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A report on the review of activities being carried out in Chattisgarh for enforcement of the Provisions of Bonded Labour System (Abolition) Act and Child Labour (Prohibition and Regulation) Act

Chattisgarh was carved out of Madhya Pradesh as an independent State on 15th November, 2000. Such an administrative decision was taken by the then NDA Government with a view to making administration of an area compact and manageable as also to provide improved accessibility of administration to the people.

The State has a total area of 1,46,361 sq.km and a population of 2.083 crore who are spread over 18 districts and in the rural and urban areas in the ratio of 80:20. Some of the demographic parameters of the newly carved out State are:-

- Density of Population - 154 per sq.km.
- Tribal - 32%
- SC - 12%
- OBC - 45%
- Sex ratio – 990 girls per 1000 boys
- Literacy – 65%
- Crude Birth Rate – 27.4%
- Crude Death Rate (CDR) – 7.7%
- Infant Mortality Rate – 60 per 1000 live births
- Maternal Mortality Rate – 198 per 1,00,000 pregnant women
- Malnutrition Rate – 60.8%.

It is rather ironical that a State which is so much prone to migration (Bilaspur, Raigad, Rajnandgaon, Durg, Korba, Bastar, Jagdalpur etc.) and consequential misery and suffering, no precise and accurate demographic data about the trends, causes and consequences of migration have been kept at any level, far less there being any short term or long term plan or strategy to minimize or prevent the incidence of migration. The officials at the State and district level have a very strange perception of the phenomenon of migration, 'this is a matter of exercise of the right to free movement from one part of the territory of India to

another. People go of their own and would come back of their own when it suits their convenience'.

This is nothing but a travesty of truth as was evident at the time of visit to village Kuan in Bilha block of Bilaspur district on 25.3.2008. People are migrating, not of their own volition but are being recruited by malfunctional and dysfunctional middlemen on payment of advances (and, therefore, strings are being attached). They are, however, not free to come back to their native habitat until and unless the advances have been fully liquidated (both principal and interest). There is no openness and transparency in the whole operation which takes place rather clandestinely and surreptitiously. The whole process goes unnoticed as it suits the convenience of the buyer as well as the seller of labour power with administration remaining at best a mute spectator to the whole drama of intense human tragedy. More about it in the subsequent paragraphs later.

History and sociology of bonded labour system in Chattisgarh:

The origin of bonded labour system in undivided M.P. could be traced to Kamianti System or Kamiya System or Haliya/Harwah System which could be explained in the following words:-

'There is a harwaha family consisting of a Manseru (husband or male agricultural labourer), Mehraru (wife or female agricultural labourer) and Gadela (children below 14 years of age). The Manseru along with Mehraru and Gadela is presumed to have entered into a traditionally established agreement with a bhumiswami (tenure holder) after obtaining an interest free advance on occasion of birth, marriage, gauna etc. and renders services or labour on nominal wages and continues to be a harwaha (ploughman) of such bhumiswami till repayment of money obtained in advance and loses the freedom to work for others until and unless he completes the agricultural and allied nature of work of the bhumiswami'.

The Kharias, a scheduled tribe of Chattisgarh are victims of poverty characterized by landlessness, lack of avenues of stable and durable employment and large scale combined exploitation effected by money lenders, traders and landlords. Being unorganized they do not have the countervailing

power to realize the full market value of the services rendered by them under the Kamiya System. The small and marginal farmers and landless agricultural labourers who serve as labourers in agriculture, forest and in public works department often turn out to be the victims of the Kamiya System. This all pervasive exploitative system covers a large cross section of the population belonging to communities such as Kanwar, Gand, Nagabansi, Rout, Gara, Kharia, Ghasia, Oraon, Parika and Satnamis (Chamar).

According to Shaes Kumar Pandey in 'Role of Kamiya System among the Kharias of Eastern Madhya Pradesh' (Vanajati Vol. XX No. 3-4 July-October, 1972 Page 145) the members of these communities used to take loans in order to perform social and religious ceremonies and even for domestic consumption. The loan is advanced with a high rate of interest either in kind or cash. According to Shri Pandey the size of the loan amount varies between Rs. 40/- and Rs. 100/- in terms of cash and between 5 and 10 kandi paddy or other grains in real terms.

The debtors in Chattisgarh have to clear off the interest on the loan at the end of each year. It has been invariably noticed that the loan amount remains unpaid by the debtors for a long time and they are forced to offer themselves to work as a Kamiya in the lender's household to repay the loan with interest. A number of families used to pay the annual interest charged on the loan by working as a whole time farm labourer (Kamiya). Often it may so happen that the loan amount may not be paid off during the life time of the debtor and the debt passes on from one generation to another. The employer presents his accounts at the end of every year showing that the Kamiya is in perpetual indebtedness to him. He is, therefore, forced to work with the same landlord year after year.

Dr. B.D. Sharma, former Commissioner, Scheduled Caste and Scheduled Tribe (1988-89) has in a very informative and insightful article written on the basis of his personal reminiscences as a former Collector, Bastar studied the incidence of bonded labour system obtaining in Bastar, its causes and consequences, the situation as it stands, what has been done at the international and national level with specific suggestions for elimination of the pernicious system. Even though the article was written 30 years ago, the observations

continue to be relevant even today. The highlights of some of the pertinent observations made by Dr. Sharma are:-

- The bonded labour system is the worst manifestation of the operation of iniquitous socio-economic forces. In a highly polarized society all economic equations are heavily loaded in favour of 'organized-urban-educated-high caste pole' and heavily weighed against the 'unorganized-rural-illiterate-low caste pole'.
- The following are some of the factors which go deep into the roots of the problem:-
 - arbitrary valuation of services rendered by the members of the organized group as also those who have the benefit of education;
 - heavy subsidies built in favour of the urban economy and in favour of the middlemen and general services – both essential and non-essential;
 - large scale transfer of resources from rural to urban sector by command over land of those who now want a foothold in urban areas;
 - inequitous role of money and capital in favour of regions where capital is formed but resulting in deprivation of the rural/unorganized sectors of the population.
- It is unfortunate that the problem has been overlooked from time to time. Refusing to take cognizance of the problem does not mean that it does not exist.
- Bonded labour problem needs particularization. Those areas with high incidence of bonded labour system should be identified. The provisions of the law as are applicable should be well publicized throughout this area.

- All administrators must ensure that abolition of bonded labour system should not lead to its being overlooked.
- Once the affected people know their rights it will create its own forces which will be instrumental in the final solution of the problem.
- The tendency to provide substantial subsidies for rehabilitation should be thoroughly discharged. The subsidy is liable to be misused and is unlikely to reach the target groups.
- It will be useful if the concept of converting the available labour into capital assets (which provides lasting economic base to the individual) is tried out for a meaningful and effective rehabilitation.
- This would operationally mean that the freed bonded labourer should be helped to create assets through his labour while his current expenditure should be met by advances to be repaid by him.

The long and short of the story is that Kamiyas/Harwahs are one hundred percent victims of the bonded labour system on account of the following reasons:-

- I The remuneration paid to the harwah family by the bhumiswami is far less than the minimum wages fixed and notified by the State Government for employment in agriculture;
- II Wages are paid only for the days worked. It is the moral and ethical responsibility of the bhumiswami to provide employment to a person who has been tied down to him for the whole year by an annual contract. He has no moral and ethical right to deprive the harwah of his right to earn wages for the period for which he has been tied down to one bhumiswami (tenure holder).
- III Low income/wage compels the Kamiya for fresh loans particularly when he falls sick and no wages are paid for the period of illness of the Kamiya). Thus bondage is perpetuated.

- IV The Kamiya has no voice and no bargaining power. He meekly endures the inhuman as well as subhuman treatment meted out to him.

Strategy adopted to conduct the review and the stand of the State Government in regard to existence of bonded labour system:

As in case of review in respect of other States, a three fold strategy was adopted with regard to Chattisgarh. A detailed questionnaire was framed and sent to the State Government sufficiently in advance (as early as January, 2008 when I was scheduled to visit the State from 14th to 18th January, 2008 but had to postpone the visit till March, 2008 due to my sudden indisposition). Secondly, a detailed power point presentation was made by me for over 2 hours (one hour for bonded labour and another hour for child labour) followed by a discussion in course of which all doubts, disputes and misgivings were got clarified by me. Thirdly, field visits were undertaken in selected districts with the full prior knowledge and concurrence of the State Government and district administration. Whatever interactions took place with the people on the ground and whatever impressions were formed or conclusions reached were within the full knowledge of the State Government.

Despite such a totally open, democratic and participative approach to the issue of identification of bonded labour system the results were anything but encouraging as would be evident from the following:-

- I The harwah system or attached agricultural labour system has not disappeared from Chattisgarh. It is very much in vogue in several parts of the State. The State Government and far less the district administration have, however, not yet taken any definite stand as to whether harwah system is a variant of bonded labour system within the meaning defined in Section 2(g) of BLS(A) Act. As Dr. B.D. Sharma, former Commissioner, SC and ST has aptly put it 'Refusing to take cognizance of the problem does not mean that it does not exist'.

- In the words of Justice Shri P.N. Bhagwati 'Taking cognizance of the problem and taking measures to provide timely relief to the victims of

bonded labour system would bring a lot of credit to the State Government and local administration.'

- In the words of the Supreme Court, when a law or ruling is capable of being interpreted differently, a sensitive government or administration needs to accept that interpretation which will be beneficial to those sections of humanity for whom the law or the regulation has been enacted.
- Since 'hali' 'hari' 'horwai' 'holya' 'kamiya' have been clearly listed in the Explanation attached to Section 2 of BLS(A) Act and such forms of forced labour are in existence in parts of Chattisgarh, the State Government should have identified them as specimens of bonded labour system as given in Section 2(g) of BLS(A) Act and should have released them from bondage. This has not happened.

II The response to the questionnaire on survey as a tool for identification of bonded labour system is mostly in the negative but without any details of justification. To illustrate, it has been stated that survey was conducted in all 16 districts in 2003-04 by availing of assistance of Rs. 2 lakh per district from the Ministry of Labour, Government of India and no bonded labourer was found. ^{response to the} The questionnaire does not indicate the following details about the survey:-

- who designed the questionnaire for the survey?;
- what was the composition of the survey team?;
- was any orientation provided to the members of the survey teams?;
- who canvasses the questionnaire, who elicited the information, who compiled it, who analysed it and who came to the conclusion that there are no bonded labourers?;
- conducting survey for identification of bonded labourers is the direct responsibility of Vigilance Committees at the district and sub divisional level u/s 14 of BLS(A) Act. Vigilance Committees should comprise of women and men who have character and

integrity, who have a social conscience, an empathy and sensitivity for victims of bonded labour system. They should be given orientation and should go out to the field to investigate into specific complaints as also to conduct survey for identification of bonded labour system. They have seldom gone out to the field and have not conducted any survey for unearthing bonded labour system in endemic pockets.

IV Instead officers of Revenue, Rural Development, Social Welfare Departments are being engaged to investigate into specific complaints as also to conduct surveys. This is contrary to the observations of the Supreme Court in AIR 1984 SC 1099 in W.P. (Criminal) No. 1263 of 1982 Neerja Chaudhury Vs. State of M.P., the gist of which is reproduced below:-

'The Commissioners and Collectors have multifarious duties to attend and even if they are anxious to help in eradication of the vice or bonded labour system they would not find time to make any personal inquiry or investigation. They instead would have to rely on their subordinate officers who generally lack social commitment and are in sympathy with the exploiting class'.

'Social action groups operating at the grass root level should be fully involved with the task of identification and release of bonded labourers'.

- In the light of the above clear observations of the apex Court, the following course of action should have been adopted:-
 - Vigilance Committees should undertake the task of conducting survey for identification of bonded labour system as expected of them u/s 14 of BLS(A) Act;
- In case they are unable to do so due to understandable reasons they may entrust the task of survey to social action groups operating at the grass root level.

- If no social action groups at the grass root level are to be found and as a last resort and also as a selective measure, the Vigilance Committees may entrust the task of conducting survey to officers of proven integrity and commitment. To quote in this context, the observations of the apex Court from the aforesaid Neerja Chaudhury Vs. State of M.P.:-

'Officers who are posted at different levels to deal with the problem of bonded labour should be properly trained and sensitized so that they may develop a sense of involvement with the misery and suffering of the poor'.

'Every officer who is placed in charge of identification, release and rehabilitation of bonded labourers should be made fully conscious of his/her responsibilities. He/she should be imbued with a sense of purpose and dedication which is necessary if this important task is to be accomplished successfully.'

From the response to the questionnaire submitted by the State Government it is not clearly forthcoming if they have taken any action in compliance with the above directions of the apex Court.

Migration and bondage

Freedom of movement in any part of the territory of India and freedom to pursue avocation of ones choice is a fundamental right guaranteed by Article 19 of the Constitution of India Migration being the movement of human beings in pursuit of certain cherished objects like better employment, better wages and overall better quality of life there is apparently nothing wrong or objectionable in migration perse.

Migration, however, becomes objectionable when it is associated with or when it leads to exploitation culminating in deprivation of the irreducible barest minimum needs, facilities and amenities as also of human rights of being treated with dignity, decency, equality and freedom to which every worker as a human being and as a citizen is entitled. It becomes objectionable when human greed, rapacity and acquisitive instincts overtake the finer aspects of human character

and lead to a situation which may be characterized by the denial of dignity, justice and inalienable human rights.

Additionally there are certain other occupational risks and hazards inherent in every migration as a socio-economic phenomenon. To start with migration outside ones State is as good as migration to an alien soil and environment. The migrant worker may need some time to familiarize himself/herself with the geography and topography of the new place. Secondly, he/she may not be familiar with the language as also with the procedure established by law and that obtaining in the law Courts at the destination point. Thirdly, being ununionized and being mostly ignorant and illiterate he/she may not find an easy outlet for ventilation and redressal of individual and group grievances. Fourthly, in a situation where the wages are being paid partly in cash and partly in kind he/she may find it difficult to compute the cash value of wages paid in kind. Fifthly, in the event of deduction of commission from wages for payment to middlemen and in the event of non payment of minimum wage itself he/she may not find it easy to file a claim u/s 20 of Minimum Wages Act before the Competent Claims Authority constituted under that law.

Sixthly in the event of accidents taking place in course of employment and arising out of employment resulting in death or disablement (partial or total) but not being reported by the employer and in the event of workmen's compensation not being deposited, the dependents of the deceased or grievously injured who may be thousands of miles away will find it next to impossible to reach the destination point to seek judicial redress. Even though the law (Section 20 of the WC Act, 1923) provides for transfer of such cases to the originating point it has to be with the consent of the employer/contractor and such consent will never be forthcoming which means that no transfer can take place.

Seventhly no recruitment of a person by private recruiting agents (sardars, jamadars, khatedars, munshis) is without an element of allurements. Such allurements come handy in a situation of massive rural indebtedness. The persons/families who are being recruited have already incurred sizeable loan/debt/advance from the village landlords (thakurs)/money lenders to meet their ceremonial and consumption needs. These loans/debts/advances will have

to be liquidated before they could embark on a journey outside their native place. For this purpose they take advances from the recruiting agents without, however, being sure of the rate of interest and period of repayment. The documentary evidence for such loan/debt/advance remains, however, with the recruiting agents. The latter offer additional allurements/incentives of promised better wages and better livelihood at the destination point, promises which are never kept and mostly belied.

In other words, no recruitment is without an element of advance and no advance is without a price tag or a pound of flesh. The price tag takes many forms such as (a) unduly long hours of work (b) absence of spread over (c) non payment of overtime (d) non payment of wages (e) deduction of commission at arbitrary and unilateral rates from the wages of the workers for payment towards recruiting agents. The interstate migrant workmen being ununionized and being already under a heavy burden of advances cannot raise their voice of protest against such acts of wanton cruelty on the part of the employer/contractor/recruiting agent.

Payment of advance is not a one time phenomenon. This is on account of the fact that wages are not paid (as the same are required to be adjusted against advances already paid) and the workers being human beings need further advances to keep their body and soul together on a day to day basis. They also need such advances for medical treatment of self and family members. They need advances for sending remittances to the family members who have been left behind. Here too, like the earlier advances the documentary evidence is kept with the employer/recruiting agents and the guileless migrant worker remains completely clueless about the rate of interest and period of repayment. The only clue that he has is this: he cannot leave the worksite until and unless the advances have been fully liquidated. The advances tragically will never be fully liquidated. Instead they assume a never ending menacing character. Bondage is perpetuated along with debt and the latter becomes the destiny of migrant workers.

The potential of migration coupled with the element of loan/debt/advance for ruthless exploitation was within the realm of knowledge of the Members of Parliament and State Legislatures. As early as 1975 in Orissa the Dadin (means advances) Labour (Regulation and Control) Act was enacted and exactly 4 years later Parliament enacted, 'Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which came into force from October, 1980 (with enactment of Central Rules). The Act provides for measures for regulation of employment as also relief to the interstate migrant workmen. Amongst the regulatory measures, the notable ones are (a) appointment of licensing officers (b) licensing of contractors (c) appointment of registering officers (d) registration certificate to be obtained by Principal employers without which no recruitment of migrant workmen is legally permissible (e) revocation, suspension and amendment of licences. Amongst the measures for relief to interstate migrant workmen the notable ones are (a) payment of journey allowance (b) payment of displacement allowance (c) wages during the journey period (d) regular payment of wages to workmen at the worksite (e) equal pay for equal work or same or similar work irrespective of sex (f) parity between wage rates, holidays and hours of work and other conditions of service between interstate migrant workmen and native workers (g) suitable conditions of work to such workmen having regard to the fact that they are required to work in a state different from their own state (h) provide and maintain suitable residential accommodation to such workmen during the period of their employment (i) provide the prescribed medical facilities to the workmen, free of charge. (j) provide such protective clothing to the workmen as may be prescribed (k) in case of fatal accident or serious bodily injury to any such workmen, to report to the prescribed authorities of both the States and also next of kin of the workman.

Nearly 30 years are about to elapse since the law was enacted and has been on the statute book. Neither there has been any let up in the flow of people originating from one state to another nor there has been any worth mentioning compliance with the series of facilities and amenities which are required to be made available to the workmen at the worksite. Even though no national survey has been undertaken from a trend analysis conducted by various research bodies including V.V. Giri National Labour Institute it appears that over 30 million

are constantly on the move. They are aware of the consequences of such movement at the destination point. Their women are victims of sexual exploitation of contractors at the worksite. Their children are victims of educational deprivation. They themselves become victims of occupational diseases and accidents which cause grievous injury to their life and limb. Such accidents are never reported and workmen's compensation seldom deposited with the Commissioner, Workmen's Compensation. All these notwithstanding migration continues unabated on account of social and economic compulsions (poverty, landlessness and assetlessness, absence of stable and durable avenues of productive employment, absence of any worthwhile form of social security (other than old age period) which can provide a blanket cover in the winter of ones life etc.) against which neither the migrant worker nor any one of his family members has any answer.

Between 1981 and 1984 a number of Writ Petitions have been filed before the Supreme Court under Article 32 of the Constitution to the effect that a large number of migrant workmen have been working under conditions of bondage and they needed to be released and rehabilitated in a meaningful and effective manner and at a place of their choice. Notable among these Writ Petitions are:-

1. W.P. (Criminal) No. 7 of 1982. Ram Pal Vs. Maishi Lal, Raj Kumar and Others, 1982 SC 349.
2. W.P. No. 8143 of 1981 AIR 1982 SC 1473 (Asiad Workers case), Date of Judgement – 18.9.1982.
3. W.P. No. 2135 of 1982, Bandhua Mukti Morcha Vs. Union of India and Others AIR 1984 SC 802, Date of Judgement- 16.12.1983.
4. Writ Petition (Criminal) No. 1179 of 1982 Labourers working in Salal Hydro Electric Project Vs. State of J&K, 1984 3 Supreme Court Cases 538.

5. W.P. (Criminal) No. 1574 of 1982 with 1573 and 1187 of 1982 and 54 of 1983.
P. Sivaswamy Vs. State of A.P.
AIR 1988 SC 1863.
6. W.P. No. 2135 of 1982
Bandhua Mukti Morcha Vs. Union of India and Others
(1991) 4 SC cases 177.
7. 1996 SC (2) – GJX – 0742 – SC
People's Union for Civil Liberties Vs. Union of India and Others
Equivalent Citation (s):
1998 – (008) – SCC – 0485 – SC
Date of judgement – 26.3.1996
Before Hon'ble Shri Doraiswamy Raju and Keith J.J.
8. AIR 1997 SC 2218
Before Hon'ble Shri K. Ramaswamy and S. Saghir Ahmed, J.J.
W.P. (Criminal) No. 12125 of 1984 with 11643 of 1985
Bandhua Mukti Morcha Vs. Union of India and Others.
9. (1991) 4 SC cases 174
Before Hon'ble Shri Ranganath Mishra Chief Justice, M.M. Punchhi and SC Agarwal, J.J.
Bandhua Mukti Morcha Vs. Union of India and Others.
10. (2000) 10 Supreme Court cases 104
(Before Hon'ble Shri S. Saghir Ahmed, D.P. Mahapatra and R.P. Sethi, JJ) Bandhua Mukti Morcha Vs. Union of India and Others. IA No. 5 in W.P. (C) No. 2135 of 1982 with suo motu contempt Petition (C) No. 245 of 1998 in IA No. 5 of 1996 in W.P. (C) No. 2135 of 1982.

- These judgements in a nutshell reflect the following quintessential messages:-
 - whenever and wherever interstate migrant workmen want to leave one employer and intend to go to some other place for employment they should be allowed to do so. It is the responsibility of the labour law enforcement machinery to ensure that the employers do not restrain the workers from doing so by threat of force or otherwise.
 - Public interest litigation is totally different from ordinary traditional litigation which is essentially adversarial in character. It is intended to promote/vindicate public interest. Its philosophy is based on the premise that violation of Constitutional rights of the people who are poor, ignorant and economically disadvantaged should not go unnoticed and unredressed;
 - Judicial redress is sought when legally wrong is suffered by a person. Such a person can always directly approach the Court but when he is unable to do so by reason of poverty or disability any other member of the public can approach the Court by addressing a letter drawing the attention of the Court to such legal injury or legal wrong.
 - Labour laws are meant for improving the working and living conditions of workers. Employers cannot violate these laws and be allowed to escape with impunity;
 - Laws would be reduced to a nullity if violations of labour laws are punished only by meager fines. Offences involving violation of such laws must be penalized with the judicial severity they deserve;
 - Article 23 of the widest amplitude. It covers every possible form of forced labour. It makes no difference whether the person forced to give his labour or service to another is remunerated or

not. Even if remuneration is paid labour supplied by a person would be hit by Article 23 if service has been rendered by force or compulsion. Article 23 strikes at all forms of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service.

- When a person provides labour or service to another against receipt of remuneration which is less than the minimum wage, he/she is acting under the force of some compulsion which drives him/her to work and, therefore, any such labour/service would constitute forced labour.
- BLS(A) Act was brought into force throughout the length and breadth of the country w.e.f. 25.10.75 (the day Bonded Labour System (Abolition) Ordinance was promulgated; if properly implemented, it should have by now secured and fulfilled the objective of total identification, release and rehabilitation of bonded labourers;
- It would be extremely difficult, if not impossible, for the labourers to establish that they are bonded as they would have no evidence at all to prove that any advance or economic consideration was provided to them by the employer;
- There would be no occasion for a labourer to be placed in a situation where he/she is required to supply forced labour for no wage or for nominal wage unless he/she has received some advance or other economic consideration from the employer;
- Whenever it is shown that a labourer is made to provide forced labour the Court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration and he is, therefore, a bonded labourer;

- This presumption may be rebutted by the employer and also by the State Government if it so chooses but unless and until satisfactory evidence is produced for rebutting this presumption the Court must proceed on the basis that the person is a bonded labourer entitled to the benefit of the provisions of the Act;
- Wages to the workmen employed by the piece wagers or subcontractors should be paid directly without the intervention of any intermediary;
- No deduction from the wages except those authorized by the law i.e. Payment of Wages Act, 1936 should be made;
- Payment of wages should always be made in the presence of an authorized representative of Central Government or State Government or the Project, as the case may be.
- A claim in public law for compensation for contravention of human rights and fundamental freedoms the protection of which is guaranteed in the Constitution is an acknowledged remedy for enforcement and protection of such rights.
- Such a claim is based on strict liability made by resorting to a constitutional remedy in private law for damages for the tort resulting from the contravention of the fundamental right.
- The defence of sovereign immunity being inapplicable and alien to the concept of guarantee of fundamental rights there can be no question of such a defence being available in the Constitutional remedy.
- It is this principle which justifies award of monetary compensation for contravention of fundamental rights guaranteed by the Constitution.

- This is the only practicable mode of redress available for the contravention made by the State or its servants in the purported exercise of their powers; fundamental right can be enforced by taking recourse to Article 32 and Article 226 of the Constitution before the Supreme Court and High Court (s) respectively;
- Government of India would convene a meeting of the concerned Departments of the respective State Governments in charge of labour and their Principal Secretaries to evolve principles and policies for progressive elimination of employment of children below the age of 14 years;
- Government of India would evolve such steps as are consistent with the scheme laid down in the judgement 1997 AIR SCW 407 and in particular to provide:-
 - compulsory education to all children either by the industry or in coordination with industry by the State Government to the children employed in the factories, mines or any other industry – organized or unorganized with such timings as is convenient to impart compulsory education;
 - periodical health checkup;
 - nutrient food;

Even though some of these judgements were delivered more than 20 years ago they are as relevant today as then. The State Government should procure the full text of all these judgements, get the gist thereof translated to Hindi and have them circulated amongst all the field officers of Labour and Employment Department for the benefit of their complete understanding and clarity and correct application on the ground. This process should be completed at the earliest and not later than a month's time.

Field visits I Bilaspur district:

Village – Kuan

Block – Bilha

District – Bilaspur

Date and time of visit – 25.3.2008 12 Noon

When a senior or supervisory officer goes for a field visit, the lower level field functionaries who are in charge of organizing the visit set in their game of orchestration. They would take you to a school building or any other building in the outskirts of the village, would make you wait there and then would go to call villagers. During this brief interregnum they would have some time to be utilized to create an environment for talks by manipulation and stage management of ground level realities. This would defeat the whole objective of having a face to face interaction with the villages and their family members at their own habitat. I, therefore, decided to make a departure from this very conventional, routinized and stereotyped way of conducting field visits what Robert Chambers calls 'Rural Tourism' or touch and go. I preferred to walk straight to the village and the native habitat where people work and live.

What came out of the visit and the interaction following was quite revealing. These could be summed up as under:-

- 75% of the people are migrating to other parts in the territory of India,
- It is difficult to say if they are moving out of their habitat of their own accord;
- As elsewhere, middlemen (Sardars) approach them rather surreptitiously, give them some nominal advance and recruit them;
- There is no documentary evidence and if any at all, the same is kept with the recruiting agents and is never disclosed to the workers who are being recruited;
- They would leave their habitat rather clandestinely at odd hours of the night;

- No intimation is given to the Sarpanch;
- No entry is made in the records of the GP about such movements;
- The movement takes place between December after harvesting of the paddy is over and June (before the next season ploughing operations begin);
- The States where people migrate are Maharashtra, Gujarat, Punjab, U.P. and West Bengal;
- The native people (of Bilaspur) are generally illiterate and semi-skilled but adept in the art of moulding bricks;
- They, therefore, prefer to go and work in brick kilns outside the State;
- Brick kiln and operations therein constitute a scheduled employment;
- The State Government is the appropriate Government for fixing minimum wage; mostly piece rate for various operations therein;
- In Chattisgarh, the minimum wage for moulding 1000 bricks is Rs. 120/- for Patheras (the moulders);
- This rate was fixed two years ago and has not been revised; it is quite low considering the rates for moulding 1000 bricks fixed elsewhere (ranging between Rs. 140/- to Rs. 160/-);
- The average wages which these workers as Patheras, however, get is Rs. 130/- per 1000 bricks i.e. only Rs. 10/- higher than the prevailing rate in Chattisgarh;
- This earning is by 4 men together and the average earning per person per day would work out to be between Rs. 30/- to Rs. 40/-;
- The argument that people are migrating in search of higher wages outside the State – a stand taken by the district administration is, therefore, not correct;

- In addition to this negligible difference the workers have to incur heavy expenditure on account of travel;
- The Sardar or the recruiting agent does not pay them journey allowance or displacement allowance or wages during the period of journey as provided in Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- Lower middle class people in general and people below the subsistence level have no option or discretion in the matter of migration as there is no stability or durability of employment at the native point;
- At the time of visit there was no sign of any public work (including NREG works);
- This is invariably the picture during the lean season;
- The local people complained that NREG works are taken up for 2 to 3 days at a stretch and thereafter suspended;
- Other than NREG where the average earning is Rs. 60/- to Rs. 65/- per day, there are a few other means of livelihood which would assure this minimum earning;
- The minimum wage for private work by contractors is Rs. 50/- per day; that too is not paid in time;
- It was represented that wages for one year are pending at the level of one contractor;
- No claims for recovery of these dues could be filed as people are unaware of the Provisions of the Minimum Wages Act and PW Act; they do not know to whom they should approach for redressal of their grievance;

- The Gram Panchayat, to whom people could represent is non functional, so it was represented;
- A woman member of the GP complained to the following effect:-
 - meetings of the GP do not take place for months;
 - the last meeting was held in October, 2007;
 - members of the GP by and large remained absent from the meetings; those who attend are inebriated and, therefore, are not in a normal condition to participate in or contribute to the deliberations of the meeting.
 - important issues affecting the livelihood, income, working and living conditions of people are not taken up for discussion;
 - there is no access to potable water for the whole village;
 - the hand pump is lying out of order for quite sometime;
 - no mistri is available for taking up repair to the hand pump;
 - there is a tank at the entrance to the village but its water is not fit for drinking by human beings; it can be used only for animals.
- The most dismal and tragic picture which emanated at the end of this visit is the following:-
 - the district administration is too keen and eager to take a defensive position;
 - there are, according to the officers of administration, no bonded labourers in the district;
 - all the bonded labourers belonging to Chattisgarh have been identified as such outside the State;
 - they have been released on complaint and have been brought to Chattisgarh but no release certificate has been issued by the

district/sub divisional administration of the State where they were identified;

- people are waiting for rehabilitation for 2 years;
 - the State Government had not made any budget provision earlier;
 - since the State Government did not make any provision the Ministry of Labour, Government of India did not release the full Central share of assistance (they have released only 24.80 lakh);
- The stand taken by the district administration, Bilaspur is wrong and indefensible on account of the following reasons:-
 - India is a sovereign democratic republic with 28 States and 7 UTs;
 - They are all an integral part of a single country one and indivisible;
 - It is immaterial whether people have been identified as bonded labourers here or there;
 - These people after all belong to Chattisgarh State and Bilaspur district;
 - Regardless of the location where they have been identified as bonded labourers they have to be released from bondage and repatriated to Bilaspur where they can be rehabilitated;
 - If release certificates have not been issued by the district administration of the destination State, the matter will have to be taken up with that State, with the Ministry of Labour, Government of India and even with State Human Rights Commission;

- If all these efforts do not yield the desired results the matter can be brought before the NHRC;
- There is a precedent case of 150 bonded labourers of Guna district of M.P. working in the stone quarries of Hissar who escaped from the clutches of the stone quarry contractor in July, 1997. The DM, Hissar had refused to issue release certificates in that case but was forced to issue them after he was summoned by the NHRC and asked to explain the genesis and rationale of his negative action which he failed to do;
- The State Government not making requisite budget provision once again is violative of the directions of the Supreme Court on account of the following reasons:-
 - Persons who are identified as bonded labourers have to be released and rehabilitated; they cannot be left in the lurch;
 - Rehabilitation has to be physical, psychological and economic, it cannot take place in thin air. It requires funds and budget provision has got to be made;
 - Identification, release and rehabilitation are parts of a larger whole; one is as important as the other. Release follows identification and rehabilitation follows release;
 - If there is no simultaneity in these three operations those who are identified and released but not rehabilitated will lapse back to bondage under the erstwhile master;
 - By giving alibis and attributing blame here and there, the State Government is not attaching any urgency and seriousness of consideration to the issue; it is merely shying away from discharge of its constitutional and statutory responsibilities.

The totality of impression at the end of the visit to village Kuan was sad and depressing. The delivery mechanism is negative, unresponsive, effete and soulless. A young girl among the people being interrogated by me stood up and said, 'the schools do not open in time, the teacher does not stay in the village, the mid day meal programme is a source of corruption and misappropriation, hardly any worthwhile transaction in terms of teaching learning takes place, the entire investment is a waste and the programme an exercise in futility'.

After listening to her I was reminded of the young, bright and energetic girl in the film 'Kaaree' where she transforms the class room environment by her histrionic talent.

Will the young girl by her open and fiercely independent spirit and non-challant outbursts to succeed in transforming the school environment in Kuan village? None has an easy and simplistic answer.

It transpired that 586 freed bonded labourers have been awaiting rehabilitation in Chattisgarh between 1999 and 2007. All of them belong to Bilaspur district. Seventeen were founded bonded in Kanpur (99), 69 in Raibareli (99), 57 in Unna (2000), 11 in Varanasi (2001), 20 in Faizabad (2001), 95 in Raisen (2002), 16 in Varanasi (2002), 29 in Kausambi (2002), 32 in Sultanpur (2003), 14 in Kausambi (2003), 27 in Faizabad (2003), 4 in Varanasi (2004), 20 in Sagar (2005), 7 in Azamgarh (2006), 26 (20 adults and 6 children) in Durg (2006), 51 in Hooghly (2006), 51 in Faizabad (2006), 26 in Azamgarh and 14 in Allahabad (2007). In all these cases release certificates have been issued by the DM/SDM of the concerned district (both inside and outside Chattisgarh). The moment intimation was received about identification of these people as bonded labourers from the concerned districts and their release from bondage, necessary budget provision representing the full share of the State Government should have been made. Since the budget provision was not made by the State Government, a small amount of Rs. 24.80 lakh only was received from the Ministry of labour, Government of India as against the total need of Rs. 1.17 Crore. I was given to understand that the balance amount of Rs. 82.20 lakh has been provided in the State Budget of 2008-09, though rather belatedly. The

Ministry of Labour, Government of India should be intimated accordingly so that they may release the balance amount representing central share accordingly.

My review is sufficiently indicative of the fact that either the State Government is not fully conversant with the norms and parameters of the Centrally Sponsored Scheme (May 1978 as reviewed and revised from time to time, the last being on 1.5.2000) or have not attached sufficient urgency and seriousness of concern to the whole issue. If that was not so, they would not have kept the following bonded labourers for rehabilitation for such a long period:-

17	-	9 years
69	-	9 years
57	-	8 years
11	-	7 years
20	-	7 years
95	-	6 years
16	-	6 years
29	-	6 years
32	-	5 years
14	-	5 years
27	-	5 years
4	-	4 years
20	-	3 years
7	-	2 years
26	-	2 years
51	-	2 years
26	-	1½ years
14	-	1 year

- In the absence of registers prescribed under Rule 7 of the Bonded Labour System (Abolition) Rules it is difficult to certify if these bonded labourers repatriated to Bilaspur would have continued in their hearth and home in Bilaspur. In all probability they would have migrated to the very states from where they were repatriated in search of livelihood, wages and their

very basic survival. Since the State Government have miserably failed in fixing a definite time limit for rehabilitation of such released migrant bonded labourers, the least that they should do is to constitute teams at the State level, dispatch these teams to different parts of Bilaspur district where the bonded labourers were supposed to have been rehabilitated and satisfy themselves that these released migrant labourers are safe and sound and that rehabilitation is meaningful, effective and permanent. Additionally the State Government needs to provide for the following:-

- payment of subsistence allowance in cash @ Rs. 1000/- per bonded labourer, if not already paid;
- provision of employment on priority basis under all on going programmes including NREG works and other departmental works programmes;
- provision of a low cost dwelling unit under Indira Awas Yojana on priority basis;
- imparting of skills/trades under TRYSEM (since subsumed in Swarna Jayanti Swarojgar Yojana);
- launching a drive for enforcement of minimum wages;
- establishing an effective link between minimum wage and public distribution system and ensuring that the freed bonded labour beneficiaries are assured of access to all essential commodities under PDS on priority without any hassles;
- taking up access to potable water, sanitation and rural electrification programmes for every freed bonded labour households on priority basis;
- ensuring that whenever any pilot scheme is being taken up for demonstration the freed bonded labour households become the first beneficiary of the said scheme;

- ensuring measures for adult literacy for non literate adult freed bonded labourers and programmes for enrolment, retention and achievement of the minimum levels of learning for all children of bonded labour households in 6-14 age group.
- ensuring protection of civil rights and prevention of atrocities against freed bonded labourers belonging to SC and ST communities;
- promoting and encouraging formation of self help groups on the pattern of Grameen Bank, Bangladesh for which Prof. Mohammad Yunus, its founder President has been awarded Nobel Prize for Peace in 2006 or MYRADA in Karnataka to enable the freed bonded labourers to stand on a foundation of individual and collective self reliance.

Rehabilitation of freed bonded labourers is an extremely complex and difficult process. There is no quick fix solution to this process; it requires a lot of patience and resilience. To quote from the historic statement of late Shri K.V. Raghunath Reddy (while introducing the Bonded Labour System (Abolition) Bill in Parliament on 27.1.76):-

'He will not have inputs for production or any supply of credit. He will neither have any professional skill that would enable him to pursue an independent livelihood ... Even when installed in a profitable activity, he will have no income during the period of gestation. The bonded labourer who is used to a world of domination and servitude will not obviously be aware of his rights. At times he may not even like to undergo the strenuous process of economic rehabilitation and may even prefer reversion to thralldom.'

- The enormity and complexity of the task of rehabilitation makes it not the programme of any particular Ministry or Department or Agency but the concern of many departments such as:-

- Labour and Employment;
 - Law;
 - Home;
 - Rural Development;
 - Women and Child Development;
 - Food and Civil Supplies;
 - Welfare (Welfare of SC,ST and OBCs);
 - Agriculture;
 - Animal Husbandry and Veterinary;
 - Forest;
 - Fisheries;
 - Finance (Rural credit);
 - Cooperatives;
 - Industry (Skill training).
- With a view to coordinating the task of involvement of these departments in implementation of rehabilitation programmes it is desirable that a state level Co-ordination Committee is constituted to monitor and coordinate activities of various concerned departments on the ground. Many states set up such a Committee in the wake of introduction of Centrally Sponsored Scheme for rehabilitation of freed bonded labourers (May, 78) but neither in undivided M.P. nor now in Chattisgarh such a Committee has been set up so far. Constitution of such a Committee under chairmanship of Chief Secretary brooks no delay. The Committee when formed can monitor and coordinate the activities of Vigilance Committees at the district and sub divisional level as well.

Field Visits to Korba district:

- The perceptions which I found in Korba are not very much different from those of Bilaspur even though the overall attitude and approach of the field functionaries of Revenue and Labour Departments in Korba (including those of DM and SP) were found to be far more positive. Briefly speaking the perceptions are:-

- there are no bonded labourers in the district;
 - the few persons who were identified as bonded labourers were in other states (outside Chattisgarh);
 - of the total number of 49 bonded labourers 4 were identified and released in Azamgarh in March, 2000, 39 in Raisen in M.P. in May, 2001 and 6 in Hooghly in West Bengal in April, 2006.
- On release they were repatriated to their native place to Korba district.
 - Each released bonded labourer has been paid @ Rs. 1000/- in cash towards subsistence allowance.
 - At the rate of Rs. 20,000/- per released bonded labourer, a sum of (Rs. 20,000 X 45) Rs. 9 lakh is needed for rehabilitation of all the 45 released bonded labourers.
 - It was reported that only a sum of Rs. 4 lakh has been received towards rehabilitation and there is no indication as to when the balance amount of Rs. 5 lakh would be received.
 - This shows, as in case of Bilaspur, same casual and lackadaisical approach towards rehabilitation of released bonded labourers has been shown by the State Government in case of Korba as well.
 - Eight years have passed since 4 bonded labourers were identified and released in Azamgarh in March, 2000, 7 years have passed since 39 bonded labourers were identified and released in May, 2001 in Raisen and 2 years have passed since 6 bonded labourers were identified and released in Hooghly district (West Bengal).
 - It is difficult to surmise if all the released bonded labourers who were repatriated to their native place quite sometime back would be stuck to their place. In all probability they would have migrated to far off places outside the State in search of better avenues of employment and wages. It is necessary that the State Government deputed teams of officers to the

native places of these persons and takes stock of their whereabouts, their livelihood, income and working and conditions.

- The same strategy which has been advocated as a measure of rehabilitation of 586 freed bonded labourers in Bilaspur at page _____ of this report could as well be adopted in regard to 45 freed bonded labourers of Korba district.
- Without, however, leaving the task of spotting the 45 released bonded labourers to State Government, I took an on the spot decision to visit a few of these bonded labour households on my way from Bilaspur to Korba. The details of the visit and the interactions which took place and the outcome thereof are stated as under:-

1.	Name of the freed bonded labourer -	Vishnu
	Father's name-	Vishnu
	Caste -	Sarathi
	Age -	27 years
	Village -	Iraf
	Block -	Pali
	Tahasil -	Katghora
	District -	Korba.

Outcome of interaction:

He is landless and houseless. He is putting up in a small hutment (20'X10') belonging to somebody else and with his permission. He works as an agricultural labourer on a small plot of forest land (which is yet to be settled with him) from where he gets about 4.5 bora of paddy in the whole year. This is grossly inadequate for consumption of a family comprising of husband, wife, 2 children and 3 others. Vishnu, therefore, works as a daily labourer in other non-agricultural operations to supplement his income. Sometime back he had gone to Raisen to work as a daily labourer in a brick kiln in that district. He did not get any advance but the cost of his travel was met by the recruiting agent and

provision for food was made. The wages received by him were, however, quite low i.e. Rs. 90/- for moulding 1000 bricks. This kept him engaged for about 6 months although his wages are yet to be fully settled by the recruiting agent. He has now received a job card under National Rural Employment Guarantee Scheme and the earnings ranges between Rs. 60/- to Rs. 65/- per day is what is known essentially as a piece rate work (although the same is for a minimum period of 100 days).

- In all there are 7 members in the family. The daily requirement of ration comes to 2 kg of rice or 60 kgs of rice a month. The PDS caters to 50% of this requirement and the remaining 50% will have to be procured from open market.
- Both the son and daughter are going to school and not to work. The freed bonded labourer who is himself non literate has understood and internalized the importance of school education for children.

Suggestions:

- The ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act No. 2 of 2007) has come into force w.e.f. 2.1.2007. The Rules have also been framed and notified. It will be appropriate if a survey is conducted by the local administration to identify the extent of land being cultivated by the forest dwellers and subject to fulfillment of all other conditions have the ownership rights of the said forest land conferred on the forest dwellers like Vishnu. The latter being a released bonded labourer should get priority in terms of allotment of such land to him.
2. Name of the bonded labourer - Kishan
 Father's name - Ram Bharosha
 Caste - Sarathi.

Outcome of interaction:

There are 6 members in the family and as in the previous case, the quantity of ration i.e. 35 kg of rice, 2 to 3 kg of sugar, 5 litres of Koil made available to him through a ration card under PDS is not adequate. There is need for supplementation of the meagre income earned as a daily wage labourer. This is done through collection, processing and sale of mahul flowers @ Rs. 5/- to Rs. 6/- per kg and tendu patta which fetches Rs. 60/- per 100 bundles. Having experienced the plight and predicament of a bonded labourer he would ordinarily like to take recourse to loan/debt/advance but in extraordinary and difficult situations when this becomes unavoidable he does approach the moneylender and obtains loan @ 10% interest per month. Calculated at compound rate this would grow to a formidable amount.

- Even though he sends his children to school he pointed out that members of the Jadav Community practice untouchability against his children at the time of preparation and service of mid day meal.

Suggestion:

- Practice of untouchability in 21st Century particularly in the face of Untouchability Offences Act, 1955 and SC/ST (Prevention of Atrocities) Act, 1989 is offensive and abominable. The Principal Secretary, SC and ST Welfare, Government of Chattisgarh should take cognizance of these complaints rather seriously, get an FIR filed and take the most stringent and deterrent action against the culprits without further delay.

Investigation into complaint regarding forcible detention of 200 labourers from Bilaspur and Korba in the brick kiln of Gulam Hasan Mir of Village Bugam Tahasil Chandora, District Badgam (J&K):

- The Chairperson, NHRC received a complaint from Shri S.N. Gardia, President, Jan Jagriti Kendra, Lakhagarh, Pithora District, Mahasamund in July, 2007 in which he had alleged that there are 75 bonded labourers (adults and children) in the brick kiln of one Gulam Hasan Mir in Budgam district in J&K as above.

- The Chairperson was good enough to take cognizance of the petition and addressed the Chief Minister, Chattisgarh demiofficially in less than a week from the date of receipt of the complaint.
- On 30.7.2007 Shri Gardia simultaneously moved the Secretary, Labour, Government of Chattisgarh highlighting the plight and predicament of the said bonded labourers.
- On 10.8.2007 Under Secretary, Labour Department, Government of Chattisgarh wrote to District Collector, Budgam (Srinagar) regarding forcible detention of 75 labourers.
- On 13.8.2007, Dy. Commissioner, Budgam wrote to Divisional Commissioner, J&K, on the basis of a joint enquiry conducted by SSP, Bugam and a special team of officials deputed from Chattisgarh Government. SSP in his report had categorically stated that the complaint is false and that the labourers are safe and sound.
- On 27.8.2007 Shri A.K. Agarwal, Collector, Korba; wrote to Secretary, Labour, Government of Chattisgarh intimating him about the findings of the special team which was deputed from Chattisgarh led by the Tahasildar. The report revealed the following:-
 - a sum of Rs. 2,43,000/- has been advanced to the labourers;
 - some labourers want to return while others want to continue and pay back the advance;
 - the employer has made it clear that the workers who want to go back should first liquidate their advance and they can leave only after final settlement of the account;
 - no proper account of the transaction has been kept by the brick kiln owner;
 - the employer has not furnished details of payments and advance to the labourers.

- On 29.8.2007 Chief Secretary to Government of Chattisgarh writes to the Chief Secretary, J&K to ensure safety and security of these brick kiln workers from Chattisgarh. They should be rescued and released if it is found that they are working as bonded labourers.
- A copy of this letter was sent to SG, NHRC and Secretary, Government of India, Ministry of Labour and Employment.
- On 31.8.2007 Labour Commissioner, J& K writes to Principal Secretary, Labour and Employment Department, Government of J&K that (a) labourers are safe and sound (b) complaint is false and (c) it is a commercial transaction between the brick kiln owner and brick kiln workers. It was clarified that there is no militancy, no kidnapping and no forcible detention as alleged in the complaint.
- On 3.9.2007, Secretary, Labour, Chattisgarh writes to Principal Secretary, J&K about the complaint requesting him to ensure necessary safety and security to the labourers and release them forthwith under provisions of BLS(A) Act.
- A copy of the communication is marked to Chairperson, NHRC.
- On 18.9.2007, Collector Korba writes to Secretary, Labour and Employment, Chattisgarh requesting for provision of funds for repatriation of 205 labourers from J&K to Korba.
- On 21.9.2007 Chief Secretary, J&K writes to Chief Secretary, Chattisgarh to depute a team of officers of Labour Department, Chattisgarh to Budgam for joint inspection with the officers of J&K Labour Department to ascertain the correct factual position to the satisfaction of Chattisgarh Government.
- On 25.10.2007 Chief Minister, J&K replies to the letter of Chief Minister of Chattisgarh intimating him that there is no element of militancy, kidnapping or forcible detention of the labourers from Chattisgarh as alleged and not a single incident of harassment/illegal detention of these labourers has taken place so far and no such incident will be allowed to occur and recur.

The sole purpose of my narrating the above sequence of events was to arrive at the truth behind the allegation that 'x' number of labourers from Chattisgarh working in a particular brick kiln of J&K have been reduced to the level of bonded labourers as defined in Section 2(g) of BLS(A) Act. For facility of convenience let me straightaway state the facts on which there is a broad agreement:-

- 200+ labourers have been recruited to work in a brick kiln in Budgam district of J&K;
- They have received an advance of Rs. 2,43,000/- from the recruiting agents.

Let me at the same time also state facts on which there is no agreement:-

- labourers have been forcibly detained;
- they are subjected to a lot of harassment.

Let me also candidly state the flaws in the entire process of reporting:-

- if there is no illegal detention or harassment why is it that some labourers want to return to Chattisgarh;
- why is it that these labourers could not be singled out and interrogated as to why they want to return to Chattisgarh.

None of the reports also throw any light on the following:-

- have journey allowance, displacement allowance and wages during the journey period been paid by the recruiting agents as required u/s 14 and 15 of Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

None of the reports has also thrown any light on provisions of the following facilities and amenities:-

- to provide and maintain suitable residential accommodation to such workmen during the period of employment;

- to provide the prescribed medical facilities to the workmen free of charge;
- to provide such protective clothing to the workmen as may be prescribed;
- in case of fatal accident or serious bodily injury to any such workman, to report to the specified authorities of both the States and also the next of kin of the workman;

The above facilities and amenities are required to be provided u/s 16 of ISMW (ROE and COS) Act, 1979.

The stand of the officers of Labour Department, J&K Government is flawed when it states:-

- it is a commercial transaction between the brick kiln owner and the labourers.

If it is so, does it mean that a transaction between 2 parties can be to the total transgression of the following laws of the land which are fully applicable to J&K:-

- Payment of Wages Act, 1936;
 - Minimum Wages Act, 1948;
 - Contract Labour (Regulation and Abolition) Act, 1970;
 - Bonded Labour System (Abolition) Act, 1976;
 - Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
- The answer is an obvious 'No'.

From a perusal of the materials on record one remains clueless to the following aspects of the situation:-

- when one team of officers from Chattisgarh was deputed in August, 2007 what is the rationale of the Chief Secretary, J&K Government requesting his counterpart in Chattisgarh to depute another team to Budgam district?
- what was the composition of the earlier team?
- why was the team led by a Tahasildar who is a revenue official and may not have any working knowledge of labour laws as are applicable to the labourers migrating from Chattisgarh to J&K?
- was any proper orientation and training given to the members of the team; if so by whom and if not, why not?
- what was the rationale of deputing the first team to J&K – alleviation/redressal of grievances of the labourers working at the site or conducting an objective and dispassionate enquiry and submission of a factually correct report to the State Government on return?
- if it was the first why did the members of the team not meet the aggrieved labourers who want to return and ascertain from them as to why they want to return?
- Section 13 of ISMW (ROE and COS) Act, 1979 has clearly laid down that (a) wages payable shall not be less than minimum wages (b) wages shall be paid in cash. Did the members of the team satisfy themselves on the following points:-
 - wages or minimum wages are not being paid because there is an element of advance;
 - wages are not being paid 100% in cash.

From the facts and materials as they stand on record the following inevitable and inescapable conclusions emerge:-

- no purpose was served by deputing the first team from Chattisgarh to J&K;
- no purpose will either be served by deputing the second team;
- it will be extremely difficult to expect that a team led by a junior level official of the Revenue Department who is not conversant with Labour laws and who does not ordinarily deal with them will be able to do justice to the tasks mandated for it;
- the best course of action would be to facilitate repatriation of labourers who do not want to continue to work in the particular brick kiln for whatever reason;
- such a decision can always be taken under normal circumstances;
- since it has not been possible to arrive at such a decision at the official level, the decision should be taken at the political level;
- the two Chief Ministers should talk to each other and take such a decision;
- while taking such a decision it would be appropriate to look at the issue of settlement of dues of workers who want to return -- both current and arrear;
- since there will always be disputes in such settlement an impartial arbitrator may be appointed by the Ministry of Labour who can adjudicate on all the claims of workers in a just and fair manner and issue a working order which should be final and irrevocable. Since almost a year is to elapse since Shri Gardia submitted his first representation to the Chairperson, NHRC, it should be desirable to implement the course of action as suggested above in the interest of

justice and fair play to the aggrieved labourers from Chattisgarh who want to return.

Child Labour

Magnitude of the problem:

Since Chattisgarh State was not in existence when the decennial census of 1991 was conducted it is not possible to draw lines of comparison between 1991 and 2001 Census. The number of working children as reported in 2001 Census is of the order of 3,64,572. The State Labour Department should cull out from the decennial census of 2001 the break up of the number of working children between boys and girls, between urban and rural areas and between hazardous and non-hazardous occupations/processes. The above statistical analysis could be used as a tool for adopting future strategies for elimination of child labour in the State.

Administrative infrastructure:

The organizational structure of the Labour Department and that of the office of Labour Commissioner is given in Annexure-I and Annexure-II. The following are the broad deficiencies found in the above structure.

1. Currently the Labour Secretary is also the Labour Commissioner. He is also holding the additional charge of MD, Infrastructure Development Corporation. The policy of combining the policy formulating authority with the head of the conciliation and law enforcing authority is not a practicable or healthy one. This is on account of the fact that there are a number of complex and ticklish issues in the arena of conciliation, arbitration and law enforcement (through inspection, prosecution and conviction) which require full time attention for which a full time Labour Commissioner is needed. This is quite apart from the fact that the Labour Commissioner is also a Head of the Department, a controlling officer and has a number of administrative functions to be discharged. The 2 positions should, therefore, be segregated and there should be 2 separate incumbents to the 2 positions.

- II As against a total number of Inspectors at 108, the number in position is only 56. This inhibits the effectiveness of the labour Directorate in enforcing the labour laws and providing timely relief to the aggrieved.
- III Two new districts have been carved out recently but no inspectional staff have yet been posted.
- IV There are serious problems on account of vehicles not being placed at the disposal of even the senior officers of Labour Directorate, not to speak of Inspectors which adversely affects the mobility of these officers which in turn affects the pace and progress of inspections.

Elimination of child labour involves close coordination with a number of departments such as health, nutrition, education, home, law, women and child development, rural development, urban development, science and technology etc. It is imperative that with a view to coordinating the activities of these departments as also for monitoring the pace and progress of activities relating to withdrawal of children from work and their rehabilitation through education, nutrition, vocational skill training and check up of health there should be a state level Committee under the Chairmanship of the Chief Secretary to Government. Such a Committee has since been constituted on 4.8.2007 with Chief Secretary as the Chairman, Secretary (Labour), Secretary, Women and Child Development, Secretary, School Education, Secretary, Panchayat and Rural Development, Central Welfare Commissioner, Jabalpur and NGOs as members. The Dy. Labour Commissioner, Chattisgarh is acting as the convenor or coordinator of the Committee. Even though the Committee was formed 9 months ago not a single meeting has been held so far. Consequently not a single state level review of the activities of Labour Department has taken place so far. The Labour Secretary should depute a senior official of the department to Jaipur to see how the State Level Committee has met 8 times since its formation in January, 2004, the business that it has transacted and the useful decisions which have been taken by the Committee which have provided an impetus to the activities of the department on the ground.

Determination of the age of the children:

There is a system of registration of births of all children and according to this there are 18,00,413 boys and 7,54,503 girls in 6-14 age group. The State Government have also notified the prescribed medical authority u/s 10 of Child Labour (Prohibition and Regulation) Act. Neither any norms and criteria have been fixed for determination of the age of the children in the event of a dispute being raised by an employer nor any short term orientation and training has been organized for the benefit of the officers of prescribed medical authority. This point is relevant and significant for Chattisgarh which accounts for a massive and pervasive malnutrition of children going upto 60% and this makes the task of correlating age with growth extremely difficult.

- According to NFHS-III (2005-06) the nutritional status of Indian children below 3 years is as under:-

NFHS-III (2005-06)

(Children below 3 years)

	Urban	Rural	All India
Stunted	31	41	38
Wasted	17	20	19
Under weight	36	49	46

- As far as Chattisgarh is concerned the figures are:-

Stunted - 45
Wasted - 18
Under weight - 52

- As far as the PC of under weight is concerned, the figures are:-

Stunted - 39
Wasted - 55
Under weight - 52

- Yet another index of acute malnutrition of children is that 81% of the children in 6-35 months are anaemic. While this is an improvement from NFHS-II (1998-99) by 7 points over 7 years this by itself is no consolation.
- The most common place impact of malnutrition is that –
 - children will be vulnerable to series of infections;
 - they will have less immunity to fight those infections;
 - their cognitive, affective and psychomotor skills will be considerably reduced;
 - their overall efficiency even at the work place will come down.

Suggestions:

- Since there is a State level monitoring and coordination committee to review measures for elimination of child labour and not a single meeting has taken place so far I suggest that a meeting be convened at the earliest. I further suggest that the first meeting of the Committee devotes itself to the issue of malnutrition, imperatives of scientifically linking growth with age for determination of the age of children.

Prohibition of the employment of children:

The Ministry of Labour has by now issued notifications prohibiting employment of children in 15 occupations and 57 processes. The occupations and processes which are relevant for Chattisgarh are beedi rolling, labeling and packaging, building and construction, brick kilns, motor transport undertakings, stone quarries. The index of number of families below poverty line (BPL) in Chattisgarh being high, large number of children are expected to be at the workplace both at the originating as well as at the destination point. The performance of the Department in terms of identification and enumeration of working children, however, appears to be dismal in as much as only 17 children have been found in hazardous occupations and processes. It is evident that this is a gross under estimation of the magnitude of the problem and a lot more planned, coordinated and concerted efforts as below will have to be undertaken to unearth children from work:-

- teams of officers from labour, health, education and Women Child Development should be formed to conduct raids on individual establishments (hotels/motels/dhabas, recreation centres, SPAs, massage parlours etc.) and rescue working children;
 - all such raids should be discretely conducted and there should be an element of secrecy and confidentiality about them;
 - camp courts should be organized to punish the guilty on the spot to create the desired impact;
 - employing domestic help below the age of 14 is a serious crime. An appeal should be issued by the Chief Minister and Labour Minister to all MPs, MLAs, Secretaries to Government, Heads of Departments, Judges, Collectors, SPs to take up this issue as a major challenge on their shoulders and to help rescue and release all such children and their enrolment in free and compulsory education.
 - The labour department should prepare small pamphlets or handouts in simple bolchal Hindi highlighting the dangerous consequences of exposure of children to beedi rolling, labelling and packaging, operations in brick kilns, building and construction, motor transport undertakings etc. and should have the same circulated widely among all cross sections of the civil society.
- It is difficult to reach any worthwhile conclusion from the number of inspections conducted under Child Labour (Prohibition and Regulation) Act the figures of which are given below:-

Year	No. of Inspections
2003	942
2004	1302
2005	1242
2006	1923
2007	1505

- The inspections have not resulted in unearthing of children; nor have they ended up in filing legal and penal action against the offenders. It was casually mentioned that inspections conducted in 2006 resulted in 6 prosecutions u/s read with Section 14 of Child Labour (Prohibition and Regulation) Act, 1986 which are still pending. More prosecutions have been filed against other irregularities committed by the employers but the outcome of these prosecutions is still unclear. The department could not confirm if these prosecutions have ended in even a single conviction.

Compliance with the directions of the Supreme Court in Civil Writ Application No. 465 of 1986 M.C. Mehta Vs. State of Tamil Nadu and Others dated 10.12.96:

The response to the questionnaire is blank in respect of a number of sub points under the above main point as would be evident from the following:-

- whether in pursuance of the directions of the apex Court powers of an Inspector u/s 17 of Child Labour (P&R) Act were conferred on officers of other departments and if so, the details thereof;
- what was the strategy and methodology adopted for conducting the survey in terms of:-
 - number of survey teams;
 - composition of the survey team;
 - who designed the questionnaire;
 - who administered the questions;
 - who canvassed and compiled the information;
 - how the findings were analysed and what conclusions have been reached at the end of the survey.
- According to the directions of the apex Court a sum of Rs. 20,000/- should have been collected per child employed in hazardous work from the offending employer concerned. At this rate a sum of Rs.

1,98,40,000/- should have been collected in respect of 992 children withdrawn from hazardous work. As against this only a sum of Rs. 4.40 lakh has been recovered which is a pittance compared to what was collectable;

- According to the directions of the apex Court the State Government should have provided a job to every able bodied adult member of a family failing which the State Government was liable to pay a sum of Rs. 5000/- per child. This together with the penal amount @ Rs. 20,000/- per child should have been credited into a district level child labour welfare-cum-rehabilitation fund which was to be constituted under the Chairmanship of Collector and DM.

The State Government have provided jobs to 400 parents so far. Since the number is quite low compared to the actual number of parents who are sending their children to work the State Government have made a budget provision of Rs. 50 lakhs for 2008-09;

- According to the directions of the apex Court all children withdrawn from hazardous occupations/processes should have been enrolled in the formal school system. Similarly, all children who are working in non hazardous work should be permitted to work for 4 to 6 hours a day while receiving non formal education for 2 hours at the cost of the employer;

In regard to the first, names of only 198 children out of 992 children were sent to the School Education Department and they have been enrolled into the formal school system. With regard to the rest no information is available.

In regard to the second, no information about compliance is available.

- Further, according to the directions of the apex Court a Cell was to be created in Labour Department to coordinate all items of work arising out of implementation of the judgement. While the department in their response have confirmed that a Cell has been created, in effect a cell has been created as no full time functionary has been posted therein.

The department is also clueless about the activities of the Cell. It was explained by me that the Cell when functional could pay special attention to some of the following areas:-

- it could maintain a close and constant liaison with the district administration to get accurate information about endemic pockets of child labour. It could get task forces or teams of officers constituted in consultation with DMs concerned and get raids conducted in sensitive pockets, track and rescue children who were found employed in hazardous work, remove them to transit camps and later rehabilitate them through education, nutrition, skill training etc. – activities which constitute an integral part of those of special schools of NCLP;
- collect, compile and disseminate all important news and views extracted from press clippings, radio and television to Collectors/DMs and other field functionaries of Labour Department;
- take initiative to design a few simple and intelligible messages relating to elimination of child labour and have them broadcast and telecast at prime time through AIR and Doordarshan;
- have the same messages appear as advertisements in all local newspapers published from different parts of the State;
- have the same messages appear as advertisements on all the buses of Chattisgarh Road Transport Corporation (since these buses go to all villages the messages will also travel to the villages);
- take initiative to organize essay and debate competitions on elimination of child labour as the dominant theme in all schools and colleges and have trophies/ prizes awarded to successful individuals and teams;
- take initiative to flash messages on elimination of child labour in simple bolchal Hindi in all the Panchayat offices for the benefit of

parents as also with a view to sensitizing all parents to the effect that what they have been doing so far is wrong, they have no moral and ethical right to push their children involuntarily to work and they must now stop doing what they have been doing all these years.

National Child Labour Projects:

NCLP as a concept as well as tool for integrated development of all children who have been withdrawn from work was launched as an integral part of the national policy on elimination of child labour in May, 1988. Starting with 9 Projects in 1988-89, the number has gone upto 250 projects with a current thinking of sanctioning atleast one project for all the 593 districts in the country during the 11th Plan Period. Since Chattisgarh as one of the 28 Indian States was born on 15.11.2000, it has got 7 NCLPs in 7 districts (out of 18) with 227 special schools at present. So far 21,407 children who have been withdrawn from hazardous work have been enrolled in these special schools. Over 9000 children have completed 3 years schooling (including the vocational stream in the third year) and have been mainstreamed into the formal schools. This, however, is a very small percentage of the total number of working children in Chattisgarh who still continue to be employed in hazardous occupations/processes like beedi rolling, building and construction, brick kilns, motor transport undertakings, hotels/motels/dhabas, domestic help etc. Since Chattisgarh is predominantly rural (unlike Jharkhand which has over 150 towns) and working children are found predominantly in rural areas, it would be appropriate if on the basis of a statewide survey and findings thereof the State Government could make out a case for sanction of atleast one NCLP for each of the 18 districts.

Due to constraints of time I could visit one special school at Bilaspur and one at Raipur. I had also the occasion to discuss with Collector Korba which has got one NCLP Project sanctioned recently and where with the involvement of a good, reliable and committed NGO called Gaumukhi Seva Dham, Devpahari efforts are on to operationalize 30 special schools under the auspices of the NCLP in Korba district. In course of visit to one Special School at Raipur I had the opportunity of familiarizing myself with an excellent concept paper prepared by one Shri K.S. Patle, Project Director, NCLP, Raipur (who also happens to be a

national level awardee as an ideal teacher). The concept paper contains guidelines for running an ideal child labour school. Some of the tools and instrumentalities highlighted therein such as vocational training, health, education, cultural activities, proper utilization of Parent Teacher's Association at the school level, school volunteers, Bal Panchayat etc. are fascinating ideas and are worthy of full implementation. The State Government would do well to involve Shri Patle in introducing such innovative ideas in other NCLPs of the State apart from getting them fully implemented at Raipur at the first instance. On the basis of field visits to the 2 special schools and the strength of my own interaction with Mr. Patle I would like to record my own perceptions as to how to run a special school under an NCLP – be it at Bilaspur or Korba or Raipur or anywhere.

Sharing my own perceptions on the question of managing a special school with optimal efficiency:

All children are not alike. A few are well endowed while the overwhelming majority are not so well endowed. By being well endowed I mean a learner whose receptivity and retentivity are of normal levels and who is able to acquire the cognitive, affective and psychomotor skills in a normal and natural manner. Besides, those who are working children come from a very diverse and difficult socio economic and cultural background. On account of poverty, their parents migrate to cities to work as mason, as rickshaw pullers or for earthwork in search of an sustainable livelihood and adequate earnings. At the destination point, on account of the same grinding poverty, want of logistic support and language problems they cannot afford to send children to school. This is how most of the children in response to my queries at the time of visit to the special schools said that they have never been to the school. Many of them do not get even 2 square meals a day. They sometimes come to the school with an empty stomach. They are unable to concentrate on the instructional lessons which are imparted in the classroom.

This by itself does not mean that they know nothing. They are certainly not goofes or daunder headed. Many of them without even access to the 3 Rs. know a lot about their family, neighbourhood, environment in which they work and live. Many of them have also got the skills to articulate. There are, however,

a large number of them who even if they know are unable to articulate either on account of the repressive environment or on account of the culture of silence and dependence.

One of the ways to deal with this problem is to do proper groupings or matching and batching between those who know and who are able to articulate and those who do not know enough and are not able to articulate. Putting them together and allowing them to interact with each other would enable the child who was not so articulate earlier to open up or unfold. This is how the existing knowledge, information and skills of a few children can be harnessed to the advantage of others who are not so explicit or open or who cannot properly articulate the issues intimately affecting their lives. This is the cascading approach to teaching learning. The second and more important aspect is to ensure that every child in a special school is enabled and facilitated to acquire the minimum levels of proficiency in mother tongue, arithmetic and social sciences. This is easier said than done but it is not impossible. As a task this can be accomplished in the following manner:-

- the teacher gives a dictation (a small and simple passage without many conjuncts) and asks the students to write it down in the notebook;
- the teacher collects the note book for correcting the dictation;
- the teacher detects a few mistakes and writes them down on the blackboard. The teacher asks the students to carry out correction of their mistakes;
- this process should go on for some time till all students have been able to write down the dictated text in a neat, orderly and flawless manner;
- simultaneously the teacher should encourage the students to write the sentences in the space between the 2 lines and write in straight lines;

- the same experiment needs to be carried out with regard to arithmetic;
 - the teacher should write down on the black board four separate exercises relating to addition, subtraction, multiplication and division;
 - he/she should call the students one by one to attend to those exercises. Before doing so he/she should explain as to how to go about those exercises.
 - those who are able to do the exercises should be asked to explain as to how to go about them to those who are unable to complete the exercises or could not do it without committing a mistake.
 - the teacher should repeat as many such exercises pertaining to addition, subtraction, multiplication and division as possible.
- Thirdly, test of curiosity or inquisitiveness is yet another way to unravel a world of wonder and get students genuinely involved in solving riddles/problems. The teacher should read out a passage with proper pause and rhythm and should ask the students to follow. This would undoubtedly improve readability. At the end the teacher should ask a few short and simple questions one by one arising out of the lesson or the text so read out to them after sometime. There are students who will be able to answer questions in a normal and natural manner and there will be students who will not be able to do so. The teacher should then ask the student who has responded to the questions correctly to explain to the other student who has failed to do so (to arrive at the correct answer).

The central objective of this entire exercise is that the teacher remains in the background and acts as a promoter, facilitator, catalytic agent and he/she withdraws from the scene after posing the problem and explaining to the students as to how to go about it. The teacher in this process would be able to bring out the best of imagination, ingenuity creativity and resourcefulness of students. As it is said in the Bhagabat Geeta:-

'Learn thou this by discipleship, by investigation (curiosity or inquisitiveness) and by service. The wise, the seers of the essence of things, will instruct this in wisdom'.

Sloka 34, Canto IV

Fourthly, there should be a large number of charts, posters, illustrations, extracts from good and useful statements from freedom fighters and important national leaders which should be made use of in course of conducting the teaching learning process. A student should first be asked to read the message contained in the chart or poster and thereafter be asked to explain the meaning. In case he/she is not able to explain the meaning the teacher should do so and ask another student to repeat it. This process should continue till all the students have been able to read, understand and explain the meaning of the text.

A few other observations and suggestions arising out of the visit to the Special Schools at Bilaspur and Raipur:

- Note book/exercise book should be of the same shape and size; it should be larger than the puny size which has been supplied.
- The gap between the 2 lines should be a little large so that students can write in clear bold letters in straight lines and properly use the space.
- Philanthropic organizations should be appealed to by the Collector who is the Chairman, Project Advisory Committee to donate satchels, uniforms, shoes and shocks to the students.
- Innovative teaching learning aids should be used.
- A mail box should be kept in the special school. Students should be encouraged to write letters to various authorities about their problem and post them through the mail box.
- The letters posted in the mail box should be taken out, read out and mistakes corrected, if any. The corrected text should then be dispatched.

Socks

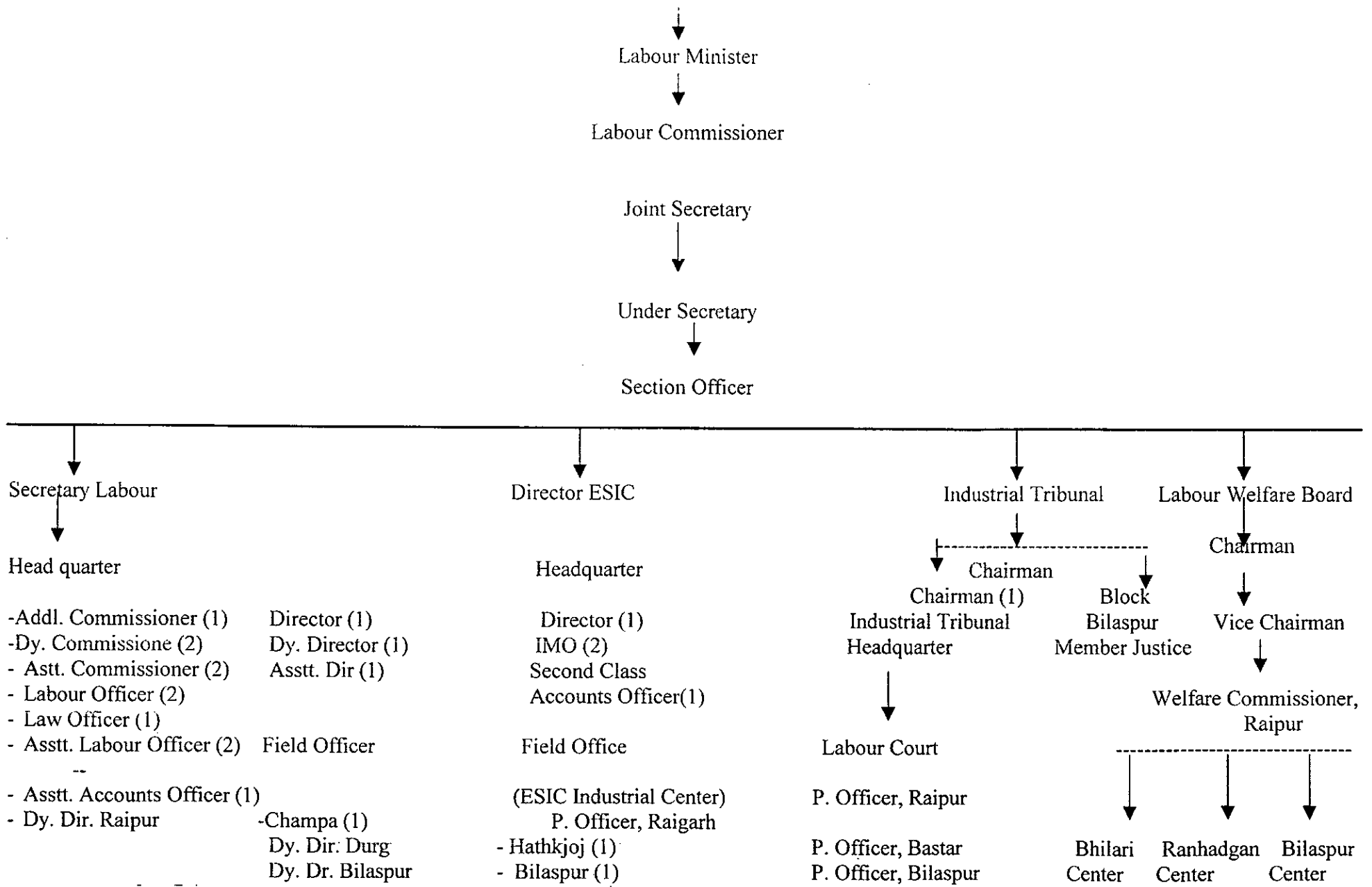
- A mini library should also be developed for the special school. Citizens could donate books (story books, poems and fiction) which students could profitably make use of.

At the end of every visit it is customary to have a wrap up meeting with the Chief Secretary. The central objective of the wrap up meeting is to apprise the Chief Secretary as to what transpired and what came out of the meeting with officers in the Secretariat, office of the Head of the Department and in the field as also to facilitate interdepartmental coordination which is vitally needed in both elimination of bonded labour and child labour. The wrap up meeting with Chief Secretary was fixed at 5.30 PM on 26.3.2008 prior to my departure on 27.3.2008. However, the Chief Secretary was not available for the wrap up meeting despite prior confirmation as he was preoccupied in a meeting with Chief Minister. I, therefore, wrapped up my visit by paying a courtesy call on the Labour Minister at his residence from 6.30 PM to 7.30 PM in course of which I apprised him about my meetings with officials of the State Government and field visits, what needs to be done to strengthen the department as also to develop larger empathy and sensitivity in dealing with field problems with a view to providing relief and succour to those who are poor, deprived and disadvantaged.

Annexure-I

52

Composition of Labour Department



- Dy. Dir. Raigarh
- Field Officer
 - Asstt. Labour Comissioner Raipur
 - ALC, Durg
 - ALC, Korba
 - ALC, Bilaspu
 - S/o Labou Officer, Rajnadgoin
 - O/o Lo, Bastar
 - O/o Lo Janjgir-champa
 - O/o Lo Ambikapu
 - O/o LO Raigarh
 - O/o LO Bijapur
 - O/o Lo Narayanpur

- Kumbari (1)
- Nandini Road (1)
- Ranadgaon (1)
- Raipur
- Korba
- Bhilai

- P. Officer, Ambikapu
- P. Officer, Rajnadgaon
- P. Officer, Durg
- P. Officer, Korba

INDICATION

- LC - Labour Commission
- Dy. LC - Deputy Labour Commissioner
- A.LC - Assistant Labou5 Commissioner
- LO - Labour Officer
- Off. - Officer
- ESIC - Employes State Insurance Dispensary
- Dir. - Director
- I.M.o. - Insurance Medical Officer
- I.T. - Industrual Health & Security
- (1) (2) - Number of vacancies
- (2) P.Off. Presiding Officer-

Staff of the Officer of Labour Commissioner (Head of Department)

Sl. No	Designation	Scale of Pay	Number	Remarks
(01)	(02)	(03)	(04)	(05)
01.	Labour Commissioner	I.A.S.	1	Super time scale
02.	Addl. Labour Commission	14300-18300	1	
03.	Director, I.H.F.S	12000-16500	1	
04.	Dy. Labour Commissioner	12000-16500	2	
05.	Asstt. Labour Commission	10000-15200	2	
06.	Dy. Director, In. H & S	10000-15200	1	
07.	Labour Officer	8000-13500	2	
08.	Asstt. Director, In H & S	8000-13500	1	
09.	Law Officer	8000-13500	1	Vacant
10.	Asstt. Accounts Officer	5000-8000	1	on deputation
11.	Asstt. Labour Officer	5500-9000	2	
12.	Asstt. Statistical Officer	5500-9000	1	Vacant
13.	Superintendent	5500-9000	1	
14.	Labour Inspector	4500-7000	2	
15.	Dy. Labour Inspector	4000-6000	2	
16.	Stenographer-2	5500-9000	1	
17.	Stenographers -3	4500-7000	3	
18.	Data Entry Operator	3500-5200	1	
19.	Asstt. Group -1	4500-7000	3	
20.	Asstt. Group-2	4000-6000	8	
21.	Asstt. Group-3	3050-4590	14	
22.	Steno Typist	3050-4590	2	
23.	Driver	3050-4590	4	
24.	Daftary	2610-3540	1	
25.	Attendant	2550-3200	5	
26.	Attendant	Collector Rate	5	
27.	Watchman	Collector Rate	2	
			Total Posts	70