



ABSTRACT

Labour and Employment Department- Bonded Labour- State Action Plan for Bonded Labour – State Action Plan for Release, Rescue and Rehabilitation of Bonded Labour and implementation of Bonded Labour System (Abolition) Act, 1976- Approved.

Labour and Employment (U1) Department

G.O.(Ms).No.163

Dated:21.09.2017

ஹேவிளம்பி, புரட்டாசி 5,
திருவள்ளூர் ஆண்டு 2048.

Read:

1. From the Deputy Secretary to Government of India, Ministry of Labour and Employment, New Delhi, letter No.F.No.S-11012/01/2015-BL, Dated 18.05.2016.
2. Orders of Hon'ble High Court of Madras, in W.P.No.32091/2016, Dated 19.12.2016.
3. G.O.(Ms).No.44, Labour and Employment (U1) Department, Dated 10.03.2017.
4. From the Commissioner of Labour, Chennai-6, letter No.T1/ 7113/2017, Dated 10.04.2017.

ORDER:-

In the letter 1st read above, the Government of India has approved the revamped Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 with effective from 17.05.2016.

2. In the order 2nd read above, the Hon'ble High Court of Madras has passed the following orders, in W.P.No.32091/2016 filed by Tmt. Roseann Rajan in respect of issue of bonded labour:-

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XXX

XXX

"On these two aspects nothing has been mentioned and we are, thus, of the view that the State Level Officer should be nominated within a period of four weeks from today. The State Action Plan be also structured and published with in a period of three months from today".

3. In the Government order 3rd read above, in order to implement the above directions, the Government have posted the Additional Secretary to Government, Labour and Employment Department, as Ex-Officio Additional Commissioner of Labour to deal with subject of 'Bonded Labour' who is also designated as State Level Officer for the said subject in addition to heading the Child Labour Cell.

4. In the letter 4th read above, the Commissioner of Labour has stated that a workshop was conducted by him on 03.03.2017 and the views of the participants were considered for drafting action plan for eradication of Bonded Labour System in Tamil Nadu. Based on the suggestions of Labour, Director of Industrial Safety and Health, Home, Prohibition and Excise Department, Revenue and Disaster Management Department, Adi Dravidar and Tribal Welfare Department, School Education Department Rural Development and Panchayati Raj Department, the Commissioner of Labour has sent a draft State Action Plan for eradication of Bonded Labour to the Government for approval.

5. In order to implement the orders of High Court of Madras, the Government have examine the proposal of Commissioner of Labour carefully and approve the State Action Plan for Bonded Labour annexed to this Government order.

6. The State Action Plan for Bonded Labour will be implemented through all District Collectors and monitored by the Commissioner of Labour. The Departments noted in the address entry are requested to implement the action plan immediately and extend the fullest co-operation to the Collectors and the Commissioner of Labour for the successful implementation of these State Action Plan. The District Collectors who play a vital role in achieving convergence of services of all Governmental and non-Governmental agencies, are requested to implement the State Action Plan effectively.

7. As per the revised Central Sector Scheme for Rehabilitation of Bonded Labour, 2016, expecting the reimbursement of Government of India the amount for survey, awareness creation, immediate cash assistance for rescued Bonded Labourers and evaluatory studies etc may be met from State fund through the District National Child Labour Project Societies.

8. The State Government of Tamil Nadu is sanctioning a sum of Rs.125 lakh for Rehabilitation of Bonded Labours every year.

9. The progress of implementation of the State Action Plan shall be monitored by the Commissioner of Labour and a report shall be sent to Government every month.

10. This order issues with the concurrence of Finance Department, vide its U.O. No. 49344/L&E/2017, Dated 21.09.2017.

(By Order of the Governor)

Mangat Ram Sharma,
Principal Secretary to Government (FAC)

To

All Secretaries to Government, Chennai-600 009.
The Commissioner of Labour, Chennai-600 006.
The State Level Officer (Bonded Labour) /Additional Secretary to Government,
Labour and Employment Department, Chennai-600 009.
The Director of Industrial Safety and Health, Chennai-600 032.

All Collectors.

The Director of Employment and Training, Chennai-600 032.

The Director General of Police, Chennai-600 004.

The Commissioner of Revenue Administration, Chennai-600 005.

The Director, Adi Dravidar Welfare, Chennai-600 005.

All Departments.

All Head of the Departments.

The Registrar of High Court of Madras, Chennai-600 104.

All Sections in Labour and Employment Department, Chennai-600 009.

Copy to

The Principal Secretary -III to Hon'ble Chief Minister, Chennai-600 009.

The Special Personal Assistant to Deputy Chief Minister, Chennai-600 009.

The Special Personal Assistant to Minister of Labour, Chennai-600 009.

The Private Secretary to Chief Secretary, Chennai-600 009.

The Private Secretary to Principal Secretary to Government, Labour and Employment Department, Chennai-600 009.

The Finance (L&E) / (BG1) Department, Chennai-600 009.

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//Forwarded by Order//

சி.என்.சுந்தர்
22/09/17
Section Officer.
22.9.17

ANNEXURE

**G.O.(Ms).No.163, LABOUR AND
EMPLOYMENT (U1) DEPARTMENT,
DATED 21.09.2017**

**STATE ACTION PLAN FOR RELEASE, RESCUE
AND REHABILITATION OF BONDED LABOUR
AND IMPLEMENTATION OF BONDED LABOUR
SYSTEM (ABOLITION) ACT, 1976.**

STATE ACTION PLAN FOR RELEASE, RESCUE AND REHABILITATION OF BONDED LABOUR AND IMPLEMENTATION OF BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976.

1. Introduction

Bonded labour system is the most wide spread form of slavery. The bonded labour system disproportionately exploits the vulnerable castes and tribes, and migrant persons, forcing men, women and children into a state of perpetual captivity. These victims are economically exploited, restricted free movement and infringement of human rights.

The forces of globalization, liberalization and privatization seem to make the life of the landless agricultural workers and other unorganised sector workers harder and induce more of them to newer conditions of bondage. Domestic labour, human trafficking of women and children for sexual slavery could be the emerging new forms of bonded labour.

Bonded Labour is now characterized by a long term relationship between employer and employee, usually solidify through loans and connected with issues of conditions of labour, payment of wages and duration of work.

Elimination of Bonded Labour from our Country has now become one of the most important concerns. Our constitution has given us a clear mandate for the elimination of forced Labour and Child Labour. In spite of a clear mandate from our constitution, we still have a large number of people working as Bonded Labour. Government have initiated a number of steps to tackle this issue.

An understanding between a creditor and a debtor for a specific need to be addressed leads to bonded labour system. The debtor commonly accepts a loan or advance due to poverty and/or other social or ceremonial needs. The debtor agrees to work for the creditor until the loan or advance is repaid.

1.1 Constitutional guarantee

Article 23 (1) of the constitution prohibits begger and other similar person of forced labour. The Bonded Labour System (Abolition) Ordinance was promulgated on 25th October, 1975. This was later on replaced by the Bonded Labour System (Abolition) Act, 1976. This Act provides for the abolition of the system of bonded labour with simultaneous liquidation of their debts.

1.2 Definition of bonded Labour

As per Bonded Labour System (Abolition) Act, 1976,

- **"Bonded labour system"** means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor
- **"Bonded labour"** means any labour or service rendered under the bonded labour system.
- **"Bonded labourer"** means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt.
- **"Bonded debt"** means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of the bonded labour system.

Once a labourer is rescued from bondage, the debt or obligation that caused the bondage is extinguished. Any property that had been seized is to be returned. The Act protects labourers from all current and future liabilities to repay bonded debts, and provides rehabilitation to labourers who have been victims to the system.

The emergence of '**neo-bondage**' is strongly connected to the reinforcement of the casualisation and the informalisation of employment. Neo-bondage reflects the increased monetisation of commodity exchanges and of social relationships, as well as the development of mass consumption. With the prevailing unemployment rate and sharp fluctuations in the demand for skilled labour, the workers may experience dependence on a single employer or a mediator as a guarantee and job security.

There is tendency for '**re-bondage**' and repeated bondedness due to lack of awareness on the rights and the bonded labour system becomes a vicious cycle.

The State shall strive to create more and constrained efforts for creation of awareness on the rights of the labourers and take conscious steps to see that cases filed against such employers end in conviction.

The timely and appropriate rehabilitative measures will ensure for meaningful release and rehabilitation which will improve their living standards.

1.3 Legal Provisions

The Bonded Labour System (Abolition) Act, 1976 was the first legislation by Parliament to recognize and deal firmly with this system of Labour that has been termed 'Slavery' in the International arena. This form of Labour is typical to developing Countries and is justified and glossed over as being a necessary form of rural credit which combines the inability to arrange for collateral together with the repayment being done in labour terms.

➤ **The Bonded Labour System (Abolition) Act, 1976**

- Section 4: Abolition of bonded labour system
- Section 5: Agreement, custom, etc. to be void
- Section 6: Liability to repay bonded debt to stand extinguished
- Section 7: Property of bonded labourer to be freed from mortgage, etc.
- Section 8: Freed bonded labourer not to be evicted from homestead, etc.
- Section 9: Creditor not to accept payment against extinguished debt
- Section 15: Burden of proof

- Section 16: Punishment for enforcement of Bonded Labour
- Section 17: Punishment for Advancement of Bonded debt
- Section 18: Punishment for extracting Bonded Labour under the Bonded Labour System
- Section 19: Punishment for omission or failure to restore possession of property to bonded labourers
- Section 20: Abetment to be an offence

➤ **Indian Penal Code, 1860**

- Section 374: Unlawful Compulsory Labour
- Section 370: Buying or disposing of any person as slave
Section 370-A: Employing of trafficked person
- Section 371: Habitual Dealing in Slaves
- Section 341-344 (Wrongful Restraint and Confinement)

➤ **The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986**

- Section 3: Prohibition of employment of children in any occupation and process.

➤ **Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989**

- Section 3(1) (vi): Compels a member of a Scheduled Caste or a Scheduled Tribe to do 'beggar' or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government

➤ **The Juvenile Justice (Care and Protection of Children) Act, 2015**

- Section 26: Provision with respect of runaway child in conflict with law.
- Section 79: Exploitation of a child employee.

➤ **The Inter-State Migrant Workmen (Regulation of employment and conditions of service) Act, 1979**

- Section 6: Prohibition against employment of Inter-State Migrant Workmen without registration
- Section 8: Licensing of Contractors
- Section 10: Revocation, suspension and amendment of licenses
- Section 12: Duties of Contractors
- Section 13: Wage rates and other conditions of service of inter-state migrant workmen
- Section 14: Displacement allowance
- Section 15: Journey Allowance etc.
- Section 16: Other facilities
- Section 17: Responsibility for Payment of wages
- Section 23: Registers and Other records to be maintained

➤ **Minimum wages Act, 1948**

- The National Floor Level Minimum Wage as amended on 01.07.2015 is Rs 160/day. (pg 257 of the Rates of Minimum Wages – March 2016 Edition)

➤ **Payment of Wages Act, 1936**

- Ensures timely payment of wages and restricts the employers for unauthorized deductions.

➤ **Employees Compensation Act, 1923**

- Section 21: Venue of proceedings and transfer

➤ **Employee State Insurance Act, 1948**

- Provides certain benefits for sickness, maternity and employment injury and for other matters.

If one can either be called a contract labourer according to the Contract Labourers Act, 1970 or, a migrating Labourer according to Migrant Labourers Act, 1979 is forced or partially forced to do some work, it is also called Bonded Labour.

2. Incidence of Bonded Labour

Global Context

As per the Universal Declaration of Human Rights, United Nations (UN) and International Labour Organisation (ILO) conventions, treaties and protocols; many of which India is legally bound under as a state party.

Studies estimate approximately 18 to 20.5 million bonded labourers in the world at the end of 2011, out of which roughly 84-88% were found in South Asia. These numbers indicate that approximately 1.1% of the population of South Asia is bonded labourers. In 2012, the ILO estimated 1.1 crore bonded labourers in the Asian Pacific region. In 2012, the Harvard researcher, Sidhar Kara, estimated 1.6 crore bonded labourers in South Asia.

Trafficking for labour is the second most common form of human trafficking in the world and accounts for 14% of all global trafficking according to the United Nations Office on Drug and Crime (UNODC) in 2014. However in East Asia, South Asia and the Pacific regions 64% of all detected trafficking is for labour.

In 2015, the International Labour Organisation (ILO) estimated that about 21 million people across the world (3 out of every 1,000) are victims of forced labour. The majority of this number again comes from the Asia-Pacific region accounting for 11.7 million (56%) of the worldwide total.

National Context

The Ministry of Home Affairs (MoHA) has listed bonded labour as one of the various forms of human trafficking in India. Human trafficking is the illegal movement of people, usually for the purposes of forced labour or commercial sexual exploitation. In most cases where people have been trafficked for labour, the conditions are very similar to that of bonded labour. The traffickers, directly or through henchmen, approach the labourers and recruit them for lesser amount.

The victims are then transported to the worksite either by the trafficker or through a middleman.

Ministry of Labour and Employment reported that 2,94,155 bonded labourers were identified and released until 2012, out of which 2,74,193 labourers were rehabilitated. However, the Government of India has been proactive in taking measures to eliminate different forms of forced labour in the country and has signed various International Conventions including the recent 2014 International Labour Organisation Protocol to the 1930 Forced Labour Convention where this protocol calls on National Governments to "develop a national policy or plan of action for the effective and sustained suppression of forced or compulsory labour."

Tamil Nadu Context

Utilizing a broad survey conducted in the State, the 'Report of the Commission on Bonded Labour in Tamil Nadu (1995) estimated 10 lakh bonded labourers in Tamil Nadu, specifically identifying 23 districts and over 20 occupations where bonded labour persists.

The industry specifies prevalence of Bonded Labour System in Tamil Nadu are mostly in Bricklins, Textile (Garment industry), Construction industry. The child labour engagement may be complementary to adult labour.

3. Action taken by Government

According to the reports released by the Ministry of Labour and Employment (MoLE), the State of the Tamil Nadu has the highest number of

bonded labourers released in India, 65,573 bonded labourers were released across the State by 30th March 2012. The Adi Dravidar and Tribal Welfare department reported that within Tamil Nadu, 3,678 bonded labourers were identified and released between the years of 2010 and 2016. 610 bonded labourers were released in 2014-2015. 860 bonded labourers were released in 2015-2016. This shows a 41% increase of bonded labourers released in the district from 2014 to 2015 and effective enforcement of the bonded labour Act in the State.

The Tamil Nadu Government enforces all the labour legislations including the Bonded Labour System (Abolition) Act, 1976, in letter and spirit, thereby protects the legitimate rights of workers and ensures their welfare, so as to maintain a cordial and peaceful labour environment, leading to economic growth and prosperity. Further, the rehabilitation assistance is disbursed to the released bonded labourers by the District Administration.

In collaboration with Non-Government Organisation, International Justice Mission, Government provided training for District Administrators about the abolition of Bonded Labourers as per the provisions of the Bonded Labour System (Abolition) Act, 1976.

Government enforces various labour legislations by converging them through the Department of Labour. The enforcement machinery periodically conducts inspections and organizes special drives to ensure compliance of statutory requirements under various labour laws and the laws relating to legal metrology.

The Labour and Employment Department in Government of Tamil Nadu is taking necessary steps for developing a mechanism for registration of Brick Klins and Procedures for proper application by the enforcing agencies.

To ensure proper payment of wages to employees by the employers, Government enforces various Acts like the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976 etc., in all sectors including informal sector.

The District Collectors were instructed to effectively implement the Sections 10, 11 and 12 of the Bonded Labour System (Abolition) Act, 1976.

Rehabilitation of Bonded Labourers is being done in convergence of welfare schemes of various departments like.

The District Collectors are requested to constitute District Vigilance Committees and Sub-Divisional Vigilance Committees as per Section 13 of the Bonded Labour System (Abolition) Act, 1976. Further, they are also instructed to reorganize the committees once in two years as per the Bonded Labour System (Abolition) Act, 1976 and to submit the minutes of the meeting of the Vigilance Committees to the Government.

Action is being taken to send proposal to the Ministry of Labour, Government of India, for sanction of funds for conducting fresh survey of bonded labourers as per the Revised Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016.

The released bonded labourers are issued with release certificates immediately, when they are released by the Revenue Divisional Officers/ Sub-Divisional Magistrate in the languages known to the released bonded labourer or English. Further the District Collectors and Revenue Divisional Officers are also instructed to take action to dispose off the cases filed under Bonded Labour System (Abolition) Act, 1976.

The District Collectors were requested to pay immediate rehabilitation assistance of Rs.20,000/- to the released bonded labour and to send the proposal to the Ministry of Labour, Government of India, through the District National Child Labour Project Society.

Every year the State Government have sanctioned Rs.125 lakh for immediate cash relief and expecting the reimbursement of Government of India, the amount for survey, awareness creation, immediate cash assistance for rescued Bonded Labourers and evaluatory studies etc. may be met from State fund through the District National Child Labour Project Societies.

Central Schemes on Bonded labour

The eradication of bonded labour system was announced on 1st July, 1975 by Prime Minister Smt. Indira Gandhi as a part of her 20 point economic programme. This initial programme was reinforced by a set of further measures, Amendment of Bonded Labour System (Abolition) Act, 1976, Section 2(g) to include contract and migrant labour, the introduction of a Centrally Sponsored Scheme in 1978, budget provisions, field visits by senior functionaries, and the issue of circular letters, instructions and delegation of power to the State Governments.

After revision of the Centrally Sponsored Scheme in 2000, Ministry of Labour and Employment has currently proposed the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 to come into effect on 17th May 2016. The scheme has increased the rehabilitation amount of rescued bonded labourers to:

Immediate assistance of Rs. 20,000/- to be issued on the day of rescue.

- Rs. 1,00,000/- per adult male beneficiary,
- Rs. 2,00,000/- for special category beneficiaries such as children and women,
- Rs. 3,00,000/- for extreme cases of deprivation or marginalization such as trans-gender or women or children rescued from ostensible including, sexual exploitation, trafficking and differently abled persons.

Additional financial assistance has now been made available for

- Conducting surveys on the identification of bonded labour (Rs.4,50,000/- per district for one survey).
- Conducting activities to generate awareness (Rs.10 lakhs per year per state)
- Conducting evaluation studies with the help of Institutes Social Science Research, (Rs.1,00,000/-).

4. Addressing the need for a State Action Plan

To address the issue an 'Action Plan' will provide a framework for those enforcing the law, and will promote the implementation of uniform procedures and to ensure clarity of understanding on the subject great awareness, proper analysis combined with the basic objective of assisting the District Collectors and his team in realizing the goal of abolition of Bonded Labour system in his / her District and thus in the State.

Objectives of the State Action Plan for Combating Bonded Labour System

- Effective implementation and enforcement of the Bonded Labour System (Abolition) Act, 1976 and the other related laws for the eradication of bonded labour system.
- Increase the coordination between Departments like Revenue and Disaster Management, Rural Development and Panchayati Raj, Home, Prohibition and Excise, Social Welfare and Nutritious Meal Programme, School Education, Adi Dravidar and Tribal Welfare, Public etc., focused on enforcing the Bonded Labour Act and other related laws, to map out their roles and responsibilities in combating bonded labour system.
- Institutionalize mechanisms for improved transparency and accountability at State, District and Sub-Divisional level Vigilance Committee and the High Level Monitoring Committee should be functional and proactive to feedback and make recommendations.
- Institutionalization of bonded labour abolition trainings throughout Government departments to build the capacity of the officials to address the bonded labour related issues.
- To take effective measures to rehabilitate the bonded labour freed from bondage.

- To create awareness among the industries and trade unions to create a positive climate for eradication of the bonded labour system in the State.
- All Bonded Labour complaints must be forwarded to the Sub-Divisional Magistrate (RDO).
- Awareness programmes will be organized to educate vulnerable communities on their legal rights and provisions/protections under various labour laws.
- Training Programme for sensitizing the District Officials and Police Officers on the issue of bonded labour and the provisions under Bonded Labour System (Abolition) Act, 1976.
- Judges also need to be trained on the criminal offences included in the Act as well as other relevant law.
- A toll-free helpline for community members to contact District Officials and Police to report bonded labour complaints.

5. A State Level Officer

The Labour and Employment Department and the Revenue and Disaster Management Department have prime responsibility for survey, release/rescue, rehabilitation/follow up and eradication of bonded labour issues in the State. Coordination between different departments is required to ensure that all social rehabilitation benefits are received by rescued bonded labourers and their families.

The eradication of bonded labour system in Tamil Nadu will require effective coordination at the State and District levels. The Additional Secretary to Government, Labour and Employment Department is posted as Ex-officio Additional Commissioner of Labour to deal with the subject of "Bonded Labour" who is also designated as State Level Officer for the said subject in addition to heading the Child Labour Cell vide G.O.(Ms).No.44, Labour and Employment (U1) Department, dated 10.03.2017.

5.2 State-Level Database

The data creation and maintenance is very vital to monitor, modify the strategies for effective performance on eradication of bonded labour system:

- Review district performance on enforcement of the Bonded Labour System (Abolition) Act, 1976 on the delivery of rehabilitation provisions, and prosecution status.
- To show details on pending rehabilitation benefits and bonded labour case status.
- To facilitate easy rehabilitation process, the database will automatically transfer the details of the labour to the Sub-Divisional Magistrate of the native district or native State if they are migrant workers.
- Provide database to the State-Level Monitoring Committee to enable strategic policy interventions.
- Identify key areas of focus, evaluate success and failure of Government strategies and programs as against set goals.

5.3 Survey and Identification of Bonded Labourers

On the basis of existing literature and documentation (studies, reports, and other available information), industries associated with bonded labour will be mapped and surveyed. Periodic State wide survey to be conducted to know the prevalence of bonded labour including migrant labourers in Tamil Nadu.

- State to identify and constitute survey teams for each area/district.
- Evaluatory studies to be undertaken.
- Mid-term evaluatory studies to be undertaken.
- The purpose of surveys may result in the identification, rescue, rehabilitation and prosecution of bonded labourers in each district/Sub division.
- Appropriate methodologies to be formulated to conduct the surveys.

- Conduct an enquiry within 48 hours of receipt of complaint.
- Inquire all labourers in the free and fair environment.
- During inquiry ask all questions related to identification of elements of bonded labour in questionnaire format, prepare a full report and also Audio Visual recordings of the proceedings.
- A reasoned order with rationale for arriving at the decision to be issued along with release certificate.
- The initial amount should be released to the released bonded labour immediately.

5.4 Identification

Any information received from any member of Vigilance Committee, Non Governmental Organisation, Trade Unions or any members of community or of any public whether written or oral, an inquiry must be commenced at once by a team constituted by District Magistrate. Non Governmental Organisations shall survey the bonded labour system in the District.

5.5 Rescue

- The inquiry at the work site by Revenue Divisional Officers/Sub-Divisional Magistrate level officers.
- Special consideration for sexually abused women, children and adolescent below 18 years during enquiry.
- Determination to be made whether bondedness is due to advance, customary obligation, social obligation, succession, economic consideration, caste / community.
- Post inquiry procedures like issue of release order and certificate, distribution of initial rehabilitation fund, transportation to native place and prevention of harassment, filing of FIR, 161 statement and charge sheet.

displacement allowance, journey allowances and other entitlements which are due under various legislations are paid before departing them. This should be done irrespective of the findings of the District Magistrate or Sub-Divisional Magistrate or the dismissal of the bonded labour case.

6. State Level Coordination & Monitoring Committees

6.1 High Level Monitoring Committee

A State-Level mechanism is required for monitoring, coordination and supervision of the pace and progress of identification, rescue, release & rehabilitation of bonded labourers. As per, G.O. (MS) No. 79, Adi Dravidar and Tribal Welfare (ADW.8) Department, dated 17.09.2002, the State-Level Officer for the Elimination of Bonded Labour shall organize the meeting of the High Level

Monitoring Committee for which the Chief Secretary shall serve as Chairperson, and the Secretaries of various departments as members.

a. Members of the State level Monitoring Committee

- Chief Secretary- Chairman
- Secretary, Labour & Employment Department – Member Secretary
- Secretary, Adi Dravidar and Tribal Welfare Department
- Secretary, Public Department
- Secretary, Revenue and Disaster Management Department
- Secretary, Rural Development and Panchayat Raj Department
- Secretary, Social Welfare & Nutritious Meal Programme Department
- Secretary, School Education Department
- Secretary, Health & Family Welfare Department
- Secretary, Planning Development and Special Initiatives Department
- Director, Adi Dravidar Welfare Department
- State Level Officer (Bonded Labour Abolition)
- District Collectors (2 District Collectors on rotation basis)

- Special Rapporteur, National Human Rights Commission – Special Invitee

6.2 Functions of State Level Monitoring Committee

- To meet once in a year.
- To review and discuss the reports from districts. The report shall provide a status update on the implementation of the Bonded Labour Act.
- To make recommendations to different departments in matters related to rescue and rehabilitation of bonded labourers, migrant labourers, rehabilitation and prosecution. The committee is to designate appropriate departments to address the issue.
- To discuss on expenditure and the budget allocation in detail.

Under Section 10 of the Bonded Labour System (Abolition) Act, 1976 it is the responsibility of every District Magistrate to identify, rescue and release bonded labour victims whenever a case of bonded labourers, is found or reported. Labour Department, the Inspectors of Labour / Deputy Commissioners of Labour of Labour Department shall take up responsibility to rehabilitate the bonded labour so released. The Government of Tamil Nadu will earmark budget provision each year for the rehabilitation of bonded labourers.

Freed bonded labourers are most vulnerable, immediately after they are released as they have no work to generate an income and therefore no money for sustenance. Timely rehabilitation will prevent the labourers from re-bondage.

7. District level Coordination & Monitoring Committees

7.1 District Vigilance Committee (VC)

District Vigilance Committees for bonded labour play a crucial role in the process of identification, survey, release, rehabilitation and prosecution as per section 13 and 14 of the Bonded Labour System (Abolition) Act, 1976.

The State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit and appoints inspectors of labour as Member Secretary to convene the meetings.

Ensure that Police, Revenue Divisional Officer, Inspector of labour, Deputy Director of Directorate of Industrial Safety and Health, Assistant Director of Adi Dravidar and Tribal Welfare, a trade unionist / Non Governmental Organisation's or expert on the issue to be involved as advisory member in the vigilance committee. The District Collector shall conduct co-ordination meeting and monthly reviews of officers of line departments at District Level and report to Commissioner of Labour.

7.1.1 Member of the District Vigilance Committee (DVC)

- a) The District Magistrate, or a person nominated by him, who shall be the Chairman;
- b) Three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate;
- c) Two social workers, resident in the district, to be nominated by the District Magistrate;
- d) Not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government;
- e) One person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

7.1.2 Member of the sub divisional Vigilance Committee (VC)

- a) The Sub-Divisional Magistrate, or person nominated by him, who shall be the Chairman;
- b) Three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

- c) Two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
- d) Not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;
- e) One person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
- f) One officer specified under section 10 of the Bonded Labour System (Abolition) Act, 1976 and functioning in the Sub-Division.

7.1.3 Investigation, prosecution and filing of charge sheet

- To obtain statement and record it.
- To obtain evidences such as age proof, community certificate, inquiry statement, release certificate, medical evidence, work place registration and ownership details, wages, loans and advances details.
- To conduct investigation at source, transit and destination
- To file charge sheet in complete form.

7.1.4 Prosecution & Trial

The Revenue Divisional Officer concerned shall initiate the police investigation to start the criminal prosecution case as soon as the bonded labour inquiry is completed. The police officer in charge of the police station files an FIR under section 154 of Criminal Procedure Code and sets the motion for prosecution. The Judicial Magistrate shall conduct the trial under Section 21 of the Bonded Labour System (Abolition) Act, 1976.

When a bonded labour offence is committed and the perpetrator is identified, a punishment is prescribed by judicial process to ensure deterrence under Bonded Labour System (Abolition) Act, 1976, 3 years of

imprisonment and Rs 2000/- under IPC sections 370 and 370 A, & Imprisonment for not less than five years.

8. Capacity Building Programs - Trainings

Trainings, seminars, workshops and consultation to both State and District level officials to be conducted on the issues of bonded labour system and human trafficking. Manual/Standard Operating Procedure to guide officials towards effective implementation of procedures to be developed and circulated.

9. Awareness generation

Wide spread awareness generation has to be created regarding bonded labour system. There is a lack of general awareness among the public, especially the vulnerable community about bonded labour system and the laws and provisions available to combat the bonded labour system. State-wide awareness program, and events may be conducted to generate awareness among the public.

District level officials (District Collectors/RDOs) with the assistance of the Vigilance Committees, Civil Society Organizations to work in collaboration with district officials to conduct the awareness program in the districts through uniformly developed Information Education Communication materials and innovative strategies. Feedback of the awareness programmes to be collected by simple questionnaire and documentation will be made available both at the District and State level.

10. A Toll-Free Helpline

A toll-free Helpline as a simple and functional way for bonded labourers to raise complaints

- The helpline shall operate in multi lingual centers.
- The informant's details will be kept confidential.
- The Helpline will be used to generate a report on number of cases received with action status.
- The State to create awareness of the toll-free Helpline and make the number available to the most vulnerable communities.

11. Convergence of Various Departments

11.1 Role of Labour Department

- Labour department to act as nodal agency and facilitate coordination between various convergence departments /agencies at State level.
- Ensure the enforcement/implementation of Bonded labour System (Abolition) Act 1976, Minimum Wages Act, 1948, Payment of wages Act, 1936, Factories Act, 1948, Employee's State Insurance Act, 1948 Interstate Migrant Workmen (Regulation of employment and conditions of service) Act, 1979, and other related laws.
- Create permanent exclusive database, implement and maintain records on release, rehabilitation and prosecution of released victims for tracking the bonded labour cases as well as to prevent re-bondage.
- Arrange training programmes/seminars/workshops in coordination with research and training institutes.
- Conduct various awareness generations activities and launch of multi lingual bonded labour help line.
- Budgeting and release of rehabilitation funds (both State and Central fund), Coordinate with the Labour Department of the Central Government to ensure that funds are being disbursed appropriately as per the Central Sector Scheme for rehabilitation, survey, evaluatory studies and awareness campaigns.
- Develop a uniform procedure for effective implementation of release, rescue, rehabilitation and prosecution of bonded labour and migrant labour.
- Ensure that society is created in all the districts of Tamil Nadu for administering the funds under bonded labour rehabilitation scheme.
- Bonded Labour fund shall be created, administered through the society.
- State wide survey to be conducted to ascertain the prevalence of bonded labour including migrant labourers in Tamil Nadu.

11.2 Role of Directorate of Industrial Safety & Health Department

- Regular inspection and joint raids in bonded labour prone industries.
- Enforcement of minimum wages Act, 1948.
- Implementation of all Labour Laws and Bonded Labour System (Abolition) Act, 1976.
- Stringent action to be taken.
- Arranging training programmes / seminars / workshops.
- Creation of awareness on Bonded Labour System.

11.3 Role of Directorate of Employment and Training

The officials of the employment Department shall assess the skill level of the bonded labourer or any of his family members and provide appropriate skill training through Tamil Nadu Skill Development Corporation to enable them to enhance their living standards.

11.4 Role of Revenue and Disaster Management Department

The Revenue Divisional Officer along with his team of officials may enter into any premises where bonded labour system is believed to exist.

The team shall conduct inquiry at the site, ensure all rights of the bonded labour, release them with appropriate rehabilitative measures including immediate release of Rs.20,000/- to the freed bonded labourer and to coordinate with corresponding District Administrative officials for further release of rehabilitative funds.

11.5 Role of Police Department

The police shall take all effective steps to file First Information Report (FIR) and proceed under the Bonded Labour System (Abolition) Act, 1976, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1986 or under section 370 of Indian Penal Code against the employer for having engaged in human trafficking, employing bonded and forced labour. The police shall ensure that the case ends in conviction within 3 months from the date of rescue.

11.6 Role of Rural Development and Panchayat Raj Department

Panchayat Raj Institutions will be involved in eradicating bonded labour practice. Panchayat Raj Institutions to ensure that all the benefits of departmental schemes are extended to the rescued bonded labourers and to provide for credit linkages from banks to the rescued bonded labourer and forming special Self Help Group exclusively for the released bonded labour. Ensure that work is provided under Mahathama Gandhi National Rural Employment Guarantee Scheme.

11.7 Role of Health and Family Welfare Department

To conduct medical check-ups and camps at the time of rescue to ensure proper care, free treatment and psychological counseling on trauma situations. Enroll them in Tamil Nadu Integrated Nutrition project which offer a package of health and nutrition services to pre-school children and pregnant and lactating women by enrolling them on the local primary health centres to avail these benefits.

11.8 Role of School Education Department

To provide quality education to the released bonded labour children in schools without insisting for documents like transfer certificate, community certificate, ID proof or address proof, etc., and to extend all benefits that are provided to the regular school children. Services of counselors working under District Child Protection Office was utilized to counsel the rescued children.

11.9 Role of Adi Dravidar and Tribal Welfare Department

To extend all benefits under various schemes that are provided to Scheduled Castes and Scheduled Tribes. Special provision for released bonded labour and admit released bonded children in Government hostels run by Adi Dravidar and Tribal Welfare Department.

11.10 Role of Backward Classes, Most Backward Classes and Minorities Welfare Department

To extend all benefits under various schemes that are provided to Backward Classes/ Most Backward Classes. Special provision for released bonded labour should be developed and admit released bonded children in the Government hostels.

12. Non-Governmental Organization and other Organizations

12.1 Trade unions

- Identify employers employing bonded labourers within their sphere of influence and report to the jurisdictional inspectors appointed under the Bonded Labour System (Abolition) Act, 1976 and other labour laws.
- Educate the society to discourage the practice of bonded labour and support in rehabilitation.
- Steps to be taken to enhance the awareness among their members and cadres about elimination of bonded labour system.

12.2 Non-Governmental Organization

- Assisting the State and District authorities in implementing the State Action Plan.
- Inform authorities about the areas of concentration of bonded labour system.
- Liaise with Government to rehabilitate the bonded labourer and their children.
- Support the rescued bonded labourer in psycho-social counseling.
- Support / Arrange training programmes / seminars / workshops.
- Create awareness on bonded labour system to Government officials and community at large.

13. Community participation in eradication of bonded labour system

- Local communities will be involved in eradicating bonded labour practice. Panchayats, Panchayat Unions, Town Panchayat, Municipalities, Corporations and Districts should aim to become bonded labour free.

- Non Governmental Organisations, Community Based Organisations, Employer, Employee and Trade Unions should actively participate.
- Anyone can provide information about bonded labourers (the informer can be a bonded labourers himself, a third person interested in bonded labourers, a Government official or an Non Governmental Organisation).

14. Implementation of the action plan

14.1 At District level

The National Child Labour Project Societies are functioning in 15 Districts namely Chennai, Coimbatore, Dharmapuri, Dindigul, Erode, Kanchipuram, Krishnagiri, Namakkal, Salem, Trichy, Thoothukudi, Thirunelveli, Thiruvannamalai, Vellore and Virudhunagar. District Societies will be formed comprising of concerned departmental officers under the Chairmanship of the District Collector in non- National Child Labour Project Districts. These societies will be responsible for implementing the action plan for eradication of bonded labour system at the district level including elimination of child labour system.

14.2 At State level

The State Child Labour Rehabilitation cum Welfare Society which is functioning under the Chairmanship of the Commissioner of Labour will lead the State Action Plan for eradication of bonded labour system.

The Additional Commissioner of Labour in the Office of the Commissioner of Labour will act as nodal person to monitor the activities relating to eradication of bonded labour system in Tamil Nadu.

15. Funds

- Revised Central Sector Scheme for elimination of bonded labour system came into effect from 17th May, 2016.
- As per the scheme, the Rehabilitation package shall be Rs.1,00,000/- per adult male beneficiary. Beneficiary shall have the option to either deposit it in an annuity scheme or receive cash grant.

- For special category beneficiaries such as children including orphans or those rescued from organised and forced begging rings or other forms of forced child labour and women, the amount of rehabilitation assistance shall be Rs.2 lakh out of which at least Rs. 1,25,000/- shall be deposited in an annuity scheme in the name of each beneficiary and the balance amount shall be transferred to the beneficiary account through ECS.
- In cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit, the rehabilitation assistance shall be Rs. 3 lakh, out of which at least Rs. 2 lakh shall be deposited in an annuity scheme in the name of each beneficiary and Rs. 1 lakh shall be transferred to the beneficiary account through ECS.
- The amount of assistance for survey of bonded labourers shall be Rs. 4.50 lakh per district.
- The expenditure on awareness generation shall be reimbursed on case by case basis subject to maximum limit of Rs. 10 lakh per State per annum.
- The existing norms of grants of Rs. 1 lakh for evaluatory studies
- A Bonded Labour Rehabilitation Fund shall be created at the District level by the State with a permanent corpus of at least Rs.10 lakh at the disposal of the District Magistrate which should be renewable.
- The State Government sanction Rs.125 lakh for immediate cash relief of Rs. 20,000/- either cash or kind for income generating activities for every bonded labourers.

The Rehabilitation funds will be met out by the Government of India.

Mangat Ram Sharma
Principal Secretary to Government(FAC).

//True Copy//

G. Anand
22/09/17
Section Officer.
KJ
23.09.17