



National Human Rights Commission

MINUTES OF MEETING

Core group Meeting on “Rights of Bonded Labour” held on 5th July, 2024 at Manav Adhikar Bhawan, NHRC, New Delhi

A Core group meeting on “Rights of Bonded Labour” was organised on 5th July 2024 at Manav Adhikar Bhawan. The meeting was chaired by Smt. Vijaya Bharathi Sayani, Acting Chairperson, NHRC. The list of participants is annexed.



Shri Devendra Kumar Nim Joint Secretary, NHRC commenced the Core Group Meeting by welcoming all the dignitaries present online and offline. He began by highlighting the constitutional and legal provisions that address the issue of bonded labour and its abolition in India. He mentioned how women and children were the most severely impacted groups, when it comes to dealing with the perils of bonded labour and its human rights implications.

Emphasis was laid on certain statistical data that highlighted the prevalence of 83% bonded labour belonging to the SC/ST community in India, whilst reiterating the afflictions faced by women and children from these marginalised groups. He commented that, despite the prevalence of well drafted legislations and policies, there exists a considerable gap in implementation and awareness thereof. Industries like firecracker manufacturing, restaurants,



textile factories and more employ significantly large numbers of bonded labour in hazardous conditions.

He focused on the failure of implementation and rehabilitation mechanisms in perpetuating the practice of bonded labour, and suggested that measures in this regard must be taken. He then proceeded to introduce the items scheduled for the technical sessions of the day.



Shri Bharat Lal, Secretary General NHRC addressed the meeting by firstly commending the commitment of all Core Group members in this sector. He emphasised that the idea of the meeting was to listen to experts present in the Core Group and formulate ideas to achieve a collective goal, and to discuss a way forward as to how the National Human Rights Commission may ensure a decline in Bonded Labour in India. Even after 75 years of India achieving its independence, Bonded Labour is still a problem in today's society. There are laws and schemes to mitigate the same; however recent data on Bonded Labour still reflects a scope of improvement on this issue. Hence, he placed a request across the House to work out concrete solutions in the meeting that may be taken forward and communicated to concerned stakeholders.

In a change of context, it was also pointed out that every year there are almost 2 crore people joining India's workforce, implying that there is a mismatch of demand and supply as far as labour is concerned. Recently, the National Human Rights Commission had taken suo-moto cognizance of an MNC who were engaging their workers in 10 hours of continuous labour. Delivery service-providing companies today also, at times, put lives of their executives at risk while ensuring 15-minute deliveries and similar services, thus impacting an entire generation negatively. Domestic workers also come under the same purview.



In terms of efforts at eradication of Bonded Labour in India, a social approach may be adopted, in the sense that mitigation strategies may be formulated learning from the goodness that exists in the Indian society and further expanding on that. Our country, as pointed out by the Secretary-General, still has the value systems that provide for ethical impetus towards dealing with this issue. NHRC should focus on ideas, not only regarding implementation and enforcement, but also towards social awareness and acceptability if we are looking at reducing Bonded Labour in India.



Smt. Vijaya Bharathi Sayani, Acting Chairperson, NHRC welcomed all dignitaries and began her address by giving a historical perspective of land issues that perpetuated the bonded labour system in India. She highlighted that generations get entangled in trying to repay the debt that bonded labour binds them in. The system of bonded labour that still persists is a blatant violation of basic human rights and dignity.

The practice of bonded labour exists beyond the areas of agriculture; for instance the Devadasi tradition sexually bonded female workers. Socio-economic inequality and unequal employment are issues that need immediate attention, to effectively eradicate bonded labour. There are many constitutional and legal provisions along with celebrated Supreme Court judgements that address this issue. However, this system still exists, due to a lack of awareness, implementation gaps and inadequate prosecution of perpetrators.

This system also persists due to the lack of financial services to the poorest of poor households. Therefore, an integrated and long-term solution is needed to tackle this problem at various levels. The NHRC, she highlighted, has played a significant role in issuing advisories in this regard and aims to further this cause with passion by virtue of recommendations etc. in the future as well.



TECHNICAL SESSION - 1

Agenda 1 : Existing Constitutional and Statutory Provisions on Bonded Labour and their Implementation

Dr. Onkar Sharma, Chief Labour Commissioner, Ministry of Labour and Employment

- I. He began his talk by briefing about the constitutional and legal provisions available in India, that ban the Bonded Labour System. He mentioned the fact that the definition of bonded labour has various interpretations.
- II. He elaborated upon the concept of “3-D Jobs” that highlight the dangerous, difficult and dirty nature of the jobs done by bonded labourers. He stressed that bondage is created by employers for these 3-D jobs and that the government must look at technology as an alternative system to replace the production process from manual to machine.
- III. He stressed over the fact that no one willingly takes up such ‘3-D’ jobs, knocking their nature. Most times, the bonded labour himself/herself does not know that he/she is in fact ‘bonded’. Therefore, there needs to be concerted efforts made towards awareness generation not just amongst the community members, but also concerned stakeholder groups including the common man. This includes generating awareness amongst officials conducting the enforcement of existing laws on bonded labour as well. In this regard, it becomes important to define the role of the vigilance community and conduct an audit of the appointed members, to ensure their efficiency.



- IV. He recommended that a manual could be developed for District Collectors, to make them more aware of their roles and responsibilities towards addressing the issue of bonded labour.
- V. He also suggested checking profile of members in vigilance committee, process of nomination and conduct workshop for the vigilance committee to spread awareness.



Shri Rupesh Kumar Thakur, Joint Secretary, Ministry of Labour and Employment

- I. He began his address by stating how the Bonded Labour System Abolition Act, 1976 along with the constitutional provisions for the abolition of bonded labour form the bedrock for eradication of the system. He focused on the international perspective and mentioned that India, on account of ratifying the ILO Convention, shows its commitment towards upholding international labour standards.
- II. He added that 70% of the reserved labourers are brick kiln workers.
- III. He elaborated upon the prevalent scheme that targets the rehabilitation of bonded labour by providing financial assistance, and explained how this was a demand driven central sector scheme. He mentioned how this is a provision of immediate cash assistance and how there exist comprehensive rehabilitation measures under the scheme.
- IV. In his concluding remarks, he mentioned a novel point, that one should be cautious in usage of the term ‘modern slavery’ as this term has not been defined in India, and has a very different connotation in the international context.



Dr. Pravin Sinha, Executive President, National Labour Law Association

- I. He focused his address on the issues of the conception of the bonded labour system in India, and how changes in the labour market occur faster than changes in society. He stressed upon the fact that employment of the young workforce in ‘modern slavery’ is a persistent issue, and that all stakeholders must define their roles to fill in the gaps between legislation and their implementation.
- II. He mentioned that the limits of time coupled with the lack of sensitivity broaden this gap, and how there exists a considerable vacuum between the power of the beneficiary and his understanding of the law. To counter this, he said, that we need intensive strength generation of the beneficiary. He also spoke about the apparent structural problem in addressing the issue of bonded labour.
- III. He mentioned that the United Nations Guidelines on Business and Human Rights defines the roles of government, businesses and workers, and following that, India should develop its zero draft, keeping in mind the recent scenario.
- IV. He stressed upon 2030 agenda and proposed National Action Plan that government should provide agenda and structure to achieve the same.



Shri Kiran Kamal Prasad, Secretary, Jeevika Valmiki Trust, Karnataka

- I. He pointed out how there is a need to focus rehabilitation of victims of Bonded Labour, which in itself is a violation and a form of injustice, on their economic empowerment, as pointed out in Section 11 of the Bonded Labour System (Abolition) Act, 1976, which talks about securing and protecting the economic interests of such bonded labourer. The Bonded Labour System (Abolition) Act, 1976 is unfortunately underused in India, as observed over the years on ground and no one questioned that who the keepers of bonded labourers are.
- II. The priority at hand should be the economic empowerment of those affected by bondage. The Executive Magistrates of a district may be tasked with conducting trials with people who have been rescued from the Bonded Labour, which in fact may help to quickly curb this issue.
- III. SOP issued by the Ministry of Labour & Employment might not have been as effective at ensuring rehabilitation to those affected by bonded labour.
- IV. Suggested the removal of certain sections of the SOP. The provisions may be revised under regulations of the Supreme Court of India, rehabilitate the victims at the foremost and then let District Magistrates take further necessary initiatives.
- V. A database of the people involved in this occupation may be collated via surveys involving state bodies and civil society organisations. Labour Unions may also be included in the study. A statutory body may be constituted pertaining to this matter

TECHNICAL SESSION - 2



Agenda 2: Presence of Bonded Labour in industry with specific mention of Agriculture, Textiles Industry and Brick Kiln establishments

Dr. Alby John Varghese, IAS; Managing Director, Metropolitan Transport Corporation (Chennai) Ltd.

- I. Discussed the wide prevalence of Bonded Labour in Tiruvallur in the brick kiln industry, and narrated their attempt at formalising the labour force there. Mentioned how some sectors are focused on, however the scope is quite wide in this matter, extending to the manufacturing sector and the garment industry.
- II. Had stakeholder consultation with industry persons in the district to create awareness regarding legal issues they might face if an issue of Bonded Labour was reported at their site. Smaller entrepreneurs might not be aware of such legislations so with the help of industry associations, they created awareness within the district.
- III. Under a model to empower Bonded Labourers, the district made it mandatory for local industries to have a board to keep track of labourer attendance and their salaries. Weekly settlement of their salaries was tracked through respective bank accounts, thus helping in measurement and formalisation of this process.
- IV. In order to rehabilitate brick kiln workers, they were mobilised into Self Help Groups (SHG), and given concessions on schemes like the PMAY.
- V. Pointed out that there are many workers migrating inter-state to secure employment. It is essential to create awareness among workers regarding their rights.
- VI. A phenomenon pointed out by the speaker is the lack of awareness among migrant workers that come to Tamil Nadu. If the workers are aware of their rights, migrant workers may not be, the language barriers adding to these woes.
- VII. There is also a lack of tracking since these workers are brought into the state by external contractors. So they become more susceptible to exploitation.
- VIII. Suggested the creation of a portal for registration of such informal workers who may register themselves to secure jobs outside their states. In addition, the labour contracting mechanism may be formalised.



Shri Sudhir Katiyar, Project Director, Prayas Centre for Labour Research and Action

- I. Shared experience of working with migrant workers who migrate from Odisha to work in Brick Kilns in Telangana. Talked about the existence of Bonded Labour in Construction and Agriculture.
- II. Explained how fewer cases are filed in this subject matter because only when the exploitation is extreme, a worker files a case of Bonded Labour. Otherwise the work structure already runs as per the textbook definition of Bonded Labour, especially in Brick Kilns.
- III. In most of their rescue cases, Release Certificates have not been issued against the workers who have been released. Without a Release Certificate, there is no evidence of bondage, thus providing no scope of rehabilitation to the worker and no persecution or punishment to the employer. In these cases, there is also a lack of legal follow-ups through a proper channel.. One reason pointed out was the fear of tarnished reputation of the district or whosoever is involved in this matter.
- IV. Mentioned the Inter-state migrant workmen (regulation of employment & condition of service) Act 1979 and its lack in efficacy to protect such workers.
- V. Explained the process of how the underground network of bonded labour is formed with the involvement of independent contractors and business entities.
- VI. Suggested the NHRC to maintain a portal specifically for individuals to be able to file complaints pertaining to Bonded Labour, so that they may be better scrutinised. The issue of Bonded Labour may also be brought under the aegis of Human Trafficking, although the prompt cognizance of these offences under the Indian Penal Code is still to improve.



- VII. Pointed out that India's labour market is completely unregulated. Since human labour is the most precious commodity, labour markets should be regulated under certain guidelines and structure.



Smt. Shatabdi Subodh Pande, Rashtriya Pramukh, Mahila Sahakari Sanstha, Sahkar Bharati

- I. Highlighted the fact that at the time of rescue, bonded labourers deny the fact they are in fact, bonded labourers. Since the government procedures come with their own set. Stated that the Orientation of Rescue Teams for Bonded Labour is very important. of complications, they prefer avoiding the entire ordeal.
- II. Explained how bonded labour in Brick kiln industries face hazards to their health, hygiene, accommodation and child care. Since Bonded Labourers also tend to travel with their families on site, there is also an impact on their children. Women in particular also face physical and mental difficulties.
- III. Suggested that the NHRC may communicate to Chief Ministers and Chief Secretaries regarding the utilisation of funds for spreading awareness, for the said matter. NGOs may be roped in to assist with the same.
- IV. Reminded the House on who actually are Bonded Labourers. They are ultimately rural folk who have migrated outside their state in search of employment opportunities.
- V. Emphasised the importance of recognising and empowering NGOs working in this sector who may work towards further empowering these individuals, for instance, by connecting them to various welfare schemes of the Government.



- VI. Suggested an inter-state cell for tracking of Bonded Labourers. Further a state-level helpline was emphasised. Either they may be introduced or the existing ones may be further developed.
- VII. Emphasised the sensitisation of multiple stakeholders such as the anti-human trafficking units, District Magistrates and the Police. She suggested the NHRC to directly provide sensitisation to District Magistrates regarding Bonded Labour.

TECHNICAL SESSION - 3

Agenda 2: Situation of women and children as frequent targets of Bonded Labour.

Dr. L. Mishra, I.A.S. Retd.

- I. He highlighted two main principles from the Bonded Labour system Abolition Act, 1976 which need to be restored: these unfortunate victims of bondage labour suffered the loss of human rights. These Principles are:-
 - a. Restoration of the dignity of human labour
 - b. Restoration from abuses and exploitative conditions in which he was placed.
- II. It is further pointed out that there are no statistics as to how many people have lapsed back to bondage because their freedom was not accompanied or considered with economic and psychological security.
- III. He mentioned that in the Inter-state migrant workmen (regulation of employment & condition of service) Act 1979, about the condition of recruitment of 5 or more labour by an agent or middle men which is violative of Article 19(1)(d) of the Constitution of India. It is suggested that this condition should be removed as there is no need for labour to be recruited by agents or middlemen.
- IV. Additionally, he added to the Survey conducted by the National Human Rights Commission on Slaughter houses where children are found near slaughter houses. Therefore, he raises the question as to why children are found near slaughter houses and rather not in schools.



Mr. Dhananjay Tingal, Executive Director, Bachpan Bachao Andolan

- I. He raised a significant issue by stating that out of 30,000 children who have been rescued and out of that only 1170 children given the release certificate.
- II. Despite the SOP issued by the Ministry of Labour and Employment in 2017, the SOP has not reached District/State Administration and other authorities.
- III. The vigilance Committee is not in existence and merely on paper only.
- IV. He stated that 95% of people are not getting any benefit despite being bondage due to lack of monitoring. Therefore, data should be maintained and recorded through a portal by state authorities to check the presence of bondage in different states. It is also added that there is no data on labour involved in brick kilns.
- V. He recommended to develop a portal for record and time bound settlement.
- VI. He suggested that a research study should be conducted on the ground level to check the implementation of guidelines issued by the National Human Rights Commission.
- VII. There should be a time bound settlement of cases related to bonded labour.



Ms Melita Fernandes, Representative, International Justice Mission India

- I. She suggested that all states should collate best practices adopted by some states related to identify, rescue and rehabilitation of bonded labour.
- II. She recommended that officers should perform summary trials within 3 months and give release certificates in 24 hours to the labourers.
- III. Further, it was added that states issuing state action plans for bonded labour migration should include inter-state MOUs.
- IV. A combined advisory should be issued by the National Human Rights Commission with ministries and other institutes related to Bonded Labour on existing schemes and policies.
- V. NALSA scheme on Legal services to unorganised sector, 2015 mentions about the bonded labour and therefore, a direction should be issued to them to direct panelled lawyers in assisting victims of bonded labour during court proceedings.



Sh. Sandeep Chachra, Executive Director, National Coordinator, Action Aid India

- I. He pointed out that traditionally the area based approach is adopted to identify. Rescue and rehabilitate bonded labourers. However, an industry based approach should be taken further by considering areas such as textile, brick kiln industry etc.
- II. In area based approach he suggested:-
 - a. That a national portal should be developed to monitor the functioning of vigilance committees.
 - b. Strengthening the vigilance committee at panchayat and block level.
 - c. Expanding the role of vigilance committee, by periodic assessment of industries. Industry boards should be set up to identify labour.
- III. He suggested issuing an advisory by the National Human Rights Commission related to industry specific approaches, especially related to the “Brick Kiln Labour Sector”.
- IV. In brick kiln industry area he suggested:-
 - a. That employers connect money from the brick kiln workers for rental utilities.
 - b. Timely revision of minimum wages as specified by state government protocols is a must.
 - c. The release certificate is a huge challenge on the ground.
 - d. That a regulation or specific advisory should be issued that brick kiln workers should get an employer certificate from their employers.
 - e. Mobile health support systems are solutions to child and women brick kiln workers issues.
 - f. Set up anganwadi for brick kiln workers.
 - g. Question of working hours, heat waves, occupational hazards, shifting work times, shelters etc. should be considered.



Sh. Shekhar Mahajan, General Secretary, Sahyog Care for you

- I. He suggested that NGOs should be allowed to accompany the team going for rescuing bonded labourers on behalf of the state.
- II. He mentioned that FIRs are not issued, especially Section 370 of Indian Penal Code, 1860 is not mentioned in the FIRs.
- III. The National Human Rights Commission should issue letters to District Magistrates, States etc for implementation of SOPs already issued by the Ministry of Labour and Employment.
- IV. Gram Panchayat should be provided instruction by the National Human Rights Commission to provide information to the District Magistrate regarding migrated labourers and child labourers.



The meeting ended with the Vote of Thanks to the Chair and all the participants by, Lt Col Virendra Singh, Director, NHRC.



ANNEXURE

List of Participants

NHRC Officials/ Staff

1. Smt. Vijaya Bharathi Sayani, Hon'ble Acting Chairperson, NHRC (Chair)
2. Shri. Bharat Lal, Secretary General, NHRC
3. Mr. Ajay Bhatnagar, Director General (Inv.), NHRC
4. Mr. Joginder Singh, Registrar (Law), NHRC
5. Mr. Devendra Kumar Nim, Joint Secretary, NHRC
6. Lt. Col. Virender Singh, Director, NHRC
7. Dr. Kanaklata Yadav, Consultant (Research), NHRC
8. Ms. Avani Verma, Junior Research Consultant, NHRC
9. Ms Niharika Sharma, Junior Research Consultant, NHRC
10. Mr. Abhishek Kumar Sharma, Junior Research Consultant, NHRC
11. Ms. Manisha Majumdar, Junior Research Consultant, NHRC
12. Ms. Ahana Ray, Junior Research Consultant, NHRC
13. Ms. Radhika Goel, Research Assistant, NHRC

Other Participants/Speakers

1. Dr. Onkar Sharma, Chief Labour Commissioner, Ministry of Labour and Employment
2. Shri Rupesh Kumar Thakur, Joint Secretary, Ministry of Labour and Employment
3. Dr. Pravin Sinha, Executive President, National Labour Law Association
4. Shri Kiran Kamal Prasad, Secretary, Jeevika Valmiki Trust, Karnataka
5. Dr. Alby John Varghese, IAS; Managing Director, Metropolitan Transport Corporation (Chennai) Ltd.
6. Shri Sudhir Katiyar, Project Director, Prayas Centre for Labour Research and Action
7. Smt. Shatabdi Subodh Pande, Rashtriya Pramukh, Mahila Sahakari Sanstha, Sahkar Bharati
8. Dr. L. Mishra, I.A.S. Retd.
9. Mr. Dhananjay Tingal, Executive Director, Bachpan Bachao Andolan
10. Ms Melita Fernandes, Representative, International Justice Mission India
11. Sh. Sandeep Chachra, Executive Director, National Coordinator, Action Aid India
12. Sh. Shekhar Mahajan, General Secretary, Sahyog Care for you