

# MINISTRY OF LABOUR & EMPLOYMENT

ACTION TAKEN REPORT ON RECOMMENDATIONS CONTAINED IN THE REPORT (YEAR 2002) OF A STUDY TITLED PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTES BY SHRI K.B. SAXENA COMMISSIONED BY NATIONAL HUMAN RIGHTS COMMISSION.

<p><b>RECOMMENDATIONS</b> <b><u>NO. -52</u></b></p>	<p>Scavenging and sanitation workers engaged in households, private establishments, and other places, whether on a full time or part time basis, other than those appointed to regular posts in Government establishments or otherwise covered by a wage structure, should be brought within the ambit of Minimum Wages Act, so as to eliminate their acute exploitation. Ministry of Social Justice and Empowerment may take up with the Ministry of Labour on a top priority basis.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>The Scheduled Employment of Sweeping and Cleaning excluding Activities prohibited under Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was added in the schedule of Central Sphere vide Notification. No S.O. 1573 (E) dated 3<sup>rd</sup> November, 2005. The minimum rates of wages fixed are equally applicable for workers on contract basis. Rates fixed by Central sphere are applicable to establishments under Central Government.</p>

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-63</u></b></p>	<p>Enforcement of various labour laws, such as those relating to bonded labour system, minimum wages, equal remuneration, child labour, inter-state migrant labour, which have a bearing on the violence committed against the Scheduled Castes needs to be assigned high priority. The performance should also be intensively monitored at the Central, State and District levels. Ministry of Social Justice and Empowerment should associate itself with such monitoring at the central level, if it is already being done by Ministry of Labour particularly in respect of atrocities prone States. State Secretaries in charge of SC welfare should do likewise in respect of atrocities prone districts/areas in their States.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>The Minimum Wages Act, 1948 does not allow discrimination between caste, creed, colour or race. In other words, the wages for workers in the scheduled employments fixed by the appropriate Governments are equally applicable to both men and women irrespective of their social groups.</p> <p>Awareness regarding bounded labour system, minimum wages, equal remuneration, child labour, inter-state migrant labour which have a bearing on the violence committed against the Scheduled Castes have been taken on high priority and Central Board for Workers Education, Nagpur conducts various training programmes for giving awareness to these workers.</p> <p>Regular inspections are conducted by the field officers of Chief Labour Commissioner (Central) organization in their jurisdiction of Establishment falling under Central sphere. For remaining Establishment respective State Governments officials conduct inspection.</p>

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-65</u></b></p>	<p>The Machinery for enforcement of above labour laws needs to be strengthened for intensive coverage and activated thorough training and appropriate capacity building, particularly in respect of atrocities prone districts. Trade unions, NGOs, social activists should be involved for organizing labour and helping them avail of benefits to these laws. <u>Legal aid should be mobilized in needy cases for this purpose.</u> Ministry of Social Justice and Empowerment should take initiative to push up these measures with State Governments/Ministry of Labour.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>The enforcement of the provisions of the Minimum Wages Act, 1948 has been prescribed under provisions of the Act. It is secured at two levels. While in the Central Sphere, the enforcement is secured through the officers of the Central Industrial Relations Machinery (CIRM), the compliance in the State Sphere is ensured through the State enforcement machinery. The officers of these machineries are appointed as Inspectors under the provisions of the Act. They conduct regular inspections and in the event of detection of any case of non-payment of minimum wages, they advise the employers to make payment of the shortfall wages. In case of non-compliance of advices of inspectors, there are the provisions of prosecutions also in the Act against the defaulting employers.</p> <p>V. V. Giri National Labour Institutes, Noida, Uttar Pradesh conducts training programmes regularly for enforcement machinery of Labour Laws and programmes for capacity building for Trade Unions, NGOs and Social activists for organizing the labour.</p> <p>The trade unions, NGOs, Workers Organization, Social Activists are generally involved in conducting the programmes of the Central Board for Workers Education, Nagpur. Training to the representatives of these agencies are also imparted by the Board at National &amp; Regional level to mobilize the legal aid.</p>

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-66</u></b></p>	<p>States may identify endemic areas, which supply child labour from SC families. These areas are also likely to have high incidence of bonded labour system and would also be pushing a large number of unorganized labour outside the State on migration. Such pockets would most certainly have low wage levels. As these features are linked to high levels of poverty and exploitation, these areas are most likely to be prone to higher incidence of violence against SCs as well. An integrated programme of enforcement of labour laws, employment generation and poverty alleviation may be drawn up for such areas in which village &amp; block Panchayats may be actively involved. Ministry of Social Justice and Empowerment may liaise with Ministry of RD and State Government in preparation of projects for such an integrated programme and allocation of funds for them. It should monitor the pact of these measures on the incidence of violence against SCs.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>The Central Board for Workers Education, Nagpur is conducting specialized awareness training programmes for Child Labour of Scheduled Castes families at village and block level to generate the desired awareness among them to know their rights and entitlement under various labour laws and welfare schemes launched by the Central/ State Governments for their amelioration. The Central Board for Workers Education, Nagpur is actively involving Panchayats &amp; NGOs. Maximum number of special programmes for SC/ST is conducted in the Blocks where SC/ST population is more than 40% in which child labours are also included.</p>

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-67</u></b></p>	<p>The occupations, which employ large number of SC labour, but have not yet been brought within the ambit of Minimum Wages Act may be included in the schedule to provide protection to them with regard to wages and working conditions. Ministry of Social Justice and Empowerment may pursue this matter with Ministry of Labour and State Governments. Necessary survey of such occupations may be carried out for this purpose if no information exists on the strength of such labour.</p>
<p><b>ACTION TAKEN REPORT</b></p>	

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-72</u></b></p>	<p>Ministry of Labour, in consultation with Ministry of Social Justice and Empowerment and Tribal Affairs should sponsor a study on State-wise status profile of released and rehabilitated bonded laborers and those released but not rehabilitated within a specified time frame so that rehabilitation of bonded labourers released earlier, but not yet been assisted and those who have relapsed into bondage due to unsatisfactory rehabilitation efforts may be taken up on priority with the help of National Human Rights Commission which is already pursuing this aspect. Necessary inputs for more effective implementation of the programme in future could also be provided on the basis of this study.</p>
<p><b>ACTION TAKEN REPORT</b></p>	

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO.-78</u></b></p>	<p>Where SC children are employed in occupations permitted by Law, Ministry of Social Justice and Empowerment apart from liaising with Ministry of HRD for extending <u>Sarva Shiksha Abhiyan to cover such children</u> through innovative schooling programme suitable to the situation of the child labour of the area, take up with State Governments and Ministry of Labour or vigorous enforcement of the Act. It may mobilize NGOs working in these areas to extend certain services to SC children such as protection against abuse, counseling, elementary health care, supply of protective gear, non-formal education, emergency help in case of accident etc. necessary financial assistance may be provided to such NGOs should also be asked to seek help of labour enforcement agencies in regulating the working conditions of such child labour according to law.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>The Central Board for Workers Educations gives financial assistance to NGO through Grants-in-aid for training programmes to improve the working condition of child labour according to law. The details of Sarva Shiksha Abhiyan are invariably discussed during the special programmes for child labour and parents of child labour.</p>

<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO. -82</u></b></p>	<p>Ministry of Social Justice and Empowerment in cooperation with Ministry of Labour should identify areas where SC girl children are employed in home based industries, agriculture and allied occupations. Such girl children are not covered under the existing law on child labour. Ministry of Social Justice and Empowerment should prepare innovative projects for their rehabilitation and implement them under its ongoing scheme for low literacy pockets of the girl child by suitably expanding its objectives. Under such projects, welfare schemes for the girl child implemented by other Ministries may also be dovetailed. These projects should also focus on ways to correct gender based inequities in treatment of child labour within the family and outside.</p>
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<p><b><u>RECOMMENDATIONS</u></b> <b><u>NO. -88</u></b></p>	<p>A labour catchment area development programme may be initiated to target those areas that push a large number of labourers to other States in search of work. Appropriate package of development measures may be implemented to remove condition, which forces labourers from these areas to migrate. Ministry of Social Justice and Empowerment with the help of Ministry of labour may identify such areas from where SC labour migrates, get projects prepared and pro-actively work to get them included in the Special Component Plan of the concerned State Governments and sectorial programmes of concerned Ministry for implementation.</p>
<p><b>ACTION TAKEN REPORT</b></p>	<p>To reduce the migration of labours, the Central Board for Workers Educations motivates the workers to form the SHG and other income generation activities and guide them towards self employment.</p>