

NATIONAL SEMINAR ON BONDED LABOUR

14-15 February, 2017, New Delhi

The National Human Rights Commission organized a National Seminar on Bonded Labour on 14-15 February, 2017 at Nehru Memorial Museum and Library, Teen Murti Bhawan, New Delhi. The seminar was inaugurated by Justice Shri H.L Dattu, Hon'ble Chairperson, NHRC. Shri Bandaru Dattatreya, Hon'ble Minister of State, Ministry of Labour and Employment, was the Chief Guest. The long day session was chaired by Justice Shri D. Murugesan Hon'ble Member NHRC. It was also attended by Smt. Sathiyavathy, Secretary, Ministry of Labour and Employment, Dr. S.N. Mohanty, Secretary General, NHRC, Dr. Sanjay Dubey, Director, NHRC, Chairpersons and Members of State Human Rights Commissions, Representatives of State and Central Government and other professionals.

The List of participants is enclosed.

Inaugural Session

Welcoming the participants, Joint Secretary, NHRC, Dr Ranjit Singh stated that bonded labour is an issue which needs to be sensitized as the dynamics of bonded labour are constantly changing there is a need to raise awareness amongst all the organizations and stake holders to eradicate the problem. He also emphasized on the indicators to identify a bonded labour as:

- Identification
- Rescue
- Relief
- Rehabilitation

Smt. M. Sathiyavathy, Secretary, Ministry of Labour and Employment

In her address she informed the gathering that the Ministry invited all the State Governments to share their views and suggestions on what could be the best way to implement the Rehabilitation of Bonded Labour Scheme-2016 to deal with the persisting problem.

She said that the vulnerable group of the society i.e Children and women are most subjected to bonded labour. Where the ancient practices are disappearing the *new forms are emerging*, preying children as they are to be paid less of wages. She elaborated the reason for the prevailing practices namely the *expanding area* of begging, child labour, prostitution (involving female child and women).

She focused on *3R's i.e Rescue, Relief, Rehabilitation* which are the core concerns of the 2016 scheme which is being implemented with certain amendments like *enhanced amount of compensation* from Rs. 5,000 to Rs. 20,000 and also the removal of conviction earlier tie up of compensation and also the enhancement of rehabilitation amount to Rs. 1 lakh for adult female/male beneficiary or rescued and released bonded labour and Rs. 2 lakh for young children including orphans and girl child rescued from forced prostitution and 3 lakhs for rehabilitation assistance for the disabled people.

She stressed that Minimum Wages are very important for unskilled laborers to lead a decent life. Most of the States claimed that they implement Minimum Wages Act properly. While for the workers in the Central Government, minimum wages are fixed by the Government of India, State Governments have to fix the same taking into account not only the food requirements, but also requirements of housing, clothing, education and medical requirements of the family. Many States *have not revised* the minimum wage for several years. Keeping this in mind the ministry is

coming up with the *wage code* which will combine the acts namely the Minimum Wages Act, 1986, the payment of Wages Act, Equal Remuneration Act and Bonus Act. Wherein she further stated that a proposal to have a National Floor Wage which will take into account the revision of wages in subsequent years.

The wages have to be *revised every 5 years* in case it has DA attached with it. On the basis of inflation and if DA is not attached to the minimum wages it has to be revised in one or two years. This is one act which will ensure that worker is not pushed to extreme poverty due to which he is forced to take loan and then pushed into bonded labour.

She also regretted to Inter-State Migrant Workers Act, 1979, where workmen can be protected from exploitation. She also referred that many of the bonded labourers are brought from other States and made to work in different parts of the Country. The Contractors who take labourers from one State to other States are of two kinds:-

One, who has some work with him in his own State; Second, who take the labourers from one State (where the labourers belong) to other States (where the work is to be done).

She informed that around *90 million* people moved around the country for job. About *40 million* who are in the construction area; about 20 million for domestic work purpose and about *12 million* for illegal mining small queries, the people are covered if the Inter-State Migrants Act is implemented properly. She expressed her concern that through existence of sufficient laws and schemes but the *problem* is in their implementation.

DR S.N. Mohanty, Secretary General, NHRC

While addressing the participants, the Secretary General of NHRC, Dr S.N. Mohanty expressed Bonded Labour as a well known *form of slavery* today and the most used method of enslaving people. Bonded labour, which includes beggar and immoral traffic in women as defined u/a 23(1) of Indian constitution, till Independence of the country was regarded as vestige of feudal culture.

He emphasized that the abolition of bonded labour requires a holistic approach. Over the years, *two major factors* have been identified that drive bonded labour system: *victim vulnerability* and *perpetrator impunity* and the elimination of these factors requires a dual approach that involves the government, NGO's, and society at large. Central and state governments must provide sufficient economic opportunities to the poor.

Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC In his Inaugural address stated that the Constitution of India guarantees to all its citizens as has been mentioned in the *preamble* – justice, social, economic and political freedom of thought and expression, belief faith and worship, equity of status and opportunity and fraternity, dignity of individual and unity of the nation.

Article 23 of the constitution prohibits trafficking in human being, begging and other similar forms of forced labour. Any contravention of this provision shall be an offence punishable in accordance with law. *Article 42* provides for just and humane conditions of work and maternity relief, that the state shall make provisions for securing just and humane conditions of work and for maternity relief.

Section 374 of the IPC states that whoever unlawfully compels any person to labour against the will of that person, shall be punishable with imprisonment of either description for term which may extend to one year, or with fine , or with both. He said that the abolition of bonded labour requires a holistic approach in as much as it is not the concern of any particular Ministry or Department or Agency but is the concern of whole nation.

He apprised that the Commission has consistently held that the existence of bonded labour system is one of the worst violations of human rights. *Supreme Court* of India in 1997 has vested responsibility for monitoring the Implementation of Bonded Labour System (Abolition) Act 1976 to the National Human Rights a Commission.

The number of cases registered with the commission on bonded labour, since its inception are 14,614 out of which 13,266 cases were disposed. The Commission has been suggesting compensation in cases of bonded labour and has also *recommended amendments* to several provisions in the bonded labour system abolition act, 1976. The Commission is sensitive to the whole issue of bonded labour and is committed to the elimination of the same.

Furthermore, he said that the Commission has also setup a dedicated *bonded labour cell* which will independently coordinate with the centre, state and union territories for better and expeditious action to eliminate bonded labour system.

**Shri Bandaru Dattatreya, State Minister of Labour and Employment
(Independent Charge)**

Bonded labour has been a great concern of all thinkers and policy planners. It is manifestation or ramification of humanity. United Kingdom was the *first country* to abolish slavery in 1830. It is a stigma, a social dilemma on our society as well as country, the main reason is *feudal thinking* of the so called upper caste. He expressed despair towards existence of bonded labour in spite of prevalent laws. The *old schemes* for bonded labour have become *obsolete* and new schemes have to be introduced and revised. He said that it is the responsibility of Labour Department that work to be properly managed. He also said that country has a vibrant judiciary functioning on human rights. He talked about the *scheme of 2016* and in addition to it suggested that land and housing facilities should be given to the victims. It is a bounding duty of the Government to eradicate this menace and assure cooperation in this direction.

Dr Sanjay Dubey, Director, NHRC

In his Opening Statement he said "Bonded labour are those *half alive* and *half dead* people who as they are build and gets tried up into their pains without come out". The Bonded Labour System its intricacies and challenge will be dealt with so many deliberations. Our Hon'ble Chief Guest Sh. Bandaru Dattatreya is known for his modesty, simplicity. He suggested that Union Government should make an amendment in the payment of Wages Act that is to ensure that each and every worker of the country gets his salaries through cheque or through *direct transfer* to his *bank account*. He

thanked all the Dignitaries and participants for contributing towards this serious social issue.

Technical Session

The **Hon'ble Member Justice Shri D, Murugesan** at the very outset apprised the participants of the National Workshop that the National Human Rights Commission was asked by the Supreme Court of India in 1997 to get involved in the monitoring of the implementation of the Bonded Labour System (Abolition) Act, 1976. The Court's directions came while hearing a Writ Petition (No. 3922/1985) - *People's Union for Civil Liberties Vs State of Tamil Nadu & Others*. Since then, the NHRC has been overseeing the implementation of the Bonded Labour System (Abolition) Act 1976 in different parts of the country. Therefore, the Commission, in its endeavour to raise concerns on the continuance of bonded labour has been organising *workshops* to sensitize official machinery to work for its abolition in different parts of the country.

He further stated that the officers dealing with the subject are *not aware* of the provisions of the Bonded Labour System (Abolition) Act and it is a fact that the menace of bonded labour could not be eradicated even after 1976, when the Act was passed by the Parliament. The Commission has therefore even decided to visit the States, call the officers and make them aware of the provisions of the Act. Bonded labour is nothing but slavery and the system of bondage is taking *new dimensions*. The element of bondage debt was *pre-conditioned*, when the Act was enacted but now even without debt, the victims are subjected to *forced labour*, which is also a form of bondage like '*Bartan*' system in *Odisha*. The issue of bonded labour in the past was confined to mining, stone quarries and agricultural fields but has now taken new shape even after change in employment and also change

In employer. People are even kept in bondage for the *domestic purposes* from one State to another State. While speaking on the *newly launched Central Scheme* on Rehabilitation on the Bonded Labour by the Government of India, the *conviction* for the first time has been made compulsory for release of grants. The suggestion for this new scheme was given by him to the Central Government during the *first workshop* in Chandigarh. The suggestion was given due to precise reason that the State Governments were *reluctant* to declare the victims as bonded labourers for want of funds. He then suggested that the Central Government should take financial burden as a whole an amount of Rs.86,000/- Crores spent by them and equally by the State Government and still the problem of bonded labour exists in the society. *Corpus* of Rs.10 Lakhs is to be maintained at the District level, which is renewable. There is no dearth of laws and shortage of schemes but the menace is yet to be eradicated. The poor labourers are languishing at a particular place for food devoid of basic facilities/amenities and it is shame on the part of the State. The interactions and workshops are therefore necessary to *create awareness* amongst all the stakeholders for eradication and elimination of bonded labour. Identification of employment and employer is also necessary. *The source States* like Bihar, Jharkhand, Uttar Pradesh, Odisha, Rajasthan needs to be vigilant for identification of bonded labour. Payment of minimum wages is *one of the test* but not the only test. Police department has though no direct role but police assistance is required in order to ascertain as to whether the victims in particular, the child and the woman, were physically or sexually assaulted/exploited. In case of child labour, action under the Act is to be initiated and an amount of Rs.20,000/- is to be recovered from the employer, Rs.5,000/- to be added by the State Government and the entire fund is to be utilized by the District Magistrate for the welfare of the child labour. In case the victims are from SC/ST, then they are entitled for *other benefits* under SC/ST (Prevention of Atrocities)

Act and Rules made there under. While narrating the ordeal of Interstate migrant labourers, the Hon'ble Member emphasized that at the time of identification and rescue, if proper address of the victim has not been obtained, then rehabilitation process will not commence, *defeating* the very purpose and objectives of the Act. We must alive to the reality that the system cannot be abolished in a day as it is recurring problem to eradicate expeditiously and permanently all and should work in coordination.

While speaking in the National Workshop on the Issue of Identification of the bonded labourers, he stressed upon *certain standards* to be adopted in a prescribed proforma being worked out and drafted by the Commission. The *District Magistrates needs to adhere* to the following *guidelines:-*

1. Whether the brick-kiln operator obtained a licence to run the brick-kiln from Competent Authority or not? If obtained, the details thereof. If not, why it has been allowed to operate and forward the name/s of persons with designation permitting to operate without licence.
2. How many labourers belong to S.C./S.T./O.B.C.? and whether the provisions of SC/ST Act are followed during enquiry.
3. Total number of labourers, male, female, child with names, age and their complete address.
4. Amount of wages paid to them - monthly/fortnightly. Is it in conformity with the notified minimum wages?
5. Forward the legible copies of wages register, muster roll, wage slips, copies of Registers required to be maintained under various labour legislations (Payment of Wages Act, Contract

Labour (Regulation & Abolition) Act, Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act.

6. Whether the labourers were employed directly or through an agent/Thekedar/Contractor and whether such an agent obtained a licence under the law or not?
7. Total number of migrant labourers from Nepal and Bangladesh, if any, details thereof and action taken for their deportation through the concerned Foreigners Regional Registration Officers.
8. Whether the recruiting agents obtained a licence under the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979, whether the Principal employer obtained a Registration Certificate under the Act or not, and whether the brick-kiln operator paid benefits under the aforesaid Act and the Rules made thereunder or not. If there is failure, forward the names of officers with their designations.
9. Whether actions under all other relevant Acts like IPC, POSCO Act, JJ Act, SC/ST Act have been taken in the matter, if yes details thereof, if not, reasons thereof.
10. Whether the brick-kiln owner has followed all the provisions contained in the Minimum Wages Act, 1948 and the Rules made thereunder or not. If not, what action is taken?
11. Whether the labourers have been provided with basic amenities like schooling to children, Medical and Health care, Food, Water, Sanitation/toilets and proper accommodation by the employer?

12. Whether the labourers have been got medically examined by the District Administration during the course of enquiry, if not, reasons thereof?
13. Whether the concerned District Magistrates of their native place have been informed of their release and steps taken for ensuring their safe arrival at the destination point, if yes, details thereof?
14. Whether recoveries of Rs. 20,000/- each has been made from the employer in favour of the Child Labourers and the funds @ Rs. 25,000/- each stands deposited with the District Magistrate for the welfare of such Child labourers, if not reasons thereof, if yes, details thereof.
15. Whether Vigilance Committee as mandated under the provisions of the Bonded Labour System (Abolitions) Act, 1976, was constituted or not. If not, the reasons thereof. If functioning, since when? You may give all the details of the Committee constituted according to law.
16. Whether the members of the Vigilance Committee belonging to SC & ST accompanied the team or not? If not, the reasons of the same to be conveyed.
17. In view of the averments made in the complaint and in absence of documents required to be maintained and in absence of benefit to be extended as mandated by law, the District Magistrate is duty bound to raise the presumption that the labourers are bonded labourers. Attention of the District Magistrate is drawn to the judgement of the Hon'ble Supreme Court in cases i.e. a) Bandhua Mukthi Morcha delivered on 16.12.1983 in Writ Petition No.2135. b) People's Union for

Democratic Rights v/s Union of India (1982) 3 SCC at 259. c)
Sanjit Roy v/s State of Rajasthan (1983) SCC 525 at 535. d)
Neeraja Choudhary v/s State of M.P. (1984) 3SCC 243 at 250.

While speaking on the issue of *Release Certificates*, he emphasized on uniformity to be followed and informed that the NHRC shall prepare a proforma for Release Certificates to be followed across the country.

Immediately after Identification and rescue, the victims should be given *immediate financial assistance* from the corpus to be created by the State Government at each and every District. The *sensitization* of District Magistrates, Labour Officers, Member of Vigilance Committee, employers and common public on the Act is also equally important. It should be borne in mind that the *children* who are either the bonded labourers or with parents needs to be put in schools. The victims immediately after the rescue should compulsorily be got *medically examined*. The District Magistrates/Sub Divisional Magistrates should verify from the victims or *other offences* under IPC of other laws having been committed at the workplace and *prosecution* needs to be launched.

The release certificates be sent immediately to the District Magistrates of source State wherever applicable and the victims are to be extended *benefits* under the Social Welfare Legislations for their *permanent rehabilitation*.

While speaking on the importance of *survey*, the Hon'ble Member apprised the participants that specific amount has now been earmarked for the survey and hence it is to be seen that proper survey is conducted. Keeping in view of different dimensions of the problem, one should find out under what *circumstances* people from one State are migrating to other State and by doing this, the migration can be *prevented* as it is not good for any State that there people are moving in the absence of employment to

another States for their bread. The *source State* should give them benefit of Social Welfare Schemes to reduce migration wherever possible for their livelihood. The officers are also required to sensitize the employers to follow laws and make payment of due wages to the labourers in order to achieve the target. With this Introduction, he called the participants for their respective presentations.

To have uniformity, following standardized formats have been approved by the Commission:-

- a) Procedure / guidelines on Identification and rescue of alleged bonded labourers.
- b) Proforma on identification and rescue of bonded labourers.
- c) Release Certificate
- d) Guidelines to be following immediately after the rescue and Issuance of Release Certificate. (Copy of the each format is enclosed)

Presentation by Ms. Bharti Birla, International Labour Organization

Ms. Bharti Birla in her presentation focused on ILO convention No. 29 which was adopted in 1930, under which forced labour is defined as 'all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Another ILO convention No. 105 was adopted in 1957 and both conventions were ratified by India.

She said that according to the ILO convention on forced labour there are 11 indicators for identification of forced labour:

- i. Abuse of Vulnerability
- ii. Deception (working conditions, wages, etc.)
- iii. Restriction of Movement (not allowing the persons to go back to native place)
- iv. Isolation

- v. Physical and Sexual Violence
- vi. Intimidation and threats
- vii. Retention of identity documents.
- viii. Withholding of wages
- ix. Debt bondage
- x. Abusive working and living conditions.
- xi. Excessive overtime.

In her presentation she referred to Achievement of India and Challenges Related to Identification.

- National Laws/Legislative provisions prohibited forced labour. Provided adequate penalty effective enforcement mechanism.
- Focus on Identification, rescue and rehabilitation.
- Difficult to Identify and protect victims of force labour.
- Difficult to prosecute and punish perpetrators as there is no deterrent.
- A large no. of potential workers and workers still vulnerable to forced labour.
- Need for effective and comprehensive solutions of progressively eliminated forced labour-Multi stakeholders' responses

While concluding her presentation she gave some key recommendations:

- Focus on prevention: to reduce vulnerability to forced labour-addressing informality and root causes
- Strengthened Laws and Policies
- Macro and Industry-wide and area-based approaches
- Multi-stakeholder partnerships

Mr. Jaco Cilliers, Country Director, UNDP

Hailing from South Africa Mr, John Cilliers while speaking on bonded labour showed some serious concerns towards this problem and expressed the importance to curb the problem in order to save the future development prospects of the country. He stated that *Sustainable Development Goals* have articulated the challenge of bonded labour and Child Labour.

He focused on three things that need to be taken care of:

- issues
- good plan
- action/concrete implementation.

Dr. Omkar Sharma, Regional Labour Commissioner, focused on the Bonded Labour Rehabilitation Scheme and stressed upon enforcement of law, suggesting that conviction of wrong doers is very important. Further he gave an elaborative presentation on the Rehabilitation of Bonded Labour Scheme, 2016. While concluding he suggested Implementation of the act and assistance scheme as:

- Operation of the scheme remains confined to only 18 States.
- Inadequate and unattractive rehabilitation package.
- Lack of flexibility.
- Ineffective awareness generation programmes.
- Summary trials should be done.
- All districts must have NCLP Society.

PRESENTATION FROM STATES/UT's/SHRC

Andhra Pradesh

The representative from the Andhra Pradesh government stated that the government brought one reformative legislation in 2003 under which Children between 5-15 years are entitled to compulsory education and if any

child of the said age is found working, same shall be treated as child labour and for the same parents of the child will be penalized with Rs. 20,000/- fine.

Arunachal Pradesh

The representative from the Arunachal Pradesh Government requested NHRC to organize workshops at Guwahati and Alzawl for sensitization of DMs of all districts and officials about the elimination of bonded labour..

Bihar

The representative from the Bihar Government suggested the following recommendations;

- Release certificates are not in proper format.
- Addition of other essential details in FIR.
- Lack in rehabilitation process.
- Delay in getting central share.

Chhattisgarh

The representative from the Chhattisgarh Government informed that

- No case of bonded labour in our State.
- But, our people get bonded in other States as inter migrant workers.
- Awareness programmes are in operation.

He suggested that Govt. of India should provide funds to conduct national level survey to bonded labour.

Haryana

The representative from the Haryana Government informed that the subject of bonded labour subject is being dealt very seriously and added that the state.

- Revising minimum wages regularly and currently it is highest among the other States of the nation.
- Landmark surveys-
 - a) 2004- 8 vulnerable districts by NGO were covered,
 - b) 2012-13- done by NGOs and Universities, no bonded labour were found in both the cases.

Himachal Pradesh

The representative from the Himachal Pradesh Government informed that in the state:

- Bonded laborers are usually found in textile, horticulture, brick kilns and hydro-electric power plants.
- Bonded labour exists because of extreme poverty Inadequate size of land holdings, natural calamities.

Jharkhand

The representative from the Jharkhand Government suggested few recommendations viz;

- Identification of bonded labour
- Shortage of manpower.
- There must be clear-cut guidelines to be issued to the DMs/ by the DMs.
- Standard procedure for rehabilitation.

Kerala

The representative from Kerala Government informed that the state conducted 41,000 inspections .while making suggestions the representative stated that

- State-level Commission on bonded labour must be constituted.
- District-level Commission on bonded labour.

- Establishment of Helpline for people.
- Social awareness and involvement of NGOs and political system.

Madhya Pradesh

The representative from Madhya Pradesh Government informed that in the state

- 283 bonded labourers have been identified some of which are from Bihar, Chhattisgarh etc.
- Seven types of bonded labour system exist in Madhya Pradesh state.
- Monitoring committee and vigilance committee have been formed.
- Lacs of people are benefitted from Gramin Vikas Yojana, Ladli Laxmi Yojana, Pradhan Mantri Yojana etc.

The state government recommended the following suggestions that:
Labour Officer should be part of vigilance committees at divisional and sub-divisional level.

- Under Inter-State Migration Workmen Act should show the registered under the principal State.
- Selection criteria of NGO should be taken into account.

Maharashtra

The state informed that in the state bonded labour has fallen over the period of time further. The state government recommended the following suggestions that:

- Vigilance Committees may be constituted.
- To make the national portability of workers.

Andaman & Nicobar

The state informed that in the state:

- No reported bonded labour cases were reported for last 20 years.

- Vigilance Committees are constituted.
- Minimum wages are revised twice a year in tune with Cost Price Index.
- Local employment opportunities are tapped.

DAY 2

The Day 2 Session was chaired by Hon'ble Justice D Murugesan, Hon'ble Member NHRC.

Swami Agnivesh, of Bandhua Mukti Morcha criticized the prevailing caste system in our society. He said "Every child is at the same level neither poor nor rich by birth. This discrimination is because of all of us, because of our thinking. The concept of bonded labour exists because of the caste system which prevails in our society". Bonded labour mainly consists of lower caste people like Dalits, SCs, STs etc.

B.R. Ambedkar in Article 23 of the Constitution (dealing with the Fundamental Rights) mentioned, any form of forced labour cannot be accepted, therefore, we should not only revise the Bonded Labour Act but some more acts should be passed in favor of bonded labour for their welfare by taking in mind the demerits of the present act. Rs. 45 crore to 50 crore labourers are working in unorganized sector almost all of these a) do not have years employment guarantee, and b) no minimum wage.

Bonded Labour System is a violation of human rights and not legislative right. New law on minimum wages should be made in accordance to 7th Pay Commission. Today's child labour is tomorrow's bonded labour. Therefore, we need to remove child labour first, then we will be able to remove bonded labour. He suggested some points:

Suggestions:

1. Revise old act or bring new act for the fixation of minimum wages, which should be on par with living wages.
2. Provide equal opportunities in education to eliminate child labour.
3. The facilities and standard of education should be improved in Govt. school to bring them at par with private schools. And, every govt. employee should be compelled to admit their child in the govt. school.
4. Ban alcohol because majority of earnings of the bonded labour is spent on alcohol instead of their necessities.
5. In Core Groups, SDM should be given some authority so that they can get success in this field.
6. Conduct nationwide surveys on bonded labour.
7. Workers of unorganized sectors must be paid minimum wages at par with government employees.

STATES' PRESENTATIONS AND SUGGESTIONS

Uttar Pradesh

The representative of Govt. of Uttar Pradesh informed that there is a large scale of bonded labour persisting in the State.

Majority of bonded labour is working in brick kilns i.e. around 4640. Out of which 450 belongs to other States like, Bihar, Jharkhand, West Bengal etc.

The major challenges faced are poverty- 43% of the population live below poverty line, illiteracy-30.3%, etc.

Due to socio-economic conditions, migration of labourers from east to west exists.

Measures

1. Awareness campaigns in 40 districts.
2. Vigilance Committees are constituted.
3. Regional workshops are conducted.

4. Quarterly State Meetings are held.
5. Meetings are also engaged with the ILO, NHRC etc.
6. Capacity building & training for Vigilance Committees.
7. 1,60,491 brick kiln workers have been covered In the Bonded Labour Act.
8. Signed MoUs with Bihar and Chhattisgarh in relation to information exchanged regarding bonded labour.
9. Rs. 450 Lac has been allowed for the purpose of rehabilitation of Bonded Labour Act.
10. Sensitization & training of PRIs with periodic review of minimum wage.

Suggestions

1. Unified release certificate in both English and Hindi language with details like age, gender, etc. of bonded labour.
2. Clarification needed for recipient of released fund for rehabilitation in such cases where released bonded labourer, before disbursement of the amount, is dead.
3. Released bonded labour should be in the party list of welfare schemes of the Government of India.
4. Need to develop software for tracking, monitoring the bonded workers.

Dr. L. Mishra, Core Group Member, NHRC

Dr L Mishra while speaking on identification of bonded labours recommended following suggestions:

1. Rescue, release and rehabilitation must be done immediately without linking conviction of the perpetrators.
2. Quick prosecution and conviction is needed in the case of released bonded labourers.

3. Full powers are with the DMs u/s 10, 11 and 12 of the Act. Then, they should work in favour of them.
4. Sensitization without conscientization is meaningless.
5. No point in conducting a survey without having a proper questionnaire, sensitization, definite teams etc.

Shri A K Sahu, Special Rapporteur, NHRC

Child Labour, Bonded Labour and trafficked labour are inter-related so a comprehensive approach is required to eliminate them.

Suggestions:

1. MNREGA should provide employment to those who are working in seasonal jobs like for 3-6 months of sowing the farms. Then, for the remaining months, they should be provided employment for their livelihood.
2. Poverty alleviation measures should be taken.
3. The infrastructure of Gram Panchayats are not well. The administration of Gram Panchayats should be improved, so that they can work in their favour and can take measures as mentioned..
4. Vocational training should be provided for youth.

Odisha (Smt. Rupa Mishra)

The representative of the state informed that till date, 5,413 bonded laborers have been identified in the State and 727 cases have been registered.

Measures:

1. 11 districts have been identified for different labour issues.
2. 1513 GPS have been identified and placed.
3. 546 labourers have been rescued.
4. MoU with Odisha and southern states have been signed.

5. 5 migrant desks are proposed to be set up at Delhi and other in southern states.
6. Immediately after preliminary pay, partial payments are made under MGNREGA.
7. District monitoring Committees everywhere in the State.
8. NCLP are not everywhere in Odisha but still it exists in most of the districts.

Suggestions:

1. Panchayati Raj System should take this subject very seriously.
2. Many times State Government is not aware how much money is there in the funds they have received from the DMs.
3. Inter-State collaborative framework should be established.
4. Workers working in construction works should be provided all kinds of medical facilities. In case of their death, their families should be provided these facilities. And if they died of any construction works, they should be compensated for that.
5. National Child Labour project fund should be used for bonded labour.

Pondicherry

The representative of the state stated that there are no NCLP in Union Territories and requested for their establishment in UT's as well. Further he requested for the provision of funds to the Union Territory. He expressed the problem faced by the Government in Migrant Workers Areas.

Punjab

The representative of the state explained the measures taken by the state in curbing the problem of bonded labour:

Measures

1. Payment of wages through cheques and bank accounts

2. Under the Minimum Wages Act, we are proposing to bring an amendment to include categories of workers, particularly, teachers.

Suggestions

1. Review meetings should be held every 3 months.
2. State Government should monitor how much money districts have received and how much is their demand for money.
3. After 6 months all districts have to submit their report and the State which is not submitting its report should not be allotted funds.
4. There should be Labour Welfare Fund.
5. Separate seminars should be held to educate the brick kiln workers and stone crushers to aware them and also sensitize the owners.
6. Corporate Social Responsibilities of the industries should be tapped.

Rajasthan, Rajat Mishra, Principal Secretary (Labour)

The representative of the govt. of Rajasthan stated that, it is the receiving State of bonded labour which generally works in construction, bangle factories, brick kiln etc.

Measures

1. 103 meetings have been held.
2. In 29 districts, NCLP has been constituted.
3. Surveys are conducted but they are not up to the mark.
4. Conducted special Gram Sabhas to find out the lowest categories, who are fighting for livelihood.
5. Started a counselling centre for bonded labourers after they are rescued at State Level.
6. Issued Bhamashah Card to 65 lac poor families to ensure medical facilities for them.

Suggestions

1. As the biggest issue is the communication gap in the field, an on-line open access self-teaching course for DMs, ADMs etc. can be created. An on-line test should be held within 15 days after the completion of the course.

Tamil Nadu

The representative of the Govt. of Tamil Nadu stated that the no. of forced labour and bonded labour has come down drastically.

Measures

1. Awareness programmes and sensitization for our officers have been conducted.
2. Minimum wages are paid to them.
3. Under the construction welfare board, same benefits are given to local and migrant workers. We are giving Rs. 5 lac to all the registered workers even if they are from the other States like Bihar, UP etc.
4. Multi-lingual helpline is available.
5. Dormitory constructed and Amma canteen at construction site is available.
6. Transport cost to children is available so that they can continue with their students.
7. Hospitals on wheels in 3 districts.

Suggestions

1. Insurance for life, health etc. should be made available because lack of funds push them in debt bondage.
2. Uniform toll-free helpline number across country should be made available.

Telangana

The representative of the state of Telangana informed the measures taken by the government till date:

Measures:

1. To decrease the migration from the State various schemes have been introduced- tanks, land-based schemes, self-employment schemes are introduced.

Suggestions:

1. Rehabilitation
2. Collaboration between multiple departments like Revenue Department, Police, etc.
3. Youth between 15-18 years are brought under NCLP but no scheme has been made for mainstreaming them.

West Bengal, Javed Akhtar Labour Commissioner

The representative of the state of West Bengal informed the measures taken by the government till date:

Measures

1. Vigilance Committee in all districts have been constituted.
2. Same benefits for local and migrant workers.
3. Corpus fund of Rs. 10 lac each is proposed for the next budget.
4. NCLP in all districts are running smoothly.

Suggestion

1. Awareness generation programmes should be conducted.

Delhi

The representative of the NCT of Delhi, informed the measures taken by the government till date.

Measures

1. 385 rescued operations have been done. 2076 bonded labourers have been rescued. 366 establishments have been sealed and employers have been arrested.
2. Rehabilitation packages have been given to the parents and children.
3. Helpline for general labour is also started.

4. Children engaged in child labour are taken to the CWC.

After the presentations during interactive session, the Hon'ble Member Justice Shri D. Murugesan stated that it is important to have *faith* in the District Magistrates. False claims may also be there under the new scheme and the *restriction of convictions* in the new scheme should not defeat the very purpose of the Act. Before the new scheme, provisions of funds were within the domain of District Magistrates/ Government as to their share only and now the things *rests* with the Central Government. The States of Tamil Nadu and Madhya Pradesh are dependent on the *judicial courts* for the verdict on the issue of bonded labour. This issue could be discussed with the Ministry of Labour in the Core Group Committee. During the session, the Hon'ble Member deliberated upon *intention of the Parliament* while enacting the Act and in particular on *Rule 7 of the Act*. As per the Rule, the *Register* is to be maintained but none of the District Magistrates are maintaining the Register. At least from hereafter, District Magistrates should make the register, take this message and inform their colleagues to maintain register as per Rule 7. He then asked from the participants as to in how many cases, legal assistance was provided to the victims under *Section 14* of the Act but no one replied. *Prosecution* must be launched in all cases where Bonded Labourers are rescued and release certificates are issued, and this is all the more important because of the new scheme. If prosecution is not launched, the victims who are exploited persons will get nothing. Under *Section 15*, the burden of proof is on the employer. The District Magistrate is *Chairperson* of the Vigilance Committee and this is backbone of the Act. Maintain the Register, *make entries* even if no bonded labour is there as this will help in conducting further surveys. Food, education and nutrition are related to *right to life*. The children

at the workplace as per *Article 21A* of the Constitution of India are entitled for free and compulsory education. Statements of the labourers should be recorded *separately* and not in the presence of the employer. The *women* victims and the *children* are to be asked specifically on physical and *sexual exploitation*. Actions under *IPC, Child Labour Act, POCSO, SC/ST Act* are to be taken as the case may be. This will not come in the way to the newly centrally scheme. Record address of the victims and their native place, record their background and the reasons under which they have migrated. The rehabilitation *package* is to be drawn carefully. Contractors are taking people to different places like selling the human beings. The NGOs are giving complaints. Vigilance Committees are not doing their job and the officers are proceeding with negative mindset. The victims during rehabilitation are to be extended benefits under MANREGA, Swachh Bharat Abhyan and loans for different industries. Just cutting the branches is not going to solve the problem, cut the roots, which are the contractor and the employer. District Magistrates/ Field Officers/ Vigilance Committee Members are *reluctant* to prosecute the employer/ contractor/ middle men. No efforts are being made to catch hold of the *contractor*. He will ultimately *escape* and will take along other set of people. The officers therefore, should have the details of the contractors. It was further pointed out that under the Minimum Wages Act, only the Labour Department can verify the facts. While assisting the District Magistrate/ Sub Divisional Magistrate or the Vigilance Committee, the Labour Department though do not have direct role but by implication, role of the Labour Department is very important and the inspection report of the labour officer has the *evidentiary value*. The Labour Officers can also recommend to the District Magistrate for action to be taken on violation of other laws.

While speaking on the role of police in the case of bonded labour, the Hon'ble Member highlighted the instances of *other offences* warranting police action and investigation. The presence of *police* in the inquiry team may instill fear amongst the employers who commit offences. While answering the point raised as to whether the element of bonded debt is compulsory as in the Act, the Hon'ble Member responded by saying that read the Statement and Object of the Act. Advance is not *merely* cash, even a promise will do. The field officers/ District Magistrates/ Vigilance Committee Members have to see intention of the Parliament as it is not the one time act. He further stated that take care of Section 2 (g) (V) related to caste and community. While citing the cases of Bartan system in Odisha, he stated that here the bondage is by *old age customs* where no cash advance or debt is there. The victims are *forced* to perform certain rituals. Hence, the definition of debt cannot be read restrictively.

On the question of *stay of the victim* during the course of inquiry, the Hon'ble Member apprised that it is the duty of the District Magistrate to provide shelter to the victim, transport and security. At the end, the Hon'ble Member thanked all the participants for taking active part in the deliberations in a meaningful manner.

PROCEDURE / GUIDELINES ON IDENTIFICATION AND RESCUE OF ALLEGED BONDED LABOURERS

The District Magistrates or the Sub Divisional Magistrates as the case may be on receipt of complaints should follow the following points while undertaking the enquiry under the provisions of Bonded Labour System (Abolition) Act:

1. Whether the Employer has obtained a license to run the Unit from Competent Authority or not? If obtained, the details thereof. If not, the action to be taken against the employer as per extant law.
2. Whether the Employer has followed all the provisions contained in the Minimum Wages Act, 1948 and the Rules made there under or not Amount of wages paid to each of the labourers.
Is it in conformity with the notified minimum wages?
3. To collect the legible copies of wages register, muster roll, wage slips, copies of Registers required to be maintained under various labour legislations (Payment of Wages Act, Contract Labour (Regulation & Abolition) Act, Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act.
4. Whether the labourers were employed directly or through an agent/Thekedar/Contractor and whether such an agent obtained a licence under the law or not?
5. To record the statement of the individual labourer (not in the presence of the employer).
6. To record the statement of the employer (in the presence of the labourers).
7. Total number of labourers, male, female, child with age.
8. Total number of Inter State Migrant labourers.
9. Total number of Inter State Migrant labourers from Nepal, Bangladesh and other similar countries, if any, details thereof and action taken for their deportation through the concerned Foreigners Regional Registration Officers.
10. Whether the recruiting agents have obtained a licence under the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979.
11. Whether the Principal employer has obtained a Registration Certificate under the Act or not.

12. Whether the Employer paid benefits under the aforesaid Act and the Rules made there under or not.
13. To verify any offence had been committed under the provisions of the Acts like IPC, POSCO Act, JJ Act, SC/ST Act, etc., and if so, take action against the employer under the provisions of the above Acts.
14. Whether the labourers have been provided with basic amenities like Health care, Food, Water, Sanitation / toilets, proper accommodation, etc., by the employer?
15. Whether the labourers are allowed to freely move out from the workplace.
16. Whether the labourers are allowed to have access to family members / relatives and civil society.
17. Whether the children are provided the education by the parents / employer, if not what action has been taken to provide the education
18. To recover a sum of Rs.20,000/- from the employer in favour of each of the Child Labourers.
19. To immediately record the above details in the proforma annexed to these guidelines.
20. To keep in mind provisions of Section 15 namely, burden of proof which states "Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.
21. To ensure the monetary relief to be provided to the rescued bonded labourers, under various other enactments like SC/ST (PoA) Act.

Proforma on Identification and Rescue of Bonded Labourers

Particulars of identified and rescued Bonded Labourer to be recorded by the Vigilance
Committee

I. PARTICULARS OF LABOURER

- i. Name of the Labourer:
- ii. Name of Father / Mother/Spouse
- Hi. Male/Female/Transgender/Child
- iv. Age:
- v. Whether SC/ST
- vi. Whether special / other category' Y/N
- vii. Whether physically disabled: Y/N
If yes, details thereof:
- viii. Permanent address of the Labourer :
 - (a) Village with house No. if any:
 - (b) Taluk:
 - (c) Block:
 - (d) District:
 - (e) State:
- ix. Aadhar / Voter I.D / BPL Card No. (if any available):
- x. Bank Account Details:
- xi. Mobile number/numbers, if any:

**Special/Other category as specified at para 5 (iii) and 5(iv) of this scheme*

II. PARTICULARS OF LABOUR:

- i. Nature of Labour:
- ii. Duration of Labour

III. PARTICULARS OF EMPLOYER

- i. Name and Address:
- ii. Name of Father / Mother/Spouse
- iii. Occupation:
- iv. No. of bonded labourers under the Employer:
- v. Aadhar No. :
- vi. Whether the Employer has obtained a license to run the Unit from Competent Authority or not? If obtained, the details thereof. If not, the action to be taken against the employer as per extant law.

- vii. Whether the employer is maintaining the wages register, muster roll, wage slips, copies of Registers required to be maintained under various labour legislations (Payment of Wages Act, Contract Labour (Regulation & Abolition) Act, Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act.

IV. PARTICULARS OF CONTRACTOR

- i. Name and Address:
- ii. Name of Father / Mother/Spouse
- iii. Occupation:
- iv. No. of bonded labourers , their names and addresses under the Contractor:
- v. Aadhar No.:
- vi. Whether the Contractor has obtained a license under the law or not? If obtained, the details thereof If not, the action to be taken against the Contractor as per extant law:
- vii. Whether the Contractor is maintaining the records required to be maintained under the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act:

V. WORKING CONDITIONS:

- i. Wages agreed upon by the Employer:
- ii. Wages paid in kind (per day / week/ month/year):
- iii. Wages paid in cash (per day / week/ month/year):
- iv. Any other non-cash / kind benefit given by the employer:
- v. Details of the Punishment for absence or slackness in work:
- vi. Daily hours of work:
- vii. Weekly off — Day and Days in a month:
- viii. Details of Medical Examination at workplace:
- ix. Whether physically / sexually assaulted at workplace:
- x. Details of services and basic facilities available to the labourers and their family at the workplace

VI. NATURE OF BONDAGE [in lieu of advance / debt]

- i. Amount of loan / Advance received (cash / kind):
- ii. Rate of Interest
- iii. Purpose of borrowings:
- iv. The borrower and his relationship with the bonded labourer (wherever is applicable)
- v. Mode of repayment:
- vi. Period of work for the loan taken:
- vii. When will the loan get repaid along with interes

VII. OFFENCES FOUND TO HAVE BEEN COMMITTED AND ACTION TAKEN THEREOF.

VERIFICATION

It is certified that the facts stated are true to the information provided by the rescued bonded labourer / employer which have been read over and explained to the rescued bonded labourer / employer in their mother tongue:

Signatures of District Magistrate /
Sub Divisional Magistrate

Signature/Thumb impression of the bonded labourer

Signature/Thumb impression of the emplOyer

Date:

Place:

Case No:

A colour passport
signed photograph
of the bonded
Labour released
should be pasted in
the box

RELEASE CERTIFICATE

ORDER UNDER SECTION 12 OF THE BONDED LABOUR SYSTEM (ABOLITION) ACT 1976

On verification under the provisions of BLS (Abolition) Act, 1976 Shri/Smt.
_____ Age _____ s/o/w/o _____
belonging to the _____ community, presently residing at _____
village, of _____ Taluk in _____ District _____ State
_____ and permanent resident of _____ has been found to be a
bonded labour on _____ at _____ owned by Shri
_____. He/she is hereby declared free of all his/her
obligations _____ and _____ debt _____ liabilities _____ to
Shri/Smt. _____ s/o _____ of _____ village
in _____ District.

The Personal particulars of the released bonded labourer are as under:-

1. Name:
2. Name of Father/Mother/ Spouse:
3. Age:
4. Caste SC/ST/OBC
5. Identification Mark
6. Whether special category*: Y/N

If yes, details thereof:

7. Whether physically disabled: Y/N

If yes, details thereof:

8. Address where bonded labour is identified:

9. Male/Female/Transgender/Child .

10. Voter I.D/ BPL Card/ Aadhar No. (if available):

11. Ration Card/Labour Card No.:

12. Jan Dhan a/c No. with IFSC code:

13. Address of Bonded Labourer

14. Name of the Employer

15. Aadhar Card No. of Employer:

16. Address of Employer:

17. Details of immediate financial assistance paid and other relief provided:

18. In case of child, whether a sum of Rs.20,000/- has been recovered from employer and whether the amount together with State share has been credited to the Child Welfare Fund to be maintained by the District Magistrate:

19. Details of criminal cases registered against the employer and the details thereof:

20. Amount of Debt extinguished u/s 6:

21. Extent and nature of property freed u/s 7, if any:

22. Place, District and State for rehabilitation.

23. The date the Release Certificate is forwarded to the source State:

** Special/other category as specified at para 5 (iii) and 5 (iv) of this scheme*

"Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority, medical authority is Hospital funded by Central or State Government.

Given under my hand and seal on _____

Signature

Name

District Magistrate / Sub Divisional Magistrate

District..... State.....

Seal

Signature/ Thumb impression of Bonded Labourer

Signature/ Thumb impression of Employer

Copies in bilingual to:- Labourer, Chief Secretary, Labour Commissioner, District Magistrate of
Domicile State, M O L.E & NHRC

GUIDELINES TO BE FOLLOWED IMMEDIATELY AFTER THE RESCUE AND ISSUANCE OF RELEASE CERTIFICATE

1. Release of immediate financial assistance as per the Central Scheme of 2016.
2. To ensure the necessary prosecution of the employer both under the Bonded Labour System (Abolition) Act, 1976 and other penal provisions (as and when required).
3. To ensure the recoveries of arrears of wage from the employer.
4. To ensure that the victims are provided immediate health check up and follow up treatment, if required.
5. To ensure the education of the children.
6. To ensure the forwarding of the release certificate to the District Magistrate of the source District.
7. To ensure immediate food, shelter before being transported to their native place.
8. To make aware the rescued and released bonded labourer of his/her entitlement for various social welfare measures both under Central/State Schemes.
9. To ensure safe transportation of the victims to their native place for rehabilitation by the jurisdictional District Magistrate.

NATIONAL HUMAN RIGHTS COMMISSION
NATIONAL SEMINAR ON BONDED LABOUR 2017
RECOMMENDATIONS

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA

A) Central Sector Scheme Of 2016

- 1. Creation of Corpus Fund:** The Central government must issue directions to the State Governments to maintain corpus fund for providing Immediate finance for rehabilitation at all district levels which will be utilised directly for the aid of the released bonded labourers.
- 2. Revision of National Minimum Wages:** The Central Government should adopt scientific method to ascertain minimum wages. Minimum wages should be fixed of Rs 300 per person in every State for unskilled labour and maximum of Rs 600 per person as per the Seventh Pay Commission. The Minimum wages paid to the labourers shall be periodically revised to create an atmosphere that would focus on the growth and welfare of the labour force in India. Further the law should also incorporate the concept of living wages in labour laws.
- 3. Release of Payment:** The Central Government shall issue proper directions relating to release of payment under Clause 6.2 and Clause 6.3 of the Central Sector Scheme of 2016. Whether the conviction is an essential condition which needs to be fulfilled for disbursement of assistance or the final disbursement shall be made upon the proof of bondage and other legal consequences as per the judicial process needs to be elaborated by the Central Government.
- 4. Linkage of the Welfare Schemes:** The Rehabilitation package has been revised with effect from 17th May 2016. However the benefits such as land development, allotment of the agricultural land to be linked with other government welfare schemes.

5. **Digitalizing Funds Transfer:** Adoption of technology especially in the digital age to provide transfer of funds for relief and rehabilitation would bring transparency and accountability in the usage of funds.
6. **Implementation of Scheme-** The Central Government shall see that the Central Sector Scheme for Rehabilitation of Bonded Labourer-2016 should be implemented in each State/Union Territories in its letter and spirit.
7. **Creation of National Level Task Force:** The National Level Task Force should be created on the sole purpose of abolition of bonded labour in India. The function of the task force initially would be to examine the obstacles and the challenges in the implementation of the Act and Rules of 1976 and Scheme of 2016. The task force may enable to make appropriate recommendations to the various issues of bonded labour.
8. **Rehabilitation Package:** A comprehensive rehabilitation package should be included in the scheme of 2016 indicating all social welfare schemes which can guarantee transparency and access should be available to the released bonded labourers.

B) Bonded Labour System (Abolition) Act And Rules of 1976

1. **Guidelines on Section 21 of the Bonded Labour System (Abolition) Act 1976:** Section 21 of the provides that the offences under the said Act^t be tried by the Executive Magistrates who would be conferred the powers of the Judicial Magistrate and, on such conferment of powers, the Executive Magistrate on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974), to be a Judicial Magistrate of the first class, or of the second class, as the case may be. Notification under Section 21 of the Act of 1976 to be issued conferring powers on the Executive Magistrates to conduct Summary Trial in a time bound manner.
2. **Quantum of punishment:** The Act should be effectively implemented which will ultimately lead to more convictions of the creditors and

middlemen who not only infringes the basic human rights but also destroys the dignity of labourers.

THE STATE GOVERNMENT'S

- 1. Creation of Corpus Fund:** The State Government and Union Territories should create and maintain corpus fund for providing immediate finance for rehabilitation at all district levels which will be utilised directly for the aid of the released bonded labourers.
- 2. Conducting Surveys:** The State Government shall conduct surveys on bonded labourers half-yearly to know the number of bonded labourers in their State, the reasons for their being in bondage and also understand the reasons for inter-state migrants workers becoming bonded labourer.
- 3. Registration of Migrant Workers And Contractors / Agents / Middle Men:** Migration of workers is a phenomenon where the search for labour is the source of survival. Identification of migrant workers is difficult due to lack of effective procedure of registration. The State Government should take effective measures to register the migrant workers by issuing identity cards at the source State and also their destination State (or place of work). The State Government should also take proper measures for registration of which contractors/agents/middlemen in order to make them accountable.
- 4. Sensitise People/Employer on the Issue of Bonded Labour:** There is a need to sensitise people to the evils of bonded labour in our society. The State Government along with a participative citizenry needs to address the challenges and work towards a solution to eradicate bonded labour. All the employers shall be sensitised about the Bonded Labour Act/Schemes and the various programmes.
- 5. Prevention and convergence model:** Multi-stakeholders response is needed from the Central Government, State Government, NHRC, SHRC, NGOs and other social actions groups to participate in the

discourse, decision-making and implementation of solution to the common goal of eradication and abolition of bonded labour.

- 6. Medical Check-up of Released Bonded Labourers:** Proper health screening of the released bonded labourers should be done at Government Hospitals. The report of the medical health check up along with all necessary details should be attached with the release certificate.
- 7. Released child bonded labourers or children of released bonded labourer shall be admitted in schools immediately after their rescue.**
- 8. Vocational Training and Skill Development:** The State Government should start programmes that would ensure proper vocational training and skill development to the released bonded labourers and their families at district level. Vocational Training and Skill Development would ensure economic opportunities to the released victims. Adequate funds be made available for skill development of released bonded labourers and potential bonded labourers.
- 9. Training of District Magistrates:** There is a need to prepare and conduct an effective Training Programme to train the concerned field officers i.e District Magistrate/SDM of each state through coordinated and coherent action. The training must be carried out by administrative training institutes. Online course for 5 days duration be inculcated in the training programme within one month of joining as District Magistrate in the district.
- 10. Release Certificate:** Release Certificate issued by the State should be standardized in all States and Union Territories. The Release Certificates should be in a specific Performa and should provide all the details of the released bonded labour. It is mandatory that while issuing the release certificates in respect of bonded labour to affix the photographs to each of the released bonded labourer along with full permanent address for accurate identification at his/her native place at a subsequent date within this period.

- 11. Financial Assistance to the Released Bonded Labourer:** The released bonded labourer be given financial assistance by the designated district magistrate and balance financial assistance funds/package be given by the District Magistrate of the home State.
- 12. Rehabilitation of the Released Bonded Labourers:** The State Governments should ensure that necessary and effective steps are taken to rehabilitate the victims.
- 13. Filling up Vacancies in the State Labour Department:** The Commission has come across that on account of large vacancies in the State Labour Department, the inspections are not being carried out. The State Government's shall ensure to fill up all the posts of labour inspectors in the department lying vacant for better enforcement of labour laws.
- 14. Compliance of Sustainable Development Goals:** In light of Goal 8 of the SDG immediate and effective measures needs to taken to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour. Promotion of labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment needs to undertaken.
- 15. Multilingual Help Line Number:** There should be a multi-lingual helpline number. So that bonded labour cases can be reported directly from all over India and effective action can be taken accordingly.
- 16. Inter-State Education Scheme:** Inter-State Education scheme shall be initiated by the State Governments where the children of the migrant workers can continue their education. This Scheme can coordinate between the source state and the destination state (of place of work) and facilitate the right to education of the children of the migrant workers.
- 17. Open counselling Centre at District/State Level:** Counselling Centre shall be opened at the District Level and State Level to provide

assistance to the bonded labourers, released bonded labourers and potential bonded labourers. The Counselling Centre should have psychological and other experts to provide proper guidance to the victims.

18. Creation of Data Base and Online Portal for Bonded Labourers

: Data based should be created for identifying bonded labourers and potential bonded labourers. The data base would ensure coordination amongst the States. In fact the data base will facilitate information flow among all the States amongst each other. With the rise of cases of bonded labour the data base will integrate knowledge and information in addressing the menace of bonded labour. The data base can be prepared with the assistance of professional research organisation. The data can base shall be online and also be linked through GPS.

19. Review Meeting with the State: Review Meeting of the all stake holders should be held within 3 months. This review meeting would ensure understanding the various issues of bonded labour and work towards a solution oriented approach to eradicate bonded labour.

20. Accountability of all stakeholders: Accountability of Stakeholders Involved in the abolition of bonded labour shall be clearly defined and will be fixed for effective Implementation and monitoring.

MISCELLANEOUS

1. Strict Vigilance: Strict vigilance should be maintained towards the occupations that are more prone to bonded labour, for instance, rice mill, brick kilns, etc. Licenses should be provided to the contractors/ middle men in order to prevent any kind of bonded labour. Moreover the vigilance committees should be more pro-active on such industries through vigilance committees and shall make effort to prevent and protect the bonded labourers.

2. Aadhar for Identification: Inter-State Migration have thrust the problem of bonded labour and identification of bonded labour needs to be done by the inclusion and usage of Aadhar Identification number.

3. **Social Awareness:** social awareness and sensitization about the Act amongst all state holders/DM's/SP's/Local administration at the grass root level.

4. **Regional Workshops in North-Eastern States:** Regional workshops to be conducted in North-Eastern States either at Guwhati or Aizwal.