

बिम्बाधर प्रधान, भा.प्र.से.  
महासचिव  
**Bimbadhar Pradhan, IAS**  
Secretary General



राष्ट्रीय मानव अधिकार आयोग  
मानव अधिकार भवन, सी-ब्लॉक,  
जीपीओ कम्प्लेक्स आईएनए, नई दिल्ली-110 023 भारत  
**NATIONAL HUMAN RIGHTS COMMISSION**  
Manav Adhikar Bhawan, C-Block,  
GPO Complex, INA, New Delhi-110023 India

File No. R-12/1/2021-PRPP (RU-4)

08<sup>th</sup> December, 2021

**Sub: Advisory 2.0 to Identify, Release and Rehabilitate Bonded Labourers.**

This is in continuation with Advisory on Bonded Labourers issued on 31.05.2021 in view of COVID-19 Pandemic (copy enclosed). As you are aware that the National Human Rights Commission is mandated by the Protection of Human Rights Act, 1993 to promote and protect the Human Rights of all in the country. During the COVID-19 pandemic, the Commission decided to issue an Advisory on Bonded Labourers to protect the rights of the vulnerable/marginalised section of society. ATRs on the earlier Advisory issued by the Commission shows that some implementation issues are being faced at the field level.

2. These issues have been enumerated in this ~~Advisory 2.0~~ which covers the essential components of the mechanism to identify, release and rehabilitate the bonded labourers for necessary implementation and timely compliance.
3. The ~~Advisory 2.0~~ on bonded labourers is enclosed herewith for reference.
4. This is to request that the concerned authorities may be directed to implement the requisite provisions for better outcomes on this issue.
5. Further, Action Taken Reports on implementation of the recommendations contained in both the Advisories may be furnished to the Commission within 90 days for its perusal ([Email: sgo-nhrc@nic.in](mailto:sgo-nhrc@nic.in)).

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28/12/21  
(Bimbadhar Pradhan)

Encl: Advisory

1. The Secretary to the Government of India  
Ministry of Labour and Employment  
Shram Shakti Bhawan, New Delhi
2. The Chief Secretary (all States)/Administrators (all UTs)



## **NATIONAL HUMAN RIGHTS COMMISSION**

### **Advisory 2.0 to Identify, Release and Rehabilitate Bonded Labourers**

The National Human Rights Commission had circulated an Advisory dated 31.05.2021 to identify, release and rehabilitate the bonded labourers during Covid-19 pandemic. The Commission has further considered the issue of identification, release and rehabilitation of the Bonded Labourers and is issuing the Advisory for compliance by the stakeholders. This Advisory be read and implemented in conjunction with the earlier Advisory.

#### **I. Prevention**

1. State Government should provide free ration, healthcare and other social security cover to the vulnerable and the marginalised communities and also direct the district administrations to identify households in extreme vulnerable conditions so as to prevent any instance of bonded labour.
2. The District Magistrate should ensure maintaining a database of the brick kilns or other industries, including informal work sectors, where there are possibilities of prevalence of bonded labour within his District. He shall ensure that all the workers working in brick kilns etc. are registered in the e-Shram portal. The data available on e-Shram portal may be effectively utilized for tracking of rescued bonded labour for the purpose of rehabilitation too.
3. The District Magistrates should identify the locations within their Districts where the prevalence of cases of bonded labour is high. He should conduct mandatory meeting at the District level, every six months, to review the status of bonded labourers in the particular areas.
4. Vigilance Committees be operationalized, made functional in all States/UTs and their constitution be reflected on State Labour department website. Data and other relevant information related to Vigilance Committees be uploaded to enable to review the status and functioning of the Committees in every District. The DM should ensure the meetings of Vigilance Committees once in every three months.
5. The proposed National Portal on Bonded Labour should, inter-alia, include Rehabilitation Data, details of visit and functioning of Vigilance Committees, data obtained from the State labour departments, data relating to surveys, data on advancement of cash and non-cash benefits to

Bonded Labour, pending criminal cases and date of initiation and outcome and features of case management.

## **II. Identification**

6. Survey teams may be constituted with the Central Assistance, as mentioned in Central Sector Scheme for Rehabilitation of Bonded Labourer-2016 (hereinafter be read as CSS-2016) and it should focus on bonded labour prone areas/districts.
7. Periodic surveys for identification of bonded labour should be done as mandated under the CSS-2016.
8. The focus of the State and District level functionaries, as regards the prevalence of bonded labour, should not only be limited to brick kilns alone but also in domains where bonded labour system has manifested itself in newer forms like in Construction Industry, Shopping Malls, Call Centres, Massage Parlour, etc. The newer forms of bonded labour need to be identified for providing relief to them as per the existing Act and Scheme.

## **III. Rescue**

9. The District Magistrate/Sub-Divisional Magistrate should investigate as soon as possible within 24 hours upon receiving a complaint of bonded labour system. In case the process for rescue is not initiated as per the Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender-2017 (hereinafter be read as SOP-2017) the concerned public servant be held accountable.
10. The DM/ SDM should ensure that the Release Certificates be issued within 24 hours of the rescue and efforts should be made to issue Release Certificates in digital form also.
11. As mandated under SOP-2017, the rescue team shall be multi-disciplinary. A member of Civil Society Organizations or Social Workers be included for rescued labourer support including counselling and other roles.

## **IV. Repatriation & Rehabilitation**

12. The District Magistrates shall ensure that adequate funds are always available in the District Corpus Fund so that immediate cash assistance upto Rs. 20, 000/- as prescribed in the CSS-2016 is provided immediately to the rescued person. Corpus Fund under the CSS - 2016 be created with immediate effect in the Districts where it has not been created.
13. There is an inordinate delay in release of the cash and non-cash component to the released bonded labourer as the release of the Rehabilitation Package has been linked with the conviction in which the rescued labourer has no control nor is associated in the trial. Efforts be made to delink dependency

of Rehabilitation Package to Bonded Labour under the schemes on conviction in criminal cases. Once bonded labour is freed, he should be compensated and rehabilitated.

14. As mandated in SOP-2017, the Summary Trial should be initiated within 24 hours of the identification or rescue, whichever is later and the designated Magistrate should conclude the Summary Trials within 3 months. In case the Summary Trial is not initiated and completed as per the SOP-2017, where the SOP is operational, the concerned public servant be held accountable.
15. The District Administration should bear the expenses of providing food and safe transportation facilities to the released labourers. The process must be in compliance with the travel norms and health care instructions issued by the government.
16. In context of Non-Cash Assistance, the District Magistrate to ensure that the benefits available under CSS -2016 such as allotment of house-site and agricultural land, land development, provision of low cost dwelling units, animal husbandry, dairy, poultry, piggery, etc., wage employment, enforcement of minimum wages etc., collection and processing of minor forest products, supply of essential commodities under Targeted Public Distribution System and education to children, should be given to the families of released bonded labourers.
17. There is a need to provide timely compensation from the earmarked funds to the affected bonded labourer belonging to SC/ST communities in accordance with the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 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.

**In all the above actions, the District Administration/ State Government should direct its officials to treat the bonded labourers with dignity and respect.**

#### **Recommendations for the Central and State Governments**

- a. The Ministry of Labour and Employment, Government of India to ensure that the proposals for reimbursement of cash assistance be cleared immediately after receipt of the proposal by the State and also ensure that the format for submission for Utilization Certificates (UCs) and other reports be simplified and standardized.
- b. The Ministry of Labour and Employment, Government of India 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 be extended as mandated under the Prevention of Atrocities Act and Rules made thereunder.

- c. The Ministry of Labour and Employment, Government of India, to ensure that the process of registration at the e-Shram portal be simplified as per the requirements for enrolment for Aadhar or making of Electoral Photo Identity Card (EPIC) so as to enable timely registration of the informal workers specifically the rescued bonded labourers.
- d. The Ministry of Labour and Employment, Government of India may take steps to simplify the processes for creation of Corpus Funds and recoupment thereof and to ensure creation of funds at the State/District level.
- e. The State and District authorities to ensure that the Cash and Non- Cash benefits are extended to the released bonded labourers expeditiously.
- f. The State and District authorities should utilise the funds allocated for identification, rescue and rehabilitation of bonded labour.

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