

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4th Floors, M.S. Building, 5th Stage, Bengaluru – 560001

H.R.C No: 1569/10/31/2019

PRESENT

Date: 14-12-2020

Justice D.H. Waghela
Chairperson

Shri K.B. Changappa
Member

Shri R.K. Dutta
Member

Complainant:

Dr. Kiran Kamal Prasad,
Co-ordinator, JEEVIKA,
1289, ISEC Road,
Nagarabhavi Village & Post,
Bengaluru – 560072

ORDER

1. The complaint dated 01-03-2019 filed by JEEVIKA – Jeeta Vimukti Karnataka was transferred to this Commission by N.H.R.C vide letter dated 23-03-2019. It is stated in the complaint that Jeeta Vimukti Karnataka is working to eradicate bonded labour in Karnataka and other states since 1988 and it had come across a system of unpaid service called 'bitti chakri' involving only dalit families in all the 15 districts of North Karnataka, doing all sorts of cleaning activities relating to cow shed and around the house of a landlord in the village, all through the year and continued for generations. It is also stated that there are more than 15,000 such families in Karnataka. Hence, the complainant had requested to direct the State Government to recognize the practice of 'bitti chakri' as a form of bonded labour under The Bonded

Labour System (Abolition) Act, 1976 as done in the case of Barthan in Odisha in 2008.

- 2.**The complainant has submitted a copy of Ph.D thesis titled “Bitti Chakri in Karnataka” dated 28-11-2018, authored by him and submitted to the Kannada University, Hampi; ‘an open letter’ dated 20-08-2019; letter dated 22-10-2019 alongwith annexures and another written submission dated 09-10-2019 to the Commission during the course of hearing.
- 3.**It was conceded by the complainant himself that system of ‘bitti chakri’ being *prima facie* absolutely illegal and serious offence under the provisions of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 and having been abolished in the Constitution itself, immediate necessity is to report specific instances with details of victim, dates of forced labour, names of the employers etc. to the Deputy Commissioners concerned. Accordingly, he sought time of two months to bring to the notice of the respective Deputy Commissioners as regards specific instances of ‘bittichakri’ for initiation of appropriate action so as to report to the Commission the outcome of such complaints.
- 4.**The issues arising in this case were discussed and it was clarified to the complainant that unless and until the legal authorities competent to take action for the alleged system of bonded labour and for various serious cognizable offences are approached, either by

the victim or by his/her representative, with necessary evidence and appropriate actions are shown not to have been taken, this Commission may not be in a position to hold an enquiry or collect data only on the basis of vague allegations. Therefore, the complainant was requested to first approach the legal officers and authorities concerned with reliable data and material to constitute a case which can stand in a court of law and then the complainant may make specific complaints about specific cases where actions were required to be taken, but not taken by the authorities concerned, despite applications/complaints therefor. Dr. Kiran Kamal Prasad appearing for the complainant could also not satisfactorily explain why the so called victims of 'bitti chakri' could not just refuse to and stop working, if it were forced upon them without any remuneration.

- 5.**The complainant has not placed on record any such specific complaint where the legal authorities concerned have failed to act upon the complaints filed by him. It is seen that provisions of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 are being violated by employers involving the persons from vulnerable sections of society to perform 'bitti chakri' as alleged by the complainant and in spite of such cognizable offences being committed, the complainant institution does not appear to have filed any complaint before appropriate forum for necessary investigation. Hence, the Commission does not

consider this complaint as a fit case to make recommendations to the Government of Karnataka as mere general allegations are made by the complainant. Accordingly, the complaint is disposed and proceeding is closed without any recommendation.

Sd/-
(Justice D.H. Waghela)

Chairperson

Sd/-
(Shri K.B. Changappa)

Member

Sd/-
(Shri R.K. Dutta)

Member

V.M.N