

National Human Rights Commission

Manav Adhikar Bhawan

New Delhi

Enquiry Report

Sub: Rescue and release of Bonded Labourers (146) in District-Jhajjar, Haryana.

1. Preliminary :-

- (a) Name and address of the complainant : Sh. Karan Paul, Project Manager of "Udaan Project of Humaari Umeed" No.312, Mayur Vihar, Phase-2, New Delhi-110091.
- (b) Date of incident : NA
- (c) Place of incident : "S.S Brick Kiln", owned by Hawa Singh & Anand, Village-Bamnoli Jaunti Border, Bahadurgarh
District-Jhajjar (Haryana).
- (d) Date of complaint received in NHRC : 30.04.2014

- (e) Date of Commission's : 01.05.2014
direction for spot
investigation
- (f) Date of receipt of file in the : 05.05.2014
Investigation Division
- (g) Dates of investigation : 07.05.14 to 09.05.14
- (h) Places visited : District-Jhajjar (Haryana).
- (i) Name of the I.Os : O. P. Vyas, Asstt Registrar(Law)
Y.C. Mishra, Inspector
Rajendra Singh, Inspector

2. Allegations in Brief :-

One Karan Paul, Project Manager of "Udaan Project of Humaari Umeed" No.312, Mayur Vihar, Phase-2, New Delhi-110091 in his petition has alleged that more than 35 families of labourers, are being held as bonded labourers in a brick kiln owned by Hawa Singh & Anand, "S.S Brick Kiln", Village-Bamnoli Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). It has also been alleged that they are being exploited and assaulted by the brick kiln owners. They have not been paid their wages. A prayer has been made for their rescue from bondage.

3. Directions of the Commission:-

The Commission upon consideration of the matter vide proceedings dated 01.05.2014, directed as under:-

“ The Bonded Labour Cell of the Commission, is directed to constitute a team of officers both from the Investigation Division and Law Division for on the spot enquiry for identification of the bonded labourers ,if any and to take further action in accordance with the provision of law. The team is authorized to take assistance from the Deputy Commissioner, Jhajjar for taking along an Executive Magistrate subordinate to him and competent to take action under the Bonded Labour System (Abolition) Act”.

Pursuant to the aforesaid directions of the Commision, a team of officers consisting of (1) O. P. Vyas, Asstt Registrar (Law), (2) Y. C. Mishra, Inspector and (3) Rajendra Singh, Inspector was constituted both from the Investigation Division and Law Division for the spot enquiry in the matter.

4. Issues involved :-

- a) Total number of labourers working at the brick kiln, how many belongs to SC/ST/OBC?Whether the provisions of SC/ST Act are followed?
- b) Whether the labourers mentioned in the complaint and other labourers are kept as bonded labour at brick kiln?
- c) Whether minimum wages are being paid to the labourers in the conformity with the notified rules framed under Minimum Wages Act?
- d) Whether the kiln owner maintaining the books of accounts, wages register, Muster roll, Wages slips, copies of Registers required to be maintained under various labour legislations (Payment of Wages Act)?
- e) Whether the labourers took any advance from the brick kiln owner?
- f) Whether there were any act of assault or torture on the complainant and other labourers by the brick kiln owner?
- g) Whether the brick kiln owner/operator has obtained a license to run the brick kiln from Competent Authority or not?
- h) Whether Vigilance Committee was constituted or not? The record of the meetings held in past.

5. Facts disclosed during the course of Spot Enquiry :-

The team of NHRC together with the officers of the District Administration, Jhajjar, Petitioner and his colleagues reached the brick kiln in the morning on 7.5.2014. The Brick kiln was found to be situated on Delhi-Haryana Border under the jurisdiction of Police Station, Sadar, Bahadurgarh. The Brick kiln owner was not found present at that time. However, some of his men were present there. The team took round of the brick kiln, informally interacted with the labourers and persuaded them to join the enquiry. During this process around 20 child labourers found working there were examined. After sometime the brick kiln owner, his

associates and other men also reached there. The situation became tense there and was tactfully handled so that the enquiry could commence peacefully and the labourers are able to put forth their version and grievances.

The brick kiln owner Hawa Singh in his statement duly recorded in the presence of Executive Magistrate, Bahadurgarh stated that he is not maintaining any prescribed records at the Brick kiln. According to him, he merely keeps a register in informal way to make entries with regard to the payment made to the labourers fortnightly towards their food expenses. He also stated that right from inception none of the officers/officials from any of the Govt. Departments have ever visited his brick kiln. He also stated that he hire labourers after paying advance money from different States. The petitioner had alleged that 35 families of labourers from Bihar were in bondage at this brick kiln. However, during enquiry out of 35 families, we could find 29 such families working there. The NHRC team found more labourers other than from Bihar State working at the brick kiln and as such in all 52 families were examined and their statements were recorded in the presence of petitioner and his associates. During the course of the enquiry, around 146 labourers including 66 women and 20 child labourers hailing from Bihar (113), West Bengal (3), Haryana (3), Chattisgarh (24), UP (3) joined the enquiry. Almost all the labourers barring few were found illiterate. Most of the labourers were found working with their respective families and each family was considered as a single unit by the employer for the purposes of their wages/food expenses. Lactating mothers and pregnant women and minor children were also found working there. No facilities what so ever were found there for minor children. There were no facilities for first aid, safe drinking water and toilets. The labourers were found living under inhuman, pathetic and unhygienic conditions.

The labourers were found maintaining their own records in the form of a pocket diary in their pocket with regard to quantum of work performed by them and the employer was even not found maintaining any informal records with regard to work performed by the labourers at the brick kiln. The labourers stated that they have come from their respective homes to work against the advance paid by the employer and were not sure whether on the day of enquiry, the advance money has been settled or otherwise. Being illiterate they were not sure of the quantum of work performed by them. The children were found malnourished and with the partly sum paid to each family on fortnightly basis towards their food expensed being insufficient and the labourers as such were rather found to be starving. Some of the labourers who consume country make liquor, added to the woes of remaining family members including women and children.

The labourers initially stated in the presence of petitioner and his colleagues that they will go after end of the season with full and final settlement of their accounts but things dramatically changed all of sudden when one of the labourer Chandan, (20 yrs.) and his wife Smt. Suhagi (15 yrs.) informed the NHRC team that of physical assault by the brick kiln owner and that they are living under constant threat and fear and both wanted to go home. The local police present there was immediately informed. He and his wife were provided immediate

security and on the basis of his statement a criminal case vide FIR No. 180/2014, P.S. Sadar, Bahadurgarh, u/s 342, 34 IPC dated 7.5.2014 was immediately registered against the employer. Thereafter the labourers from Bihar (113) informed the NHRC team that they too wanted to leave the brick kiln and requested for their release.

The officers of District Administration immediately swung in to action, arranged transport and brought the labourers together with their families and belongings to Bahadurgarh Railway Station in the night of 7.5.2014. The NHRC team earlier requested the District Administration to ask the employer for payment of their wages, arrange contingency payment of Rs.1000/- each to meet their journey expenses and railway tickets for their journey. Despite repeated requests from the NHRC team, the employer did not make payment of the wages of these poor labourers and the Labour department officers present there could not make the employer to pay their wages while the labourers were leaving the station for good.

The officers of District Administration also failed to make payment of Rs.1000/- each to these labourers to meet their journey expenses despite repeated requests by the NHRC team on the ground that they do not have any funds in hand to meet this statutory obligation. The Tehsildar, Bahadurgarh made repeated efforts in this regard over telephone but the Sr. Officers remained unmoved. The Executive Magistrate cum Tehsildar, Bahadurgarh, however, arranged railway tickets and food for the labourers perhaps from his own pocket. All the labourers and their families were served nice packed food at the Bahadurgarh Railway Station and the scene was sufficient to shake conscience of any one claiming to be part of the civilized society. The way the labourers and their family members were eating the food was giving an impression as if they were having complete meal for the first time. Every officer present there was shocked to see this scene and felt moved/touched.

The NHRC team together with officers of District Administration then met the officers of Railway Authorities and Government Railway Police at Bahadurgarh Railway Station in the midnight so that the labourers could easily board the Express Train bound to Bihar safely together with their family Members and belongings. The Station House Officer of PS Sadar, Bahadurgarh agreed to the suggestion of NHRC team and wireless messages were flashed to the GRP Authorities enroute for their safety and security. The railway tickets (Full 78 half 28) were handed over by the Tehsildar, Bahadurgarh to one of the representative of the complainant NGO who was escorting these labourers to Bihar.

The Sub Divisional Magistrate, Bahadurgarh, thereafter took stock of the situation, perused the loose records maintained by the brick kiln owner in the form of a single register and the testimony of the labourers. It was crystal clear that the brick kiln owner did not maintain records prescribed under the Minimum Wages Act and other labour laws. There was no proof that the labourers were paid their wages. The SDM therefore, raised the presumption against the employer and in favour of the labourers as laid down by the Supreme Court of India in

various cases and finally issued Release Certificates in favour of 146 labourer including 20 child labourers found working at the said brick kiln. Copies of the said Release Certificates were sent to the concerned District Magistrates for their rehabilitation and also to the local police for legal action on 8/9.5.2014. Except 3 labourers from Cooch Behar, West Bengal, all other labourers 143 were found belonging to the Scheduled Castes and therefore, apart from sections 16, 17, 20 of Bonded Labours System (Abolition) Act, 1976, the stringent sections of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Section. 3(i) (vi) and Section. 3(1) (x) were added to the case having already registered at P.S. Sadar, Bahadurgarh against the employer. Investigation of the case has been entrusted to the Deputy Superintendent of Police, Bahadurgarh.

The Officers of the Labour Department on finding that the employer was not following any of the labour laws, launched appropriate proceedings under various Acts against the employer. The officers of the Food and Civil Supply Department though the licensing authority, however, did not initiate any action in the matter, as according to them, the employer was following requirements of the license issued by them. On perusal of the file, it was revealed that the Brick kiln was owned in fact by one Smt. Vidyawati r/o Saraswati Vihar, Delhi and Hawa Singh was not the real owner of the said brick kiln. Hawa Singh on the other hand, later informed that the said Vidyawati was his sister and he was managing the said brick kiln on her behalf. It thus appears that Hawa Singh is the defacto owner while Smt. Vidyawati is the de jure owner of M/s. S.S. Brick Kiln / Suman Entt Bhatta. The claim of Hawa Singh that the said brick kiln is under operation only for the last 3 years is belied by the fact that as per records, it is functional since 1998. It is sorry state of affairs that none of the officers of Govt. Departments, in Jhajjar or Members of Vigilance Committee constituted at the District or at the Sub Divisional level ever visited the said brick kiln. The officers of Food and Civil Supply Department and the Labour Department are working in isolation and the employer is not obligated to follow the provisions of labour laws for renewal of his license.

The Assistant Labour Commissioner, Jhajjar and the Deputy Labour Commissioner, Rohtak also interacted with the NHRC team on 9.5.2014 and have assured that the payment of contingency amount of Rs.1000/- each shall be paid to each of the labourer very soon and a request has been made to the Labour Commissioner, Govt. of Haryana for sanction of the requisite funds. They also assured that the labourers shall be paid their wages at the earliest and they will seek help from their counterparts in Bihar for settlement of dues. The officers have further assured that the proceedings under Child Labour (Prohibition and Regulation) Act, 1976 shall be conducted expeditiously so that the requisite benefits could reach the 20 released child bonded labourers for their timely rehabilitation.

During the entire rescue and release operation, Sh. Pradeep Kumar, the Sub Divisional Magistrate, Jhajjar, Surajmal Tehsildar. Jhajjar and Sub Inspector Randhir Singh, SHO, P.S. Sadar, Bahadurgarh worked over night together with the NHRC team and the entire task could

not have been accomplished without their untiring efforts. Last but not least the complainant and his colleagues assisted the NHRC team admirably to complete this task successfully.

6. Gist of statements:-

(A) Version of the complainant :-

Sh. Karan Paul, Project Manager of “Udaan Project of Humaari Umeed” No.312, Mayur Vihar, Phase-2, New Delhi-110091. (P/1/Appendix-B)

He stated that more than 35 families of labourers were being held as bonded labourers in a brick kiln owned by Shri Hawa Singh & Anand, “S.S Brick Kiln”, Village-Bamnoli Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). It was also alleged that they were being exploited and assaulted by the brick kiln owners. On 7th May, 2014, he along with the team of NHRC, and Officers of District Administration, District: Jhajjar, Haryana visited spot. The statements of the labourers found working, were recorded and after the recording of the statements, all the labourers were found bonded labourers. The officials initiated their further actions. Further, it was stated that out of list of 35 families 8 family heads were mis-spelled due to difference in pronunciations and 5 were not available on the spot during the time of the rescue and they do not have any information about these 5 victims. In all 29 families were present on the day of enquiry.

(B) Version of owner of brick kiln:-

Statement of Sh. Hawa Singh s/o Sh. Bakhtawar Singh r/o Vill- Ladrawan, Bahadurgarh, District-Jhajjar, Haryana. (P/239-243/Appendix-A)

He stated that M/s “S.S Brick Kiln”/ Suman Bhatta Co., located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana), is registered in the name of his sister Smt Vidyawati w/o Shri Rambir Singh, r/o 214, Saraswati Vihar, New Delhi and managed by him for last three years. He is having a valid licence to operate this brick kiln. Total 157 labourers are working at his brick kiln as on date. Out of 157 labourers 100 are brick molders (Pathaiwalas), 10 are Jalaiwalas, 4 are Bharaiwalas, 25 are Nikasiwalas, 4 Beldars, 8 Raapis, 3 Munshis and 3 Chowkidar. Most of them belong to SC/ST/ OBC categories except munshis. Not even a single labourer, working at brick kiln, comes for work without having received advance payment. In general, before beginning of each season, he (brick kiln owner)

has to pay Rs 6-7 lakhs as advance payment to labour contractors of different states for getting labours, who in turn bring labours from the States of Bihar, Chattisgarh & West Bengal to the brick kiln. The labourers working on piece rate basis are being paid their food expences every fortnightly but he is not maintaining proper record of the wages due/paid to them. All the record maintained in the brick kiln is temporary and are not maintained properly. In the brick kiln, he does not maintain any of the record like attendance registers muster roll etc. The season at brick kiln commence from the month of November and comes to an end in July. After completion of season, full and final payment is made to each and every labourers working at brick kiln. All the labourers working at his brick kiln are staying in temporary huts fitted with electricity. Water facility is provided to them through tankers. Time to time doctor is also called. Labourers are free to move anywhere. Nobody is kept as bonded labourer. He is however not having any first aid medical facility at the brick kiln to meet any exigency.

(C) Version of labourers:-

- (i) Statement of Sh. Chandan s/o Sh. Dharmendra, aged 20 years, r/o Vill-MeraKhanpura, PS-Pali, P.O-Kirmore, Paliganj, Distt-Patna, Bihar (P/71/Appendix-B)

He stated that he along with his wife Suhagi (15 years), is working for last six months as a pathar at "S.S Brick Kiln", Village-Bamnoli Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). He took Rs 6000/- as advance payment from brick kiln owner i.e. Hawa Singh. The advance payment received by them has already been repaid by him but at the end of the season and full and final payment has been promised given to them by owner. He is not getting payments timely i.e. fortnightly. They don't have any knowledge that what rate will be given at the end of season. They don't want to work at the brick kiln, but owner of brick kiln and labour contractor are not allowing them to leave the brick kiln. They are also being assaulted and tortured by the brick kiln owner and his men. They are not free to move anywhere and are facing hardship at the brick kiln. They both requested the NHRC team to get them released from the bondage.

(ii) Joint statement of Family heads of 146 labours (P/15-72/Appendix-B).

1. Manoj Majhi s/o Kailu Majhi, 30 Yrs, Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 25,000/- advance payment this year for three persons).
2. Kundan Majhi s/o Viru Majhi, 20 Yrs, Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received no advance payment)
3. Kailash Majhi s/o Karo Majhi, 15 Yrs, Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 17,000/- advance payment this year for two persons).
4. BPL Majhi s/o Gore Majhi, 25 Yrs, Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 15,000/- advance payment this year for three persons).

5. Vinod Majhi s/o Kailu Majhi,25 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 25,000/- advance payment this year for two persons).
6. Brispati s/o Atwari,70 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 6,000/- advance payment this year).
7. Raja Ram s/o Lakhan,24 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 24,000/- advance payment this year for two persons).
8. Vijay Majhi s/o Jagdish Majhi,20 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar(received Rs 33,000/- advance payment this year for three persons).
9. Zapsi Majhi s/o Parmeshwar, 45 Yrs, Vill- Jalalpur, P.S Barsaliganj, District - Nawada, Bihar(received Rs 12,000/- advance payment this year for two persons).
- 10.Pawan s/o Tekan Majhi, 22 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar (received Rs 26,000/- advance payment this year for three persons).
- 11.Moti Majhi s/o Nago Majhi,25 Yrs,Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar(received Rs 22,000/- advance payment this year for two persons).
- 12.Virechi s/o Kapil, 32 Yrs,Vill- Samrigarh, P.S Roh, District -Nawada, Bihar(received Rs 1,30,000/- advance payment this year for eight persons).
- 13.Chunnu Majhi s/o Jamna Majhi, 28yrs,Vill-Chakwai, P.S Barsaliganj,District - Nawada, Bihar(received Rs 30,000/- advance payment this year for three persons).
- 14.Ashok Majhi s/o Sirpujan Majhi,22yrs,Vill-Jajalpur, P.S Barsaliganj,District-Nawada, Bihar(received Rs 15,000/- advance payment this year for three persons).
- 15.Biru Majhi s/o Kamal Majhi,36Yrs,Vill-Chakwai, P.S Barsaliganj,District -Nawada, Bihar(received Rs 35,000/- advance payment this year for four persons).
- 16.Bitto Majhi s/o Chhote Majhi,21 yrs,Vill-Collector, Post Sohjana,District -Nawada, Bihar (received Rs 30,000/- advance payment this year for two persons).
- 17.Karu Majhi s/o Baldev Majhi,50Yrs,Vill-Bermi, Post Samai, District -Nawada, Bihar (received Rs 40,000/- advance payment this year for four persons).
- 18.Bilanadar s/o Lalji maji,40yrs, Vill-Samrighat, Post Roh, District -Nawada, Bihar (received Rs 50,000/- advance payment this year for four persons).
- 19.Umesh Majhi s/o Rajnanan,20 Yrs,Vill- Balabigha, P.S Pandevihar, District - Gaya, Bihar (received Rs 15,000/- advance payment this year for two persons).
- 20.Ram Manoj Majhi s/o Jhua Majhi,25 Yrs,Vill- Balabigha, P.S Pandevihar, District-Gaya, Bihar(received Rs 21,800/- advance payment this year for two persons).
- 21.Dharmendra s/o Sukhlal,26 Yrs,Vill- Sarda, P.O Maha, P.S Tigari, District Gaya, Bihar (received Rs 25,000/- advance payment this year for four persons).
- 22.Ramchander s/oi Balgovind Majhi,60 Yrs,Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar(received Rs 21,600/- advance payment this year for three persons).
- 23.Boudh Majhi s/o Sobhi Majhi,25 Yrs,Vill- Balabigha, P.S Bela, District - Gaya, Bihar (received Rs 52,000/- advance payment this year for four persons).
- 24.Ramji Majhi s/o Bhajju Majhi,50 Yrs,Vill- Balabihar, P.S Bela, District - Gaya, Bihar(received Rs 56,000/- advance payment this year for four persons).

25. Ajay Majhi s/o Ramji Majhi, 24 Yrs, Vill- Balabigha, P.S Bela, District - Gaya, Bihar (received Rs 7,000/- advance payment this year for two persons).
26. Rajesh s/o Bhanu Majhi, 30 Yrs, Vill- Kuriyama, P.S Bela, District - Gaya, Bihar (received Rs 45,000/- advance payment this year for three persons).
27. Ashok Majhi s/o Bhagwan Majhi, 35 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
28. Mithilesh Majhi s/o Chander Majhi, 22 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 21,000/- advance payment this year for two persons).
29. Mahesh s/o Sampath Majhi, 40 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
30. Rajgir Majhi, 40 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 25,000/- advance payment this year for two persons).
31. Pramod Majhi s/o Budhan Majhi, 45 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
32. Dhaneswar s/o Vipin Majhi, 60 Yrs, Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
33. Jatender Majhi s/o Fekan Majhi, 20 Yrs, Vill- Saraswatibigha, P.S Alipur, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
34. Chandermani Majhi s/o Doukat Majhi, 30 Yrs, Vill- Amarsibigha, P.S Belaganj, District - Gaya, Bihar (received Rs 20,000/- advance payment this year for two persons).
35. Mister Majhi, 25 Yrs, Vill- Bagahi, P.S Parihiya, District - Gaya, Bihar (received Rs 15,000/- advance payment this year for two persons).
36. Raghu s/o Mangu Majhi, 35 Yrs, Vill- Jayantiya, P.S Chirky, District - Gaya, Bihar (received Rs 21,000/- advance payment this year for four persons).
37. Arjun Majhi s/o Ram Jattan, 40 Yrs, Vill- Sanda, P.S Tigari, District Gaya, Bihar (received Rs 15,000/- advance payment this year for four persons).
38. Dhukahn Majhi s/o Maheshi Majhi, 30 yrs, Vill- Bharwa, P.S Tigari, District Gaya, Bihar (received Rs 17,000/- advance payment this year for four persons).
39. Mukesh s/o Syam Majhi, 20 Yrs, Vill- Balabigha, P.S Paivihar, District Gaya, Bihar
40. Chandermani Devi w/o Ramajay, 40 Yrs, Vill- Balabigha, P.S Pandabigha, District - Gaya, Bihar (received Rs 40,000/- advance payment this year for two persons).
41. Kalaram Suryavanshi s/o Gopi Tanjan, 36 Yrs, Vill- Binorodi, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh (received Rs 40,000/- advance payment this year for four persons).
42. Ranjit Kr. Manhar s/o Rohit Kr., 26 Yrs, Vill- Manhara PS Masturi, Post Chakarbirha, Bilaspur, Chattisgarh (received Rs 15,000/- advance payment this year for two persons).
43. Chandersen s/o Ramrattan, 23 yrs, Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh (received Rs 25,000/- advance payment this year for four persons).

44. Rajasuryavansi s/o Lakhan, 32Yrs, Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh (received Rs 35,000/- advance payment this year for three persons).
45. Bohar Koushay s/o Jakluram, 24 yrs, Vill- Loharsi PS Pachperi, , Bilaspur, Chattisgarh (received Rs 15,000/- advance payment this year for two persons).
46. Balram Suryavansi s/o Gopiram, 27yrs, Vill- Binowari, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh (received Rs 20,000/- advance payment this year for three persons).
47. Chanderbhan Suryavansi s/o Syam, 24yrs, Vill- Binowari i, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh (received Rs 20,000/- advance payment this year for two persons).
48. Syam rattan s/o Lalji, 35Yrs, Vill- Binhari, PS Basturi, Bilaspur, Chattisgarh (received Rs 42,500/- advance payment this year for four persons).
49. Ajijull s/o Gulabuddin, 32 years, Vill- Nakori, P.S Cooch Behar, West Bengal, Cooch Behar, West Bengal , Bihar (received Rs 30,000/- advance payment this year for three persons).
50. Karamvir s/o Maha Singh, 30 years, Vill- Farmana, Sonipat, Haryana (received Rs 60,000/- advance payment this year for three persons).
51. Vishnu Jat s/o Harvilas, 11 years, Vill- Chhora, P.S Chiroli, Agra, Uttar Pradesh.
52. Sunil s/o Bharat, 21 years, Vill- Punada, P.S Mugdampur, District Jahanabad, Bihar (received Rs 7,000/- advance payment this year for two persons).

They jointly stated that they have been working at M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana) for last 7-8 months. They all have taken the some advance payment before they have started working at this brick kiln this season, ranging from Rs 5000/- to Rs130,000/- per family either directly from Hawa Singh or through labour contractor operating at his brick kiln. They all have been promised the rate of moulding bricks ranging Rs 500/- to 650/- per thousand bricks. The advance payment received by them is adjusted at the end of the season and full and final payment is given to them by owner, but they don't have any knowledge that what rates will actually be given to them at the end of season. Now they don't want to work at the above said brick kiln. They are staying in temporary huts fitted with electricity. Hand pumps are available for drinking water and other needs. Toilet and medical facilities are not available at brick kiln.

(D) Version of Officers of District Administration :-

- (i) Statement of Pradeep Kumar, SDM, Bahadurgarh District-Jhajjar (Haryana).
(P/1/Appendix-A)

He stated that as per the directions of DM, Jajjhar, spot visit was carried out at M/S “S.S Brick Kiln”, located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana).The statements of the labourers found working, were recorded and after the recording of the statements it was found that the employer was not maintaining any records as mandated by law.The presumption was raised in favour of labourers and all the 146 labourers were declared as bonded labourers. Release certificates were issued in favour of 146 victims (80 men + 66 women including 20 child labours), the labourers from Bihar were sent to their homes by train. 146 Numbers of Release certificates issued by him were also sent to respective District Magistrates for rehabilitation. Further proceedings were also initiated by the respective officers as per their own requirement.

List of all 146 released labourers (including 143 from Scheduled castes)

S/No	Name of the Labour	Age	Address
1.	Manoj Majhi s/o Kailu Majhi	30 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
2.	Susma Devi w/o Manoj Majhi	22 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
3.	Adeen c/o Manoj Majhi	10 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
4.	Kundan Majhi s/o Viru Majhi	20 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
5.	Bilas s/o Viru Majhi	08 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
6.	Kailash Majhi s/o Karo Majhi	15 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
7.	Dhanu Majhi s/o Karo Majhi	13 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
8.	BPL Majhi s/o Gore Majhi	25 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
9.	Daulti Devi w/o BPL Majhi	20 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
10.	Pandeji s/o Gore Majhi	16 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
11.	Vinod Majhi s/o Kailu Majhi	25 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
12.	Usha Devi w/o Vinod Majhi	20 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
13.	Brispati s/o Atwari	70 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
14.	Raja Ram s/o Lakhan	24 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
15.	Guddi devi w/o Raja Ram	18 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
16.	Vijay Majhi s/o Jagdish Majhi	20 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar

17.	Munni Devi w/o Vijay Majhi	20 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
18.	Sanjay s/o Jagdish Majhi	10 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
19.	Zapsi Majhi s/o Parmeshwar	45 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
20.	Urmil Devi w/o Zapsi Majhi	40 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
21.	Pawan s/o Tekan Majhi	22 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
22.	Saman Devi w/o Pawan	18 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
23.	Mithun s/o Tekan Majhi	10 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
24.	Moti Majhi s/o Nago Majhi	25 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
25.	Rekha Devi w/o Moti Majhi	22 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
26.	Kapil s/o Saman (father name)	60 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
27.	Chandi Devi w/o Kapil	55 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
28.	Virechi s/o Kapil	30 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
29.	Pato w/o Virechi	25 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
30.	Shiv Kumar s/o Kapil	25 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
31.	Renu w/o Shiv Kumar	20 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
32.	Meena kumari d/o Kapil	22 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
33.	Kaushil kumari d/o Kapil	18 Yrs	Vill- Samrigarh, P.S Roh, District -Nawada, Bihar
34.	Subash s/o Chunnu Majhi	10 yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
35.	Chunnu Majhi s/o Jamna Majhi	28yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
36.	Rani d/o Chunnu Majhi	08yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
37.	Ashok Majhi s/o Sirpujan Majhi	22yrs	Vill-Jajalpur, P.S Barsaliganj, District -Nawada, Bihar
38.	Geeta Devi w/o Ashok Majhi	20yrs	Vill-Jajalpur, P.S Barsaliganj, District -Nawada, Bihar
39.	Maghel Kumar s/o Sirpujan Majhi	15yrs	Vill-Jajalpur, P.S Barsaliganj, District -Nawada, Bihar
40.	Biru Majhi s/o Kamal Majhi	36Yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
41.	Lalita w/o Biru Majhi	25yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
42.	Promod s/o Biru Majhi	12yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
43.	Khusbu d/o Biru Majhi	08yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar

44.	Bitto Majhi s/o Chhote Majhi	21 yrs	Vill-Collector, Post Sohjana, District -Nawada, Bihar
45.	Asha w/o Bittoo Majhi	18Yrs	Vill-Collector, Post Sohjana, District -Nawada, Bihar
46.	Karu Majhi s/o Baldev Majhi	50Yrs	Vill-Bermi, Post Samai, District -Nawada, Bihar
47.	Samphul w/o Karu Majhi	45yrs	Vill-Bermi, Post Samai, District -Nawada, Bihar
48.	Kajol d/o Karu Majhi	12yrs	Vill-Bermi, Post Samai, District -Nawada, Bihar
49.	Rajniti d/o Karu Majhi	16yrs	Vill-Bermi, Post Samai, District -Nawada, Bihar
50.	Bilanadar s/o Lalji maji	40yrs	Vill-Samrighat, Post Roh, District -Nawada, Bihar
51.	Bathini Devi w/o Bilanayar	35yrs	Vill-Samrighat, Post Roh, District -Nawada, Bihar
52.	Biran s/o Lalji Majhi	20yrs	Vill-Samrighat, Post Roh, District -Nawada, Bihar
53.	Umesh Majhi s/o Rajnanan	20 Yrs	Vill- Balabigha, P.S Pandevihar, District - Gaya, Bihar
54.	Samunder Devi w/o Umesh	18 Yrs	Vill- Balabigha, P.S Pandevihar, District - Gaya, Bihar
55.	Ram Manoj Majhi s/o Jhua Majhi	25 Yrs	Vill- Balabigha, P.S Pandevihar, District - Gaya, Bihar
56.	Gayanti devi w/o Ram Manoj	22 Yrs	Vill- Balabigha, P.S Pandevihar, District - Gaya, Bihar
57.	Dharmendra s/o Sukhlal	26 Yrs	Vill- Sarda, P.O Maha, P.S Tigari, District Gaya, Bihar
58.	Anju Devi w/o Dharmender	23 Yrs	Vill- Sarda, P.O Maha, P.S Tigari, District Gaya, Bihar
59.	Jayanand s/o Muneshwar	18 Yrs	Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar
60.	Jarmani devi w/o Muneshwar	50 Yrs	Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar
61.	Subodh majhi s/o Ramchander	22 Yrs	Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar
62.	Doulati Devi w/o Subodh	19 Yrs	Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar
63.	Ramchander s/oi Balgovind Majhi	60 Yrs	Vill- Balabigha, P.S Paibigha, District - Gaya, Bihar
64.	Boudh Majhi s/o Sobhi Majhi	25 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
65.	Anita Devi w/o Boudh Majhi	20 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
66.	Sobhi Majhi s/o Nageshwar Majhi	50 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
67.	Phola Devi w/o Sobhi Majhi	45 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
68.	Ramji Majhi s/o Bhajju Majhi	50 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
69.	Ramantiya Devi w/o Ramji Majhi	45 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
70.	Ramdev Majhi s/o Ramji Majhi	20Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar

71.	Congress s/o Ramji Majhi	16Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
72.	Ajay Majhi	24 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
73.	Shakuntala Devi w/o Ajay Majhi	22 Yrs	Vill- Balabigha, P.S Bela, District - Gaya, Bihar
74.	Rajesh s/o Bhanu Majhi	30 Yrs	Vill- Kuriyama, P.S Bela, District - Gaya, Bihar
75.	Gayatri Devi w/o Rajesh	30 Yrs	Vill- Kuriyama, P.S Bela, District - Gaya, Bihar
76.	Ashok Majhi s/o Bhagwan Majhi	35 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
77.	Rinku Devi w/o Ashok Majhi	28 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
78.	Mithilesh Majhi s/o Chander Maji	22 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
79.	Reshmi Devi w/o Mithilesh	20 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
80.	Mahesh s/o Sampath Majhi	40 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
81.	Lalita devi w/o Mahesh	40 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
82.	Varun s/o Mahesh Majhi	13 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
83.	Rajgir Majhi	40 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
84.	Babita Devi w/o Rajgir	35 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
85.	Pramod Majhi s/o Budhan Majhi	45 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
86.	Malti devi w/o Pramod Majhi	40Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
87.	Dhaneswar s/o Vipin Majhi	60 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
88.	Ketri Devi w/o Dhaneswar	50Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
89.	Jatender Majhi s/o Fekan Majhi	20 Yrs	Vill- Saraswatibigha, P.S Alipur, District - Gaya, Bihar
90.	Dolly Devi w/o Jatender	18 Yrs	Vill- Saraswatibigha, P.S Alipur, District - Gaya, Bihar
91.	Chanderma Majhi s/o DoukatMaji	30 Yrs	Vill- Amarsibigha, P.S Belaganj, District - Gaya, Bihar
92.	Sunderi Devi w/o Chanderma	25 Yrs	Vill- Amarsibigha, P.S Belaganj, District - Gaya, Bihar
93.	Mister Majhi	25 Yrs	Vill- Bagahi, P.S Parihiya, District - Gaya, Bihar
94.	Doulati Devi w/o Mister Majhi	22 Yrs	Vill- Bagahi, P.S Parihiya, District - Gaya, Bihar
95.	Raghu s/o Mangu Majhi	35 Yrs	Vill- Jayantiya, P.S Chirky, District - Gaya, Bihar
96.	Chinta Devi w/o Raghu Majhi	30 Yrs	Vill- Jayantiya, P.S Chirky, District - Gaya, Bihar
97.	Arun s/o Raghu Majhi	8Yrs	Vill- Jattai, P.S Chirkry, District Gaya, Bihar

98.	Karun s/o Raghu Majhi	5Yrs	Vill- Jattai, P.S Chirkry, District Gaya, Bihar
99.	Arjun Majhi s/o Ram Jattan	40 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
100.	Karzigni Devi w/o Arjun Majhi	30 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
101.	Rubi Kumari d/o Arjun Majhi	14 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
102.	Punma Kumari d/o Arjun Majhi	10 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
103.	Dhukahn Majhi s/o Maheshi Maji	30yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
104.	Rina Majhi w/o Dhukhan	28Yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
105.	Golu s/o Dhukhan Majhi	5yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
106.	Ranjit s/o Dhukhan Majhi	4yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
107.	Mukesh s/o Syam Majhi	20 Yrs	Vill- Balabigha, P.S Paivihar, District Gaya, Bihar
108.	Keshri Devi w/o Syam Majhi	48Yrs	Vill- Balabigha, P.S Paivihar, District Gaya, Bihar
109.	Chandermani Devi w/o Ramajay	40Yrs	Vill- Balabigha, P.S Pandabigha, District - Gaya, Bihar
110.	Kalaram Suryavanshi s/o Gopi Tanjan	36Yrs	Vill- Binorodi, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
111.	Photobai w/o Kalaram Suryavanshi	30yrs	Vill- Binorodi, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
112.	Ramesh s/o Kalaram Suryavanshi	19Yrs	Vill- Binorodi, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
113.	Kiran d/o Kalaram Suryavanshi	20yrs	Vill- Binorodi, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
114.	Ranjit Kr.Manhar s/o Rohit Kr.	26Yrs	Vill- Manhara PS Masturi, Post Chakarbirha, Bilaspur, Chattisgarh
115.	Madhu w/o Ranji Kr. Manhar	25Yrs	Vill- Manhara PS Masturi, Post Chakarbirha, Bilaspur, Chattisgarh
116.	Ramrattan	40yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
117.	Divya w/o Chandersen	20yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
118.	Rameshwari w/o Ramrattan	35yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
119.	Chandersen s/o Ramrattan	23yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh

120.	Saraswati w/o Lakhan	60yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
121.	Rajasuryavansi s/o Lakhan	32Yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
122.	Pardeshni w/o Rajasuryavansi	25Yrs	Vill- Binnori Post Pachperi, PS Masturi, Bilaspur, Chattisgarh
123.	Bohar Koushay s/o Jakluram	24 yrs	Vill- Loharsi PS Pachperi, , Bilaspur, Chattisgarh
124.	Kiran w/o Bohar Koushay	20 Yrs	Vill- Loharsi PS Pachperi, , Bilaspur, Chattisgarh
125.	Balram Suryavansi s/o Gopiram	27yrs	Vill- Binowari, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
126.	Khartima w/o Balram	26Yrs	Vill- Binowari, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
127.	Vedram s/o Gopiram	18yrs	Vill- Binowari, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
128.	Chanderbhan Suryavansi s/o Syam	24yrs	Vill- Binowari i, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
129.	Kiran w/o Chanderbhan	22Yrs	Vill- Binowari, PS Masturi, Post Loharsi, Bilaspur, Chattisgarh
130.	Syam rattan s/o Lalji	35Yrs	Vill- Binhari, PS Basturi, Bilaspur, Chattisgarh
131.	Santrabai w/o Syamrattan	32Yrs	Vill- Binhari, PS Basturi, Bilaspur, Chattisgarh
132.	Manisha d/o Syamrattan	15yrs	Vill- Binhari, PS Basturi, Bilaspur, Chattisgarh
133.	Priyanka d/o yamrattan	17Yrs	Vill- Binhari, PS Basturi, Bilaspur, Chattisgarh
134.	Anala s/o Ajijul (Non-SC)	9Yrs	Vill- Nakori, P.S Cooch Behar,West Bengal, Cooch Behar,West Bengal , Bihar
135.	Ajjull s/o Gulabuddin(Non-SC)	32Yrs	Vill- Nakori, P.S Cooch Behar,West Bengal, Cooch Behar,West Bengal , Bihar
136.	Smt Ajijulla w/o Ajijul(Non-SC)	25yrs	Vill- Nakori, P.S Cooch Behar,West Bengal, Cooch Behar,West Bengal , Bihar
137.	Karamvir s/o Maha Singh	30Yrs	Vill- Farmana, Sonipat, Haryana
138.	Bidya Devi w/o Karamvir	25Yrs	Vill- Farmana, Sonipat, Haryana
139.	Vijay Kumar s/o randhir	14yrs	Vill- Farmana, Sonipat, Haryana

140.	Harvilas	40Yrs	Vill- Chhora, P.S Chiroli, Agra, Uttar Pradesh
141.	Rama Devi w/o Harvilas	35Yrs	Vill- Chhora, P.S Chiroli, Agra, Uttar Pradesh
142.	Vishnu s/o Harvilas	11 yrs	Vill- Chhora, P.S Chiroli, Agra, Uttar Pradesh
143.	Chandan s/o Dharmender	20 Yrs	Vill- Mehra Khandpura, P.S Khirmur, Paliganj, Patna, Bihar
144.	Suhagi w/o Chandan	15 Yrs	Vill- Mehra Khandpura, P.S Khirmur, Paliganj, Patna, Bihar
145.	Sunil s/o Bharat	21 Yrs	Vill- Punada, P.S Mugdampur, District Jahanabad, Bihar
146.	Gauri Devi w/o Sunil	20 Yrs	Vill Punada, P.S Mugdampur, District Jahanabad, Bihar

List of 20 Child Labourers(including 19 from Scheduled Castes)

S/No	Name of the Labour	Age	Address
1.	Varun s/o Mahesh Majhi	13 Yrs	Vill- Jhamri, P.S Aerodrom, District - Gaya, Bihar
2.	Vishnu s/o Harvilas	11Yrs	Vill- Chhora, P.S Chiroli, Agra, Uttar Pradesh
3.	Kajol d/o Karu Majhi	12yrs	Vill-Bermi, Post Samai, District -Nawada, Bihar
4.	Promod s/o Biru Majhi	12Yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
5.	Khusbu d/o Biru Majhi	08Yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
6.	Adeen c/o Manoj Majhi	09 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
7.	Ranjit s/o Dhukhan Majhi	04Yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
8.	Golu s/o Dhukhan Majhi	05Yrs	Vill- Bharwa, P.S Tigari, District Gaya, Bihar
9.	Karun s/o Raghu Majhi	8Yrs	Vill- Jattai, P.S Chirkry, District Gaya, Bihar
10.	Arun s/o Raghu Majhi	5Yrs	Vill- Jattai, P.S Chirkry, District Gaya, Bihar
11.	Subash s/o Chunnu Majhi	10Yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
12.	Rani d/o Chunnu Majhi	08Yrs	Vill-Chakwai, P.S Barsaliganj, District -Nawada, Bihar
13.	Rubi Kumari d/o Arjun Majhi	14 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
14.	Punma Kumari d/o Arjun Majhi	10 Yrs	Vill- Sanda, P.S Tigari, District Gaya, Bihar
15.	Sanjay s/o Jagdish Majhi	10 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar

16. Dhanu Majhi s/o Karo Majhi	14 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
17. Bilas s/o Viru Majhi	08 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
18. Mithun s/o Tekan Majhi	10 Yrs	Vill- Jalalpur, P.S Barsaliganj, District -Nawada, Bihar
19. Anala s/o Ajijul (Non-SC)	09Yrs	Vill- Nakori, P.S Cooch Behar, West Bengal,
20. Vijay Kumar s/o Karamvir	14Yrs	Vill- Farmana, Sonipat, Haryana

(iii) Statement of Surajmal, Tehsildar cum Executive Magistrate, Bahadurgarh District- Jhajjar (Haryana). (P/2-6/Appendix-A)

He stated that as per the directions of SDM, Bahadurgarh, he accompanied NHRC team along with the officials of Police, Food and Supply Deptt and Labour Deptt. of Bahadurgarh District-Jhajjar (Haryana) and visited M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). The statements of the labourers found working, were recorded and after the recording of the statements, all the labourers were found working in bondage condition, hence all the 146 labourers were declared as bonded labourers. 146 victims (80 men + 66 women including 20 child labours) were got released from bondage. The labourers were sent to their homes by train as per their wishes. 146 Numbers of Release certificates were issued by SDM, Bahadurgarh. Further proceedings were also initiated by the respective officers as per their own requirement.

(iv) Statement of Sunil Nandal, Asstt. Labour Commissioner, Jajjhar at Bahadurgarh, District-Jhajjar (Haryana). (P/156-183/Appendix)

He stated that as per the report received from labour inspectors, who accompanied NHRC Team and visited M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana), it was found that the brick kiln owner is not maintaining "Muster Roll" in form - V as mandated by law under Section 26(5) of The Minimum Wages (Central) Rules, 1950. The brick kiln owner is not maintaining the "Register of Wages in form - X as mandated by law under Section 26(1) of The Minimum Wages (Central) Rules, 1950. The brick kiln owner has also not issued the "Wages slips in form - XI" to the labourers as mandated by law under Section 26(2) of The Minimum Wages (Central) Rules, 1950. The statements of the labourers found working, were recorded and after recording of the statements, all the labourers were found working in bondage conditions, hence all the 146 labourers were declared as bonded labourers. 146 victims (80 men + 66 women including 20 child labours) were got released from bondage and were sent to their homes by train. Further, Prosecution

under various labour laws, (i.e., Minimum Wages Act, 1948, Payment of Wages Act-1936, National Festival Holidays & Casual leave & Sick leave Act 1965, Inter-State Migrant Workmen Act 1979 and Child Labour Act 1986) was launched against the errant employer.

On being asked by NHRC team, it was told that no Labour Inspector is posted in the region of Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana), where the aforesaid brick kiln is located, since 18.03.2014. Further, the employer has neither paid wages to the labourers nor settled the wages of labourers.

(v) Statement of Satbir Singh, A.F.S.O, District food and supplies Controller Office, District-Jhajjar (Haryana).(P/184-216/Appendix-A)

He stated that as he accompanied NHRC team and visited M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). On 07.05.2014, the aforesaid brick kiln was running without a valid licence and the brick kiln owner could not produce any record related to it. Later on 08.05.2014, the owner of the brick kiln could only produce a license valid upto 31.03.2014, issued by their department. On being asked, it was told that all the paper formalities for the renewal of licence are completed, fees having been paid and papers having been submitted to their office for the renewal of the licence, but licence is not issued and the process for renewal of licence is under process and as per the records, the aforesaid brick kiln is running since March 1998.

On being asked by NHRC team, it was told that once licence is issued to the brick kiln, they never visit/inspect brick kiln. So, he never visited the region of Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana), where the aforesaid brick kiln is located.

(vi) Statement of Randhir Singh, SI/SHO, P.S. Sadar, Bahadurgarh, District-Jhajjar (Haryana).(P/217-222/Appendix-A)

According to police version, one of the labourer Chandan, (20 yrs.) and his wife Smt. Suhagi (15 yrs.) informed him through the NHRC team that they are living under constant threat and fear and both wanted to go home. Immediately action was taken and both the victims were provided immediate security. Further, on the basis of the statement of victims, a criminal case vide FIR No. 180/2014, P.S. Sadar, Bahadurgarh, u/s 342, 34 IPC dated 7.5.2014 was registered against the employer. Thereafter the labourers from Bihar informed the NHRC team that they too wanted to leave the brick kiln and requested for their release. Local police assisted

the team and ensured safe departure of labourers to Bihar. Message to concerned GRP Authorities were also transmitted. As per SDM, Bahadurgarh, 143 labourers were found belonging to the Scheduled Castes and therefore, apart from sections 16, 17, 20 of Bonded Labours System (Abolition) Act, 1976, the stringent sections of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Section. 3(i) (vi) and Section. 3(1) (x) were added to the case having already registered at P.S. Sadar, Bahadurgarh against the employer. Investigation of the case has been entrusted to the Deputy Superintendent of Police, Bahadurgarh. Copies of police report and documents are placed in the file.

7. Issues involved :-

Issue No.1

Total number of labourers working at the brick kiln, work done by them and wages paid to them.

Observation of NHRC team:-

As per the employer, On 07.05.2014, total 157 workers were found working at M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). Out of 157 labourers 100 are brick molders (Pathaiwalas), 10 are Jalaiwalas, 4 are Bharaiwalas, 25 are Nikasiwalas, 4 Beldars, 8 Raapis, 3 Munshis and 3 Chowkidar. 80 of them were male and 66 were female. 140 of them belong to SC/ST categories. The NHRC team interacted with the labourers (146) working at the brick kiln in question who willingly joined the enquiry. It was told by the labourers that they were promised wages ranging Rs 500/- to 650/- per thousand bricks for moulding the bricks, but presently Pathaiwalas are paid Rs. 345/- per thousand bricks, Nikasiwalas are paid Rs.172/- per thousand bricks, Bharaiwalas Rs. 172 per thousand bricks and Dhulaiwalas are paid Rs. 155 per thousand bricks as per last season rates. It was however told by the owner that the wages of all Pathaiwalas are paid Rs. 345/- per thousand. Till the conclusion of Enquiry on 09.05.2014, the employer has not paid wages to any of the labourers and as such all the labourers working at this brick kiln have not been paid their wages.

Issue No.2

Whether the labourers are kept as bonded labourers at brick kiln and whether the provisions of SC/ST Act are followed?

Observation of NHRC team:-

The total 146 labourers were found working at M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana) by NHRC team. The team of NHRC interacted with the labourers and came to know that the labourers working at brick kiln have come for work after receiving advance ranging from Rs 5,000/- to Rs 1,30,000/-.

Though according to the labourers, they were working on their own and there is no restriction on their physical movements, perse however as per the legal provisions of The Bonded Labour System (Abolition) Act, 1976, The Minimum Wages Act, 1948 and The Minimum Wages (Central) Rules, 1950, the employer is required to maintain registers and record giving the particulars of employees employed by him, work performed by them, the wages paid to them and receipt obtained by him, were not found maintained by the brick kiln owner. The perusal of the registers and record maintained by brick kiln owner revealed that:-

The brick kiln owner is not maintaining "Muster Roll" in form - V as mandated by law under Section 26(5) of The Minimum Wages (Central) Rules, 1950. The brick kiln owner is not maintaining the "Register of Wages in form - X as mandated by law under Section 26(1) of The Minimum Wages (Central) Rules, 1950. The brick kiln owner has also not issued the "Wages slips in form - XI" to the labourers as mandated by law under Section 26(2) of The Minimum Wages (Central) Rules, 1950. Since the brick kiln owner is not maintaining any prescribed registers and record of the labourers working at his brick kiln as mandated by law and has also given advance (bonded debt) to the labourers ranging from Rs.5, 000/- to Rs.1, 30,000/-, therefore a presumption was raised that the labourers working at M/S S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana) are kept as bonded labourers. The team recorded the statements of all concerned. All the 146 labourers were declared as bonded labourers. Further proceedings were initiated by the respective officers as per their mandate and jurisdiction.

- a) 146 victims (80 men + 66 women including 20 child labours) were got released from bondage.
- b) 146 Numbers of Release certificates were issued on 07.05.2014 by the SDM, Bahadurgarh, Jhajjar (Haryana).

- c) The Labourers from Bihar, who wished to go, were sent to their homes by train by the District Administration, Jhajjar (Haryana) on 08.05.2014.
- d) A criminal case vide FIR No. 180/2014, dated 07.05.2014 u/s 342/34 IPC, section 16, 17, 20 - Bonded Labour System (Abolition) Act, 1976, and section 3(1) (vi), 3(1) (x) SC/ST Act, was registered at Police Station, Sadar, Bahadurgarh, Jhajjar (Haryana) against the employer.
- e) Prosecution under various labour laws, (i.e., MW Act, 1948, PW Act-1936, NFH Act 1965, ISMW Act 1979 and Child Labour Act 1986) was launched by the Labour Department Authorities.

Out of 146 released bonded labourers, 143 are from Scheduled Caste, hence Sections 3(1) (vi), 3(1) (x) of the SC/ST (Prevention of Atrocities) Act have been added in the case by the police of Sadar, Bahadurgarh, Jhajjar (Haryana) and therefore, provisions of Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Act, 1989 have been followed in this case.

Issue No.3

Whether minimum wages are being paid to the labourers in the conformity with the notified rules framed under Minimum Wages Act?

- (i) In this regard, Asst. Labour Commissioner, Jhajjar at Bahadurgarh was requested to supply the copy of notifications issued by Govt. of Haryana regarding fixation of Minimum Wages for financial year 2013-2014. In response copy of notification dated 28-02-2014 (P/180-181/Appendix-A) was provided by the Asst. Labour Commissioner, Jhajjar at Bahadurgarh. Perusal of notification dated 28-02-2014 reveals that wages fixed (wef 1-01-2014) for Pathaiwalas are Rs. 316.07/- per thousand bricks, Nikasiwalas are Rs. 104.30/- per thousand bricks, Bhraiwalas are Rs. 142.23 per 1000 per thousand bricks and for jalaiwalas are Rs. 155 per thousand bricks, unskilled worker were Rs. 213.35, for semiskilled were Rs. 218.35 and for skilled were Rs. 228.35 per day. Perusal of notification dated 28-02-2014 reveals that

monthly wages fixed (wef 01-01-14) for unskilled worker - Rs.5547.10, for semiskilled - Rs.5567.10 and for skilled - Rs.5937.10 per month. These wages are applicable to those employees of brick kiln (i.e. Munshi, Chowkidar) who are working on monthly basis and not applicable to those working on piece rate basis, i.e, Pathaiwala, Nikasiwal and Bharaiwala etc.

Observation of NHRC team:-

Presently, Pathaiwalas are promised to paid Rs. 345/- per thousand bricks, Nikasiwalas Rs.172/- per thousand bricks, Bharaiwalas Rs. 172 per 100 per thousand bricks and Dhulaiwalas Rs. 155 per thousand bricks(depending on the distance) which are more than existing rates notified by Govt. of Haryana regarding fixation of Minimum Wages for financial year 2013-2014, But in actual no labourers working at this brick kiln are being paid the Minimum Wages in conformity with the notified rules framed under Minimum Wages Act. They are only being paid food expenses every fortnightly.

So all the labourers working at this brick kiln are not being paid the Minimum Wages in conformity with the notified rules framed under Minimum Wages Act.

Issue No.4

Whether the kiln owner is maintaining the books of accounts, wages register, Muster roll, Wages slips, copies of Registers required to be maintained under various labour legislations (Payment of Wages Act)?

Observation of NHRC team:-

As the law mandates that the employer shall maintain registers and record giving the particulars of employees employed by him, work performed by them, the wages paid to them and receipt obtained by him, were not found maintained by the brick kiln owner.

The perusal of the registers and record maintained by brick kiln owner revealed that:-

- (i) The brick kiln owner is not maintaining “Muster Roll” in form - V as mandated by law under Section 26(5) of The Minimum Wages (Central) Rules, 1950.
- (ii) The brick kiln owner has also not issued the “Wages slips in form - XI” to the labourers as mandated by law under Section 26(2) of The Minimum Wages (Central) Rules, 1950.
- (iii) The brick kiln owner is not maintaining the “Register of Wages in form – X as mandated by law under Section 26(1) of The Minimum Wages (Central) Rules, 1950. Though the owner has maintained only one registers in this regard i.e. for all the labourers (P-61 to 94) but that registers is also neither maintained in accordance with form-X nor the entries made in these registers are complete. Columns like name, address, nature of work, rates of wages per thousand and signature of labourers are blank. Rest of the main/important columns like duration of work, details of work done, gross wages payable, wages paid, deduction of advance from wages, total advance paid to employee and balance of advance on labourer are unfilled. Considering them, it can be concluded that the Employer is not maintaining any register showing actual payment. The employer in his own statement has admitted that he is not maintaining any record showing payment of wages and has categorically admitted that he is not maintaining the any of the prescribed records.

Issue No.5

Whether there was any act of assault or torture on the labourers by the brick kiln owner?

Observation of NHRC team:-

- (ii) NHRC team is of the opinion that in general there were no acts of assault or torture on the labourers by the brick kiln owner. But, It is evident from the statements of Sh. Chandan s/o Sh. Dharmendra r/o Vill-MeraKhanpura, PS-Pali, P.O-Kirmore, Paliganj, Distt-Patna, Bihar (P/71/Appendix-B)that he was assaulted and tortured by the brick kiln owner and his men. A criminal case has accordingly been registered by the police of Police Station, Sadar, Bahadurgarh, Jhajjar (Haryana) on 07.05.2014 against the employer.

Issue No.6

Whether the brick kiln owner/operator has obtained a license to run the brick kiln from Competent Authority or not?

Observation of NHRC team:-

On the day of visit by NHRC team,i.e, on 07.05.2014, the afforsaid brick kiln was running without a valid licence and the brick kiln owner could not produce any record related to it. Later the ownwer of the could produce a license valid upto 31.03.2014, issued by the District Food and Supplies Controller Office,Jhajjar ,Haryana in the name ofSmt Vidyawati w/o shri Rambir Singh, r/o 214, Saraswati Vihar, New Delhi. On being asked, it was told that all the paper formalities for the renewal of licence are completed, fees having been paid and papers having been submitted at the office of District Food and Supplies Controller Office, Jhajjar, Haryana for the renewal of the licence, but licence is not issued to him yet. The officials of District Food and Supplies Controller Office, Jhajjar, Haryana, told the process for renewal of licence is under progress and as per the records the afforsaid brick kiln is running since March 1998. Whereas it was told by the brick kiln owner in his statement that he is operating the brick kiln for last three years,which is contrary to records.

Issue No.9

Whether Vigilance Committee was constituted or not? The record of the meetings held in past.

The SDM, Bahadurgarh has informed that he has recently taken over his charge and is unable to furnish any record on Vigilance Committee Meetings.

8. Findings :

The NHRC team conducted the spot enquiry to ascertain, whether more than 35 families of labourers, are being held as bonded labourers in a brick kiln owned by Shri Hawa Singh & Anand, "S.S Brick Kiln", Village-Bamnoli Jaunti Border, Bahadurgarh District-Jhajjar (Haryana) and are being exploited and assaulted by the brick kiln owners.

The team, during enquiry, met the complainant, labourers found working at the brick kiln, the owner of brick kiln, collected copies of the documents maintained by the brick kiln owner. The team also interacted with the officers of District Administration, District-Jhajjar (Haryana) and collected relevant documents and found that:-

- (i) As per Employer, total 157 workers were working at M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana). Out of 157 labourers 100 are brick molders(Pathaiwalas), 10 are Jalaiwalas, 4 are Bharaiwalas, 25 are Nikasiwalas, 4 Beldars, 8 Raapis, 3 Munshis and 3 Chowkidar. 80 of them were male and 66 were female. 140 of them belong to SC/ST categories. The NHRC team interacted with the labourers working at the brick kiln in question and it was told by the labourers that presently Pathaiwalas were promised Rs. 500/- per thousand bricks, Nikasiwalas Rs.172/- per thousand bricks, Bharaiwalas Rs. 172 per thousand bricks and Dhulaiwalas Rs. 155 per thousand bricks as per last season's rates. But none of them were paid their wages except for food expenses. The labourers working at this brick kiln as such are not being paid the Minimum Wages in conformity with the notified rules framed under Minimum Wages Act.
- (ii) Since the brick kiln owner is not maintaining registers and record of the labourers working at his brick kiln, as mandated by law and has also given advance (bonded debt) to the labourers ranging from Rs.5,000/- to Rs.130,000/-, therefore it was presumed that the labourers working at M/S "S.S Brick Kiln", located at Village Village-Bamnoli, mukundpur, Jaunti Border, Bahadurgarh District-Jhajjar (Haryana) are kept as bonded labourers.
 - a) As all the labourers were found working in bondage, hence SDM, Bahadurgarh declared the labourers as bonded labourers.
 - b) Further proceedings were initiated by the respective officers as per their own requirement.
 - c) 146 victims (80 men + 66 women including 20 child labours) were got released from bondage.

- d) All the 146 Numbers of Release certificates were issued by the SDM, Bahadurgarh, Jhajjar (Haryana) and sent to respective District Magistrates for their rehabilitation.
 - e) The Labourers from Bihar(113 including Male-51,Female-45 and Children-17), who wished to go, were sent to their homes by train by District Administration, Jhajjar (Haryana) on 08.05.2014.
 - f) A criminal case vide FIR No. 180/2014, dated 07.05.2014 u/s 342/34 IPC, section 16, 17, 20 - Bonded Labour System (Abolition) Act, 1976, and section 3(1) (vi), 3(1) (x) SC/ST Act, was registered at Police Station, Sadar, Bahadurgarh, Jhajjar (Haryana) against the employer.
 - g) Prosecution under various labour laws, (i.e., Minimum Wages Act, 1948, Payment of Wages Act-1936, National Festival Holidays & Casual leave & Sick leave Act 1965, Inter-State Migrant Workmen Act 1979 and Child Labour Act 1986) was launched by the Labour Department Authorities.
- (iii) The brick kiln owner is not maintaining the Books of Accounts, Wages Register, Muster roll, Wages Slips, other registers and record as mandated by "The Minimum Wages (Central) Rules, 1950".
- (iv) There were no specific incident of assaults, or torture on the labourers by brick kiln owner as alleged by complainant except of one Sh. Chandan s/o Sh. Dharmendra r/o Vill-MeraKhanpura, PS-Pali, P.O-Kirmore, Paliganj, Distt-Patna, Bihar (P/71/Appendix-B), who in his statements stated that he was assaulted and tortured by the brick kiln owner and his men.
- (v) On the day of visit by NHRC team, i.e, on 07.05.2014, the aforesaid brick kiln was found to be running without a valid licence and the brick kiln owner could not produce any record related to it. Later the ownwer produced a license valid upto 31.03.2014, issued by the District Food and Supplies Controller Office,Jhajjar ,Haryana.
- (vi) The meeting of the Distt. Vigilance Committee appears not to be held at regular intervals.

- (vii) The labourers working at brick kiln were found staying in temporary huts fitted with electricity, but no medical and education facilities are provided by the brickkiln owner. Toilets and First- Aid medical facilities are also not available at brick kiln.

9. CONCLUSION:

On the basis of facts, circumstances and evidence in hand, it can be concluded that the labourers working at the brick kiln were bonded labourers and therefore, the allegations of the Petitioner stands substantiated.

10. RECOMMENDATIONS:

On the basis of findings of our enquiry, the Commission, may kindly like consider the followings course of action:

- 1) Calling for report from District Magistrates of Gaya, Nawada, Patna, Jehanabad (Bihar), Agra (UP), Sonapat (Haryana), Cooch Behar, (West Bengal), Bilaspur (Chhatisgarh) on steps taken for rehabilitation of all the 146 released bonded labourers.
- 2) Calling for report from District Magistrate, Jhajjar and Superintendent of Police, Jhajjar with regard to out come/status of case FIR No. 180/2014, P.S. Sadar, Bahadurgarh, u/s 342,34 IPC, Section 16,17, 20 Bonded Labours System (Abolition) Act, Section 3(1)(vi), 3(1)(x) Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, dated 7.5.2014 together with proof of payment of prescribed amount of financial relief paid to victims (143) in accordance with the amended provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Rules made there under.
- 3) Calling for a report from Labour Commissioner, Govt. of Haryana with regard to the proof of payment of contingency amount of Rs.1000/- each paid to all the 146 released bonded labours together with proof of payment of their wages, proof of payment Rs.20, 000/- each to the 20 child labourers in accordance with the provisions of the Child Labour (Prohibition and Regulation) Act and status/outcome of all the cases registered under the Labour Laws against the errant employer.
- 4) Calling for report from District Magistrate, Jhajjar, Haryana on functioning of the District and Sub Divisional Vigilance Committees in the District.

- 5) Commending the role S/Shri Pradeep Kumar of SDM, Bahadurgarh, Surajmal, Tehsildar, Bahadurgarh and Sub Inspector Randhir Singh, SHO, P.S. Sadar, Bahadurgarh, Haryana for assisting the NHRC team in this case.