Supreme Court of India on the State’s policy to bonded labour abolition. On my raising this question, the Chief Secretary reiterated the “full commitment” of the Government of Karnataka to conduct the survey, identify the bonded labour and work for convergence in their rehabilitation including through mobilisation of resources from the NGOs and that all these would be done with in a time frame.

Based on the turn that the discussions were allowed to take at a crucial stage in this important meeting, I cannot but conclude that I was given conflicting signals by the

Government of Karnataka in this meeting. This attitude of the Government of Karnataka is but a reiteration of what I had witnessed during my first visit to the State in April, 1998 the details of which can be seen in my extensive report submitted in May 1998 to the National Human Rights Commission, New Delhi. I am unable to escape the conclusion that the Government of Karnataka are not serious about doing any thing to identify, release and rehabilitate bonded labour. I feel that for the sake of record they are saying that they would do the job but have no intention of doing so in reality. We have to explore alternative methods of identifying bonded labour through agencies other than the Government of Karnataka. However, while taking parallel action of this kind, a final opportunity should be given to the Government of Karnataka to earnestly implement the mandate of the Honourable Supreme Court. With this in view, I have taken the following action:

1. On the 17th April, 1999 I have addressed the Chief Secretary, Government of Karnataka appropriately consistent with the facts stated in this Report, expressing my misgivings and calling upon him to formulate and submit a specific and time-bound plan of action including in that action plan any new methodology or measures that he deems are required to take the mandate of the Supreme Court forward. I shall continue my efforts earnestly to get the Government of Karnataka to do this job for ultimately they are accountable to the Honourable Supreme Court of India. A copy of the letter addressed by me to the Chief Secretary has already been submitted to the Commission for information.
2. I have discussed with Prof. Babu Mathew of the National Law School of India University, Bangalore who is also a member of the Central Action Group set up by the NHRC the need for a seminar in Bangalore inviting NGOs, Social Activist and Officers of the Government of Karnataka to sensitize the officers of the Government of Karnataka to the reality of the existence of the bonded labour in the State and to work out methods of carrying forward the mandate of the Honourable Supreme Court of India. To this seminar would be invited actual bonded labourers and those who had been bonded labourers till recently so that reality may be seen by all concerned so that it can be believed. I have already made, in this connection, a visit to the National

Law School of India University, Bangalore on the 14th and 15th of June, 1999 and held discussions with Prof. Babu Mathew. During this visit, I participated in a preliminary seminar organised by Prof. Babu Mathew with the office bearers and field level workers of Jeevika, an NGO working for the cause of bonded labour in Karnataka and a few other NGO's, at the National Law School. Prof. Babu Mathew also participated in this seminar along with some members of the faculty. During this visit I called on the two Additional Chief Secretaries to the Government of Karnataka, in the absence of the Chief Secretary and also the Secretary, Rural Development and Panchayat Raj and invited them to participate in the proposed seminar. They have promised to do so.

3. In order to take the Supreme Court's mandate forward through parallel action, considering the slow response of the Government of Karnataka, I called on the Honourable Chief Justice of Karnataka Mr. Justice Y Bhaskar Rao on the 15th June, 1999 accompanied by Prof. Babu Mathew and sought his help. The Honourable Chief Justice not only promised all help but also offered to help me speak to the Principals of the Law Collages in the Bangalore University area so that the services of the students of the Law Colleges could be used for identification of bonded labour. Accordingly, he invited me to attend a meeting called by him on the 19th June, 1999 in the High Court of Karnataka of the Vice Chancellor of the Bangalore University and the Dean, Faculty of Law and the Principals of the Law Colleges coming within the jurisdiction of the Bangalore University, in respect of holding Legal Literacy Programmes. In compliance with the Chief Justice's advice, I participated in this meeting on the 19th June, 1999 and addressed the Principals and sought their cooperation, explaining the mandate of the Honourable Supreme Court of India. This meeting was attended, besides the Honourable Chief Justice, by Mr Justice A J Sadashiva, Executive Chairman of the Karnataka State Legal Services Authority and Mr Justice R V Raveendran, Judge of the High Court of Karnataka. The Principals offered full cooperation in this effort. I shall be working out with Dr K Siddappa, Vice Chancellor, Bangalore University, the Dean, Faculty of Law, Mr Justice A J Sadashiva, Mr Justice R V Raveendran and Prof. Babu Mathew the modalities of

successfully carrying forward this effort, in pursuance of mandate of the Honourable Supreme Court of India.

I shall be keeping the Commission informed of the progress of the efforts detailed above.

I recommend that relevant extracts of this Report as considered appropriate may kindly be communicated to the Chief Secretary to the Government of Karnataka with a directive to him to take forward the mandate of the Honourable Supreme Court of India earnestly, on the lines of the detailed observations made by me in this Report.

K. R. Venugopal.

To assess the impact of the work done by the Government of Karnataka in regard to the Child Labour situation in the Magadi and Ramanagara area subsequent to the efforts initiated by the NHRC it was proposed by us in the NHRC that the Institute for Social and Economic Change (ISEC), Bangalore should undertake a research study. The following is the note furnished to the Director, ISEC, Bangalore in February 2004 by way of guidelines to this Project. The ISEC took up the Project but its work had not been completed by June 2006 when I concluded my association with the NHRC:

**A BRIEF GUIDELINE ON THE RESEARCH PROPOSAL INTO BONDAGE
IN SILK INDUSTRY IN KARNATAKA.**

BY

**K. R. Venugopal IAS (Retd), Former Secretary to the Prime Minister and
Special Rapporteur, National Human Rights Commission.**

Sericulture and Silk Industry are important sectors in the economy of the State of Karnataka, both in terms of income generation and employment. However, there has been considerable incidence of bondage of the labour employed in the industry. While, till about the year 1999 the State Government at certain levels did not even recognize that bonded labour and bonded child labour existed in the reeling and twisting units of the State, officers like the former Labour Commissioner Shri Lukose Vallatharai IAS did their best not only to highlight the existence of bondage in Silk industry but also worked hard towards its elimination. In the year 1999 I myself made visits to Magadi and Ramanagara areas and spent two full days visiting the units, talking to bonded labour children, their parents, owners of the units and officers of the Government. My findings were submitted to the NHRC by way of a comprehensive Report in July 1999. This Report and my subsequent work with the State Government brought into greater focus the problem of bondage in Silk Industry the Magadi and Ramanagara areas. My Report was sent to the State Government for appropriate action. I followed up my 1999 visit with another visit in the year 2000 along with Dr. Justice Ramaswamy, Member, NHRC. During this visit the work being done by the NGOs of the area was highlighted. Again in the year 2003 I made a further visit to these two areas and spoke to all the stakeholders such as the Government officials, NGOs and owners of the industrial units. The difference

between the year 1999 when I found considerable incidence of bonded child labour in the reeling and twisting units and now is that there is a relative fall in the incidence of child labour in the industries. While it is partly due to the work done by the State Government and the NGOs, sadly it is also on account of the industry itself coming under pressure and units closing down because of adverse circumstance of competition including the opening of the markets such as the import of Chinese silk etc.

The causes of bondage need to be gone into in this study. One of the main reasons we know is absence of and failure of institutional credit – both for consumption for productive purposes – which compels the poor to take recourse to taking “advances” towards wages and thus lose their freedom in regard to choice of employers and employment. Once this choice is lost, work turns to bondage to the credit – providing employer. Often we see that the bonded child labour is part of the family of the adult bonded labourers. My inspections in 1999 showed that a large proportion of the bonded child labourers are girls, who are not only subjected to the cruelty of the hazardous nature of occupation but also become vulnerable to sexual exploitation. The Government of India brought the Silk reeling and twisting industries under the hazardous category since 1999. To defeat the Law and mislead the inspecting authorities, the unit owners are known to adopt several innovative methods.

Thus our research work into bondage in Silk industry would have to look at all these issues above and make a quantitative and qualitative assessment of the incidence of bondage of all kinds – the causes, adult, child, gender, the economy, the labour market, the credit system etc. – in the overall context of the sericulture economy and make recommendations for the eradication of bondage while at the same time suggest means by which the interest of the labouring classes do not suffer in the changing context of the sericulture economy.

In this work the NGOs working in the Magadi and Ramanagara areas, those NGOs who are working in the area of bonded labour, the officers of the Department of Labour of the Government of Karnataka, families of the bonded labourers, the bonded labour children and the NHRC could all be excellent source of information

and inputs. Two excellent individuals from the Government side would be the present Labour Commissioner Shri Sanjiv Kumar IAS and the former Labour Commissioner Shri Lukose Vallatharai IAS. As for the NGOs, the Magadi and Ramanagara groups consisting of Shri Prasanna, Smt Suchitra, the NGO CHIGURU etc. and the bonded labour NGO Jeevika would be very good sources of information and also data collection, analysis etc. As for strategies the Karnataka Action Plan for the elimination of the child labour is a good source document. My Report “Investigation into Child and Bonded Labour in the Silk Industry in the Magadi and Ramanagara areas of Karnataka” dated 5th July 1999 could also be an interesting source of information that can be looked at, at an appropriate stage. However, I would like to stress that this worked should not confine itself only to Magadi and Ramanagara but all other areas of importance such as Kollegal etc. A time frame of six (6) months would seem to be adequate for completing this work.

The total budget available would be Rs.2.0 lakhs (Rupees two lakhs only). A proposal taking into consideration the points made by me above and incorporating such other relevant objectives, actors and methodology may kindly be submitted to Smt S Jalaja, Joint Secretary, NHRC, New Delhi within the next few days under copy to me, in terms of the NHRC’s guidelines for sponsoring research which I have already communicated to you.

K R VENUGOPAL
Special Rapporteur
NHRC, Hyderabad.
2nd February 2004.



R. K. Kalia
Director

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

फरीदकोट हाउस, कोपरनिकस मार्ग, नई दिल्ली-110 001 भारत
Faridkot House, Copernicus Marg, New Delhi-110 001 INDIA
Phone : (O) 011-23382389 (R) 011-30971357
Fax : 91-011-23382734, 23384863
E-mail : rkkalia2001@yahoo.co.in
Website : www.nhrc.nic.in

D.O. 2/10/2003-PRP&P

Dear Sir,

11th May 2006

This is with reference to the project for the study entitled "Freedom Mortgaged and Future Abandoned: Bonded Child Labour in Karnataka's Silk Industry". The Commission has released Rs.2,71,126/- to Institute of Social and Economic Change (ISEC), Bangalore, in two installments for the research project. As per the guidelines for the providing financial assistant for the project the progress report duly supported by Statement of accounts and utilization certificate needs to be submitted to Commission.

You are therefore requested to submit the final report as well as Statement of Expenditure showing the head-wise expenditure as per approved budget and Utilization Certificate duly audited and certified by Chartered Accountant immediately so that the report can be placed before the commission.

Yours sincerely


(R.K. Kalia)

Dr. Gopal K Kadekodi,
Director,
Institute of Social and Economic Change (USEC),
Nagarabhavi P O
Bangalore – 560 072.

Copy to:

✓ Shri K R Venugopal, Special Rapporteur,
National Human Right Commission "ZAIN"
79, Road # 14, Banjara Hills Hyderabad – 500 034.