

**National Human Rights Commission  
ResearchUnit-3 (PRPP Division)**

October 2021

**Minutes of the Meeting of the Core Advisory Group on Bonded Labour held on 21<sup>st</sup>October 2021**

A meeting of the Core Advisory Group on Bonded Labour was organized on 21<sup>st</sup> October, 2021 through Cisco Webex platform. The meeting was chaired by the Hon'ble Chairperson, NHRC, Mr. Justice Arun Mishra. The Chairperson outlined the need for a discussion on the existing laws to eradicate bonded labour system, provisions in the non-cash/cash benefits to the rescued bonded labour and capacity building of officials from the Administration and other stakeholders.

The list of participants is attached as Annexure I.

1. In the welcome address, Smt. Anita Sinha, Joint Secretary, NHRC highlighted the agenda items and requested for appropriate suggestions regarding issues and way forward for eradicating the Bonded Labour System.
2. Shri Bimbadhar Pradhan, Secretary General, NHRC, in his introductory remarks made observations on the definition of bonded labour. He highlighted, inter-alia, various existing issues in the bonded labour system;
  - Lack of proper implementation of the relevant Schemes and associated laws and provisions relating to Bonded Labour
  - Non-issuance of timely Release Certificates to the rescued bonded labourers
  - Inadequate monitoring of the court cases
  - Linking rehabilitation with the conviction is not appropriate
  - Lack of awareness
  - Lack of Coordination between the district, state and central functionaries.
  - Lack of effective functioning of Vigilance Committees at District / sub-divisional level.

The Secretary General mentioned regarding the initiatives being taken by the Government of India such as the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, Labour Codes and related reforms, and the 'e-SHRAM' Portal. While highlighting the role of NHRC and its recent 'Advisory to identify, release, and rehabilitate bonded labourers during Covid-19 pandemic', he suggested that the NHRC, SHRCs, State governments and district officials must formulate a National Action Plan (NAP) on Bonded Labour as early as possible in collaboration with Ministry of Labour and Employment, Ministry of Rural Development, Ministry of Women and Child Development, and the Ministry of Panchayati Raj.

3. In his address, Sh. Sunil Barthwal, Secretary, Ministry of Labour & Employment highlighted the following:

- A ‘National Portal on Bonded Labour’ to record cases of Bonded Labour across India is being created.
  - The e-SHRAM portal will also be used to track the rehabilitation of bonded labour cases across the states by linking the Aadhar with the Portal.
  - The need for better utilization of the budget allocated for Bonded Labour.
  - The challenge of non- availability of right type of livelihood schemes to rescued bonded labourers; and the efforts of Ministry to include released bonded labourers in its National Career Service Portal.
  - He mentioned that approximately 4 crore workers in the unorganized sector have already got registered themselves on the “e-SHRAM” portal.
4. Sh. Rajiv Jain, Hon’ble Member, expressed his concern on the new forms of bonded labour system in cases where the employers confiscate the documents of employees and restrict their freedom to choose employments elsewhere. He quoted the examples of Call Centres and other private institutions. He mentioned that in many institutions the employees on contract basis are paid lower wages than the existing market wages.
5. Hon’ble Chairperson, Mr. Justice Arun Mishra, while delivering his inaugural address, observed the following:
- The issue of bonded labour needs to be properly addressed in our country. For example, it is injustice to link release of cash component with conviction for released/rescued bonded labourers and outcome of the summary trials
  - The rights of a poor bonded labourers can scarcely be protected on the basis of the outcome of the summary trials, as the rescued bonded labourer are voiceless and powerless in the entire prosecution process.
  - To make the Vigilance Committees more accountable and to strengthen the Committees, he suggested inclusion of the data on visits and other relevant issues and information by the Committee members on the National Portal for better monitoring.
  - There is a need to devise mechanisms for identifying bonded labourers and grant of rehabilitation package notwithstanding pendency of cases.
  - Awareness and sensitization of all stakeholders should be ensured on the laws, related provisions, rehabilitation Schemes.
  - Civil society organizations should be engaged for better collaboration with NHRC for effective implementation and better enforcement of existing laws.
6. Former Union Labour Secretary, Dr. L. Mishra stressed upon two formulations. Firstly, reparation or grant of compensation to the victims and secondly, creation of a Statutory Bonded Labour Welfare cum- Rehabilitation Fund. Both the formulations require amendment in the BLS (A) Act. The grant of compensation will be a form of protection extended to the victims of the bonded labour system and promote socio- economic justice and self- reliance of the labourers. As regards the creation of the bonded labour Welfare cum- Rehabilitation fund, he stated that it will be different from the Corpus fund. The Corpus fund has a limit of 10 lakhs whereas the proposed fund will have no limit. The employer employing bonded labour, on the analogy of the judgment of Supreme Court of India in M C Mehta vs. State of Tamil Nadu, shall be required to deposit the fund in the

proposed fund. The proceeds of the fund will be invested in the best possible manner so as to yield more returns whereas the existing scheme does not provide for any such provision.

7. Mr Sandeep Chachra, Executive Director, Action Aid Association highlighted the need for amendment of the Act to incorporate newer forms of bondage, and the role of Panchayats and Urban Local Bodies in monitoring, rescue and rehabilitation. There should be a mechanism in place for expeditious repatriation of the Indian citizens who are victims of bonded Labour in foreign countries.

Other participants gave their presentations on the capacity building interventions, issues and challenges.

8. During the deliberations, the following issues emerged which require necessary interventions for proper implementation of the laws and schemes on bonded labour: -

- In the emerging global economic scenario, bonded labour system has manifested itself in many forms like Construction industry, Shopping Mall, Call Centre, Massage Parlour etc. The new forms of bonded labour need to be identified for providing relief to them as per Act and Scheme thereon.
- Summary trials to be concluded expeditiously( not beyond 3 months)
- In context to Non- Cash assistance, prevalence of bonded labour is mostly in agriculture and allied sectors; hence access to land rights and other benefits like low cost dwelling unit, animal husbandry, poultry, piggery, etc. as per CSS- 2016, be provided to families of released bonded labourers
- Section 3(1)(h) of the SC and ST (PoA) Act, 1989 have made provision of the compensation to victims (bonded or forced labourer). There is a need to provide timely compensation from the earmarked funds to the affected bonded labour belonging to SC/ST communities in accordance with the said Act, and the associated rules thereof. Benefits under the Act shall be independent of other benefits under the existing schemes and programmes for that particular group.
- The CSS- 2016 mandates creation of Corpus Fund for rehabilitation of the Bonded Labourers. Wherever the Corpus Fund has not been created at the District level, it must be operationalized at the earliest. Wherever the Corpus Fund is created, necessary coordination between the National, State and District Authorities is required for proper implementation.
- Survey, as mandated under the CSS- 2016 should be implemented in letter and spirit.
- There is a need for capacity building by organizing training, workshops for the State functionaries to bridge the gap in implementation of the Schemes and Acts.
- By effective enforcement of laws and CSS- 2016, the delays in release and rehabilitation of the rescued bonded labourers be avoided.

**9. Inter-alia following suggestions emanated out of the discussions/deliberations:**

**A.**

- It was suggested that a National Action Plan (NAP) be prepared to solve the issues and challenges in the implementation of the Bonded Labour System (Abolition)Act, 1976.
- Civil society organizations be encouraged to create awareness among individuals to

report incidents of bonded labour to respective authorities.

- To conduct workshops on regular basis for sensitization of concerned implementing authorities and other stakeholders.
- To conduct research on the issues related to bonded labour and also to revise the Handbook on Bonded Labour for a comprehensive updated Compendium.
- Regular monitoring of rehabilitation measures and other benefits under the scheme related to bonded labour.

**(Action: - NHRC)**

**B.**

- Adequate funds need to be provided for all the Districts as per requirement.
- Revisiting the areas involved in keeping the labourers in bondage under the changed economic scenario.
- To sensitize the Police and District Authorities for ensuring invocation of requisite provisions of SC/ST (PoA) Act, 1989 wherever the victims belong to the SC/ST communities and further steps thereon for relief as mandated under the Atrocities Act and rules made thereunder.
- Vigilance Committees be operationalized, made functional in all States/UTs and their constitution be reflected on National Portal for vigil. Data and other relevant information related to Vigilance Committee's functioning be uploaded to enable to review of the status and fixing accountability of the Committees in every District.
- Simplifying the processes for creation of Corpus fund and recoupment thereof.
- Necessary survey for identification of bonded labourer must be conducted and outcome of the survey be taken to logical end.
- Necessary modules with the help of VV Giri National Labour Institute be formulated for training and capacity buildings.
- All the stakeholders need to be sensitized considering the poor conviction rate.
- Gaps in implementation of CSS, 2016 needs to be identified and suitable corrective measures to be taken for better outcomes of the existing scheme.
- Format for the submission of Utilization Certificates (UCs) and Half- Yearly Reports to be simplified and standardized.
- Necessary curriculum to be prepared and introduced in the training modules for the functionaries of Govt. Institutions/Police Academies NGOs/CSOs and other functionaries/stakeholders working in the areas of Bonded Labours.
- To increase participation in awareness programmes in particular for Student, youth, CSOs and others working in field.

**(Action: - MoL&E )**

**C.**

- To develop the mechanism for expeditious repatriation of the Indian citizens who are victims of bonded Labour in foreign countries.

**(Action: - MHA & MEA)**

**D.**

- The State and District authorities to ensure that the Cash and Non- Cash benefits are extended to the released bonded labourers in accordance with the existing CSS-2016.

- Necessary Information, Education and Communication (IEC) activities for sensitizing the community for raising awareness.
- To ensure the effective implementation of NHRC's Advisory to identify, release, and rehabilitate bonded labourers during Covid 19 pandemic'. Necessary updation and submission of data on MIS, pertaining to the Action Taken on the Advisory, at regular intervals.

**(Action:-State Governments)**

The meeting ended with the concluding remarks and vote of thanks by Shri Bimbadhar Pradhan, Secretary General, NHRC.

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**List of Participants**

**NHRC Officials**

1. Justice Shri Arun Kumar Mishra, Hon'ble Chairperson
2. Shri Rajiv Jain, Hon'ble Member
3. Shri Bimbadhar Pradhan, *Secretary General*
4. Shri Surajit Dey, *Registrar (Law)*
5. Smt. Anita Sinha, *Joint Secretary(A&R)*
6. Shri O.P.Vyas, *Deputy Registrar(Law)*
7. Shri Indrajeet Kumar, *Assistant Registrar(Law)*
8. Shri Sudesh Kumar, *Senior Research Officer*
9. Mr. Shambhu Chaurasia, JRC
10. Ms. Saaniya Srivastava, JRC
11. Mr. Sam T. John, JRC

**Members of the Core Group/Nominated Members**

1. Shri Sunil Barthwal, *Secretary, Ministry of Labour and Employment*
2. Dr. Onkar Sharma, *Deputy Chief Labour Commissioner, Ministry of Labour and Employment*
3. Dr. Helen R. Sekar, *Senior Fellow (Faculty), Coordinator, National Resource Centre on Child Labour (NRCCL), V.V.Giri National Labour Institute*
4. Dr. Laxmidhar Mishra IAS(Retd.), *Former Secretary, MoL&E*
5. Shri Chandan Kumar, *National Coordinator, Action Aid India*
6. Shri Sudhir Katiyar, *Prayas Centre for Labour Research and Action*
7. Shri Kiran Kamal Prasad, *Secretary, Jeevika/Vimukti Trust*
8. Dr. Pravin Sinha, *Executive President, National Labour Law Association*
9. Shri. Dhananjay Tingal, *Executive Director, Bachpan Bachao Andolan*
10. Smt. Anuja Naik , *Lead, Central Government Partnerships, International Justice Mission*

**Special Invitees**

11. Shri Sandeep Chachra, *Executive Director, Action Aid India*
12. Mr. Insaf Nizam, *International Labour Organization*
13. Dr. K. Krishnan, *Executive Director, Foundation for Sustainable Development*
14. Shri Hem Raj, *National Director, Justice Ventures International*