Appendix -i
APPENDIX-I

METHODOLOGY FOR IDENTIFICATION OF
THE BONDED LABOUR

I. IDENTIFICATION PARTICULARS:
   (i) Name:
   (ii) Father’s Name:
   (iii) Age:
   (iv) Village:
   (v) Taluk:
   (vi) Block:
   (vii) District:
   (viii) Male/Female:

II. PARTICULARS OF FAMILY MEMBERS:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Relation to Respondent</th>
<th>Age</th>
<th>Sex</th>
<th>Education</th>
<th>Occupation</th>
<th>Remarks</th>
</tr>
</thead>
</table>

III. PARTICULARS OF OCCUPATION:
   (i) Nature of Present Occupation:
   (ii) Duration of the Present Occupation:
   (iii) Whether Permitted to Work elsewhere or to leave the job with present employer:
   (iv) If no, specify the reasons:

IV. WORKING CONDITIONS:
   (i) Wages agreed upon by the Employer:
   (ii) Wages paid in kind (per day/week/month/year):
   (iii) Wages paid in cash (per day/week/month/year):
   (iv) Any other benefit or perquisites received from the employer:
   (v) Details of the Punishment for absence or slackness in work:
   (vi) Daily hours of work:

V. NATURE OF BONDAGE:
   (i) Amount of loan taken (cash/kind):
   (ii) Rate of Interest:
   (iii) Purpose of borrowings:
   (iv) Who has taken the loan and his relation with the Respondent:
Appendix-I

(v) Mode of repayment : 
(vi) Number of years working for the loan taken : 
(vii) When do you think that the loan will get repaid : 
(viii) Is any other member of the family also bonded : Yes/No

If yes, please indicate his/her : 

(a) Name ____________________________
(b) Age ____________________________
(c) Duration of work ____________________________
(d) Loan taken ____________________________
(e) (e) Interest, if any ____________________________
(f) Hours of work ____________________________
(g) Wages paid ____________________________

VI. PARTICULARS OF ASSETS :
(i) Land owned ____________________________
(ii) Milch animals / bul locks / sheep / goat ____________________________
(iii) Do you live in your own homestead or in employer's land. ____________________________
(iv) House owned or rented (v) Skill level ____________________________

VII. PARTICULARS OF EMPLOYERS :
(i) Name & Address (ii) Occupation (iii) Caste ____________________________
(iv) No. of bonded labourers under the same employer ____________________________
(v) Any instance of beating/commission of atrocity/violence by the employer (please specify). ____________________________

VIII. RELEASE AND REHABILITATION :
(i) Whether any attempt made to leave the bondage ____________________________
(ii) Whether the respondent is aware of the provisions of the Bonded Labour Act ____________________________
(iii) Whether the respondent is aware of the scheme for rehabilitation of bonded labour and other anti-poverty programmes ____________________________

VERIFICATION

It is certified that the facts stated in the above questionnaire are true to the information provided by the respondent which has been read over and explained to him in his mother tongue.

Date:__________________________
Place:__________________________
Signature of the Surveyor ____________________________

Appendix -ii
APPENDIX-II
CENTRALLY SPONSORED PLAN SCHEME FOR REHABILITATION OF BONDED LABOUR
(Modified in May, 2000)

The Ministry of Labour formulated a Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour in 1978. Under the Scheme, all proposals for rehabilitation of bonded labour used to be scrutinized and approved by a Screening Committee in the Ministry of Labour under the Chairmanship of DGLW. This procedure led to delay in implementation and hence it was decided in 1983 that all rehabilitation schemes would be approved by the District/State level Screening Committees and finally sanctioned by the State Governments concerned and the requirement of normal submission of schemes to the Ministry of Labour would be dispensed with. The State Governments had also been directed to release the full share of grants to the District Magistrates, subject to the condition that the grants released for these districts earlier had been fully utilised and necessary utilisation certificates had been furnished in the prescribed form.

Originally the scheme provided for rehabilitation assistance upto a ceiling limit of Rs.4000/- per bonded labourer. The expenditure was equally shared by Central and State Governments concerned on (50:50) basis. The rehabilitation assistance was raised to Rs.6250/- w.e.f. 1.2.86; it was subsequently enhanced to Rs. 10,000/- per bonded labourer w.e.f. 1.4.95. Out of this, Rs.1000/- is immediately paid on his/her release as subsistence allowance.

The Central contribution for the rehabilitation of bonded labourers is released by the Government of India in advance after knowing the firm requirements of the State concerned for that financial year. The State Governments are required to send their requirements based on the reports of the Screening Committees set up for the purpose. After receipt of the grant in aid from the Central government, the State Governments utilise it by sanctioning the required funds to the District Magistrates while adding their contribution to it. All the utilisation and flow of funds are audited as per the normal procedures of the Audit of State Government funds and expenditure and utilisation certificates are submitted at the end of the year to the Ministry of Labour.

In view of the increasing attention that the issue is receiving at National and International levels and also due to the intervention of the Supreme Court, and the National Human Rights Commission, it has become essential to revise the existing scheme. The scheme is inadequate in the context of the changing needs of the individual bonded labourer and those of the community because it does not include the following inputs:

1. Survey of bonded labour;
2. Awareness generation activities;
3. Evaluatory Studies;
4. Monitoring at National, State and District level,
5. Need to increase the rate of rehabilitation assistance;

The matter was first discussed in the meeting held on 3.5.97 by Secretary (Labour) with State Government representatives who were dealing with bonded labour. After examining the views expressed by the State governments, the matter
was again discussed in the meeting held on 2.12.98 under the Chairmanship of Secretary (Labour) with the State Government representatives. In this meeting, it was inter alia decided to modify the scheme so that the work related to identification, release and rehabilitation of bonded labourers could be augmented. It may be pointed out that all State Governments have agreed with the proposed modifications and have requested the Ministry to allocate funds for each component as proposed.

In view of this, it is proposed to include the following components in the Centrally Sponsored Scheme for rehabilitation of bonded labour:

**Survey of Bonded Labour:**

Existence of bonded labour system can occur and recur at any point of time in any industry/occupation, be it agriculture and its allied activities or non-agricultural avocations. This requires continuous vigilance and surveillance, continuous field visits on the part of the Chairman and members of the Vigilance Committees at the district and sub-divisional levels and institutional arrangements for entertaining complaints/grievances received from those who are working and living under conditions of bondage. All these arrangements require a minimal financial support from the Centre.

Each State Government should, therefore, identify sensitive districts where the system of Bonded Labour, in one form or the other has taken deep roots, and find out the reasons for existence of this system in that area and suggest remedial measures. In order to do so, surveys should be conducted on a regular basis. Taking into consideration the cost components included in conducting this survey, it is proposed that an amount of Rs.2 lakhs per sensitive district may be provided to the concerned State Governments to conduct such surveys. This amount would be provided to a particular district once in three years for the following:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Cost involved in survey</th>
<th>Funds required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cost of Printing of Questionnaire (Average 2000 questionnaires @ Rs.5 each)</td>
<td>Rs. 10,000</td>
</tr>
<tr>
<td>2</td>
<td>Cost of imparting training to investigators/field staff for collecting information (payment to 10 field staff @ Rs.200/- per day to each for 5 days (Rs. 2000 x 5)</td>
<td>Rs. 10,000</td>
</tr>
<tr>
<td>3</td>
<td>Cost of collecting primary data from field (payment to 5 investigators/field staff @ Rs. 2007- per day to each for 2 months (Rs. 1000 x 60 days)</td>
<td>Rs. 1,20,000</td>
</tr>
<tr>
<td>4</td>
<td>Cost of editing, tabulation and analysis of primary data (payment to 3 research Assistants @ Rs. 60007-per month to each for 2 months (Rs. 1 8000 x 2 months)</td>
<td>Rs. 36,000</td>
</tr>
<tr>
<td>5</td>
<td>Cost of Computerisation of data/information</td>
<td>Rs. 24,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>Rs. 2,00,000</td>
</tr>
</tbody>
</table>

As per reports available, there are 172 sensitive districts in 13 States (Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Maharashtra, Uttar Pradesh, Kerala, Haryana, Gujarat and Arunachal
Pradesh) from where the incidences of bonded labour are being reported frequently.

**Awareness generation activities:**

In order to bring conceptual clarity to the definition of bonded labour, bonded debt and the bonded labour system prevalent in different forms in the country, it is considered necessary to make constant efforts to inculcate a sense of individual and social identity in the minds of people who are economically and socially deprived of their basic legitimate rights even after so many years of independence. It is necessary to highlight the impact of bondage on the lives of this exploited category of bonded labourers which tarnishes the image of civilised democratic society.

This would require certain time bound programmes and activities at the district and sub-divisional levels. While the existing machinery dedicated to public relations and awareness generation could be made use of, this needs to be supplemented by designing scripts for plays, nukkad nataks, street theatres, skits and simulation exercises to drive home the concept and idea that existence of bonded labour system is a negation of humanity; it is a negation of human rights and an outrage against a decent and civilised human existence.

Taking into consideration the various cost components involved in awareness generation activities, it is proposed that an annual grant of Rs. 10 lakhs per State Government may be sanctioned for this purpose as follows:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Cost Components</th>
<th>Funds required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Printing of pamphlets/leaflets/campaigns through local newspapers</td>
<td>Rs. 1 lakhs</td>
</tr>
<tr>
<td>2.</td>
<td>Cost of organising orientation and training of folk cultural troupes who will perform as instruments of awareness generation like Nukkad Nataks, skits, street theatres etc.</td>
<td>Rs. 2 lakhs</td>
</tr>
<tr>
<td>3.</td>
<td>Cost of actual performance by folk cultural troupes including cost of travelling.</td>
<td>Rs. 2 lakhs</td>
</tr>
<tr>
<td>4.</td>
<td>Cost of campaigning and telecast of various audio visual inputs through AIR, Doordarshan, song and Drama Division etc.</td>
<td>Rs. 5 lakhs</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>Rs. 10 lakhs</strong></td>
</tr>
</tbody>
</table>

**Evaluatory Studies:**

Evaluatory Studies/surveys may be undertaken at district and State levels to study the impact of existing land-debt related issues affecting bonded labourers and the impact of poverty alleviation programmes and financial assistance provided by various government sources so far. Such Evaluatory studies may be conducted by reputed research organisations/academic institutions and NGOs working for the cause and welfare of unorganised labour. Evaluation should be viewed as a tool of correction and not as a tool of witch hunting. It should be both content and process related as also impact related. It has to be in relation to formulation of schemes, implementation of on-going programmes and impact of those programmes on the
lives of the target groups for whom they are intended. It should also be seen in relation to adoption of timely corrective actions on the basis of the findings of evaluation studies.

Each State government should conduct five Evaluatory Studies every year through institutes of social Science Organisations, NGOs of standing and repute, having professional experience in conducting evaluatory studies. The following components of expenditure have been taken into consideration for assessing financial requirement for conducting one evaluatory study:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Cost components</th>
<th>Funds required</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Formulation and printing of questionnaire for collecting information from various Government Departments &amp; who are providing grants/loans for the purpose of effective rehabilitation of bonded labourers including cost of mailing of questionnaire</td>
<td>8,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>Analysis of data by 2 Research Assistants (payment @ Rs.6000/- per month to each for 2 months) (12000x2 months)</td>
<td>24,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>Writing of reports by a team of three Research officers (payment @ Rs.8000/- per month to each for 2 months) (24,000 x 2 months)</td>
<td>48,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>Printing and Binding of the report</td>
<td>10,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>Misc. expenses including travelling expenses</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,000,000.00</td>
</tr>
</tbody>
</table>

Based on the above estimation, Rs. 5 lakhs to each State Government (13 States) may be provided for conducting five evaluatory studies every year.

Proposal for increase in rehabilitation grants:

The rehabilitation grant was enhanced from Rs. 62507- to Rs. 30,0007- from 1.4.95. There has been persistent demand for increase in the rehabilitation grant from various State Governments. Keeping in view the price escalation and increase in the cost of rehabilitation package, like cost of buffaloes, cows and other inputs during the last four years, it is, therefore, considered necessary to enhance the present ceiling of rehabilitation grant of Rs. 10,0007- to Rs. 20,0007- per freed bonded labourer which would be shared by the Central and concerned State Governments on (50:50) basis. Out of this, Rs. 1000/- would be paid immediately on release of a bonded labourer as subsistence allowance.

GUIDELINES FOR RELEASE OF FUNDS UNDER THE CENTRALLY SPONSORED SCHEME FOR REHABILITATION OF BONDED LABOUR

The responsibility for identification, release and rehabilitation of bonded labour has been assigned to the Vigilance Committees constituted at District and Sub-Divisional level in the States and UTs under section 13 of the Bonded Labour System (Abolition) Act, 1976. Functions of the Vigilance Committees are given under section 14 of the Act. These Committees are required to be constituted in each district and sub-division under the Chairmanship of the District Magistrate...
and Sub-Divisional Magistrate respectively concerned.

It has been decided to provide financial assistance to the implementing agencies for undertaking their chosen activities in the following way:

Survey of Bonded Labour: An amount of Rs.2.00 lakhs per district would be provided to the State Government concerned for conducting survey for identification of bonded labour in each sensitive districts. The survey for identification would be conducted in a district once in 3 years with the help of Statistical Department of the concerned State Government; help of dedicated NGOs may also be taken wherever necessary. The design and methodology of the survey would be decided by the State Government concerned.

a) Objectives of the study - To identify the incidence of bonded labour and to find out the causes of bondage in the area, forms of bondage, names and addresses of the bonded labourers and the names of the employers for whom the bonded labourers work.

b) After completion of survey a report may be sent to the Ministry of Labour. No further fund for conducting the survey in the same district would be provided unless a report on follow up action and utilization certificate is submitted by the State Government to the Ministry of Labour.

Awareness generation activities - In order to bring conceptual clarity to the definition of bonded labour, bonded debt and to inculcate a sense of individual and social identity in the minds of people who are economically and socially deprived, the Information and Public Relations Departments of the State Government and Union Territories would necessarily have to play a major role. Assistance of DAVP of Government of India may also be obtained for designing scripts for plays, nukkad natak, street theatres, skits and simulation exercises through catchy slogans by applying local vernacular dialects to drive home the concept and idea that existence of bonded labour system is a negation of basic human rights. The State Government may also encourage local talents and social activist group in addition to selected NGOs who work in this area. The Ministry of Labour would provide a maximum of Rs.10 lakhs per annum to each State Government and Union Territory for the above purpose on the following terms:

a) A list of activities proposed to be undertaken at different places, publicity material designed to be displayed at various places, list of agencies to be involved and cost involved in each activities have to be furnished by the State Government to the Ministry of Labour before the fund is released.

b) Funds for the purpose, in the subsequent years would be released to the State Governments only after submission of utilisation certificate of the amount already released to them in the previous years and spent by them. Studies shall be conducted by the State Governments and Union Territories by associating social workers to evaluate the impact of awareness generation activities launched by them in the matter of eradication of the bonded labour system.

c) If the funds already released to the State Governments and Union Territories are not fully utilised in the previous year, those amounts can be adjusted for the purpose in the next financial year.

Evaluatory Studies - With a view to evaluate the impact of various rehabilitation and developmental plans undertaken for eradication of bonded labour system, Evaluatory studies shall be conducted by reputed research organisations/academic
institutions and NGOs at district, state or regional levels. The State Governments and Union Territories are required to conduct five such evaluatory studies every year in the five districts/regions of the State/U.T and for which the Ministry of Labour would provide Rs. 5 lakhs @ Rs.1 lakh for each evaluatory study per year on the following terms:

a) Proposals giving details of the names of the organizations who would conduct the studies and monitor the programmes, places of study and programmes for monitoring the schemes, including the cost components etc. of such studies / programmes would be submitted by the State Governments/ U.Ts before the funds are released.

b) As soon as the funds are utilised by the State Governments/ UTs, utilisation certificates alongwith report of Evaluatory studies and reports on monitoring programmes would be submitted by the State Governments/UTs to the Ministry of Labour. No additional funds for the next year would be released unless the above conditions are fulfilled.

Rehabilitation Grants - The following process for rehabilitation of bonded labour should be adopted by the State Governments/UTs.

a) The District Magistrates would ensure the release of the identified bonded labourers on the basis of the reports examined through the Vigilance Committees;

b) They would also identify suitable schemes for the rehabilitation of bonded labour.

c) In order to assist the State Governments in the task of rehabilitation of bonded labourers, the Ministry of Labour launched a Centrally Sponsored Scheme for the rehabilitation of bonded labourers in 1978. Originally the scheme approved for rehabilitation assistance upto a ceiling limit of Rs. 4000/- per bonded labour. This amount was raised to Rs. 6250/- w.e.f. 1.2.86, which was further enhanced to Rs.10000/-per bonded labourers w.e.f. 1.4.95, Now under the modified scheme, the rehabilitation grants have further been enhanced to Rs. 20000/- per bonded labourers w.e.f. 01-05-2000. The expenditure would be shared by the Central and the concerned State Government on 50:50 basis. Out of this, Rs. 1000 $iall be given as subsistence allowance to meet expenses etc. in case the released bonded labourer is to be repatriated to his/her native place/State or for their subsistence until they are rehabilitated.

d) In case of migrant bonded labourers, the recipient State/UT (where the bonded labour has been identified) Government would make arrangements for his/her repatriation to their native place/State, if they so desire under intimation to the Ministry of Labour and then, it would be the responsibility of their native State Governments/UTs to provide them the rehabilitation package under the scheme. Otherwise they have to be rehabilitated by same State Government in the State where they are identified.

e) Proposals giving details of Districts/areas and number of bonded labourers to be rehabilitated in the next year, and utilisation certificates of funds already released for this purpose in that particular State/UT may be sent to the Ministry of Labour. In the absence of these, requests for release of Central share of rehabilitation grants shall not be entertained.
The pattern of assistance under this scheme would be as under:

Land Based:
(i). Identification of land-Government land/ceiling surplus land;
(ii). Allotment preferably in the village where the bonded labour ordinarily resides or is liberated to prevent elevation from the social milieu to prevent antagonism from other villages;
(iii). Identification of the delivery system of inputs-credit facilities, seeds, draught animals, fertilizers;
(iv). Need, if any of reclamation and development of the assigned land.

Non-Land:
(i). Milch cattle, cows, buffaloes - suitable for the areas;
(ii). Pigs, goats, sheep dependent upon the social sensibilities of the bonded labourer released and the physical environment;
(iii). Minimum veterinary cover from the existing extension of veterinary services;
(iv). Institutional linkage with marketing.

Skill/Craft Based Occupations:
(i). Identification of skills/craft;
(ii). Supply of raw materials, implements, working capital, workshed;
(iii). Linkage with markets through cooperative or other State-aided institutions to eliminate exploitation by private middlemen.

Special Dispensation for North Eastern States:
In case of the seven north-eastern State, viz. Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Sikkim and Tripura, the Ministry of Labour may consider giving 100% subsidy for rehabilitation of bonded labourers if the concerned State Governments express their inability to provide 50% share of financial assistance for this purpose, due to financial constraints.

Matching contribution for other States:
All other State Governments/Union Territory Administrations would be given assistance on the basis of 50% matching contribution.

Procedure for availing of Central Assistance:
All State Governments/Union Territory Administrations would send their proposals for Central assistance enclosing along with the documents indicated above, utilisation certificates wherever applicable and an indication that the matching contribution wherever applicable, has been sanctioned in the State/UT Budget. On receipt of this information, Ministry of Labour would process such cases for financial sanction and thereafter, release the requisite funds in one or more installments.
Appendix - iii
APPENDIX-III

IMPORTANT LETTERS/CIRCULARS ISSUED BY MINISTRY OF LABOUR

MINISTER OF LABOUR

Government of India
Shram Shakti Bhawan
New Delhi-110001

D.O. No. R-11011/2/98-BL
5th June, 2000

Dear

The continued existence of bonded labour in our country is a matter of great concern. It is a slur on the dignity of human life and a gross infringement of fundamental human rights. The Government of India in the Ministry of Labour had enacted the Bonded Labour System (Abolition) Act, 1976 with a view to ensuring the total eradication of this evil practice and has been operating a Centrally Sponsored Scheme for Bonded Labourers since 1978. Under the Act and the Scheme, the State Governments through the District Magistrates, Executive Magistrates and other officials are supposed to identify, release and rehabilitate the bonded labourers. The Act provides for establishment of Vigilance Committees at the district and sub-divisional levels with membership and participation of NGO activists, social workers etc. apart from competent official authorities. The Scheme provides for the rehabilitation of bonded labourers as soon as they are identified and released and 50% of the expenditure incurred is reimbursed by the Central Government.

We have been reviewing the implementation of the Act and the Scheme from time to time and, on the recommendations of the State Governments and other agencies concerned, we have now comprehensively revised the Rehabilitation Scheme in order to make it more beneficial and purposeful. It would now be possible for the Central Government to assist the State Governments for (a) conducting surveys of bonded labourers; (b) for generating awareness on the evils of bonded labourers (c) for commissioning evaluatory studies and (d) for enhancing the scale of assistance. I am enclosing a copy of the Revised Scheme.

I shall be grateful if you could personally review the implementation of the scheme so far and give suitable directions for operationalising the Revised Scheme at the earliest so that the plight of bonded labour is completely eradicated in your State. Union Labour Secretary is separately writing to the Chief Secretary of your State regarding the modalities of implementation of the Act and Scheme. Your personal attention in this regard and necessary directions to the concerned authorities would, however, go a long way in giving a boost to the rehabilitation programme in your State.

I shall be obliged if I am informed about the action taken by your State Government in the matter, in due course.

Yours sincerely,

-SdA
(Dr. S.N. Jatiya)

To
Chief Ministers of all States.
Dear

I am writing to you to elicit your cooperation in the elimination of a system of labour exploitation which has been like a dark spot on the labour administration system of our country. You are aware that the Central Government had enacted the Bonded Labour System (Abolition) Act, 1976 whereby all persons in any form of debt bondage or forced labour had been freed from rendering such services. Since 1978, Government had also launched a Centrally Sponsored Scheme for rehabilitation of bonded labourers. Even after the implementation of the Act and the Scheme for almost 25 years, it is a matter of great concern that this evil practice continues in one form or the other in our country.

2. For the implementation of the Act and the Scheme, the Ministry of Labour had advised the State Governments to constitute Task Forces consisting of revenue officials and Block Development Officers to conduct block level surveys. Detailed guidelines were also issued in this regard by the Central Government for the constitution of Vigilance Committees at the district and sub-divisional levels. We had also circulated a manual containing instructions on the identification, release and rehabilitation of bonded labourers. However, in spite of comprehensive guidelines existing in this regard and adequate funds being provided for rehabilitation programme, it is a matter of concern that the actual identification, release and rehabilitation of bonded labourers has not taken place in the desired manner.

3. A question is sometimes raised by implementing authorities about the interpretation of the term "bonded labour", I would like to clarify that this matter has already been settled in the historic judgement delivered in December, 1983 on the Writ Petition No. 2135 by the Bandhua Mukti Morcha where Justice Shri P.N. Bhagwati of the Supreme Court gave a very clear, liberal and expansive interpretation of the connotation. According to this interpretation, a person may be deemed to be a bonded labourer if he/she is forced to render (a) service without wages or with nominal wages (i.e. at the wages less than the minimum wages prescribed by the authorities or at wages lower than market wages); (b) denied the choice of alternative employment; (c) denied the right to move freely as a citizen in any part of the country and (d) denied the right to sell his/her labour or the product of his/her labour at the market value. The above interpretation makes the definition of 'bonded labour system' quite clear and it is a matter of surprise that these definitional problems are still being posed as an excuse for the non-enforcement of the Bonded Labour System (Abolition) Act, 1976 and the sluggish implementation of the Rehabilitation Scheme.

4. An institutional mechanism has been provided under Section 13 of the Act for the identification, release and rehabilitation of bonded labour through the
constitution of Vigilance Committees. These Vigilance Committees need to be reactivated and the concerned authorities need to be motivated to discharge their responsibilities with commitment and sincerity. Moreover, Executive Magistrates who are empowered under Section 21 of the Act for summary trial of offences must be sensitized to discharge their responsibilities speedily and efficaciously. In some cases, it has been reported that Release Certificates are not being issued by the district authorities. You may like to ensure that the required Release Certificates are issued promptly and thereafter the rehabilitation programme may be launched with full speed.

5. In order to give a boost to the rehabilitation programme for bonded labourers, we have now comprehensively revised the Centrally Sponsored Scheme to include the following 4 elements:
   - Survey of bonded labourers
   - Awareness generation activities
   - Evaluatory studies
   - Enhancement of rehabilitation grant

6. I am enclosing a copy of the revised scheme and guidelines for release of funds for the rehabilitation of bonded labourers. I would request you to direct the implementing authorities to send us, as soon as possible, the proposals for release of financial assistance for conducting the surveys, for awareness generation, for evaluatory studies and for financial assistance as per the enhanced scales in accordance with the guidelines enclosed with the modified scheme.

7. I shall be grateful if I am kept informed of the action taken by the state Government in this regard.

Yours sincerely,

-Sd/-

(Dr. L.Mishra)

To

Chief Secretaries of all States/UTs.
Dear

The issue relating to bonded labourers has been discussed in the Supreme Court/High Courts from time to time in the form of Public Interest Litigations. The apex Court has also directed that the National Human Rights Commission should be involved in monitoring the implementation of the Bonded Labour System (Abolition) Act, 1976. This issue has also been attracting the attention of international organizations and of national and international NGOs. The incidence of bonded labour system reported in the press from time to time have been taken up by the international NGOs with ILO. Taking cognizance of such reports ILO has been asking for the response of the Government of India. The Government of India has ratified two ILO Conventions concerning the issue of forced labour. Accordingly, this subject has also been examined by the Committee of Experts on the Application of ILO Conventions, who have time and again stressed the need for having authentic information on forced/bonded labour in the country.

Therefore, in order to review the implementation of Bonded Labour System (Abolition) Act, 1976 and progress under the Centrally Sponsored Scheme for rehabilitation of bonded labour, a meeting was held in the Ministry of Labour on 22nd February, 2002. This meeting was attended by the representatives from the National Human Rights Commission, various State Governments and District Magistrates from selected districts. A copy of the minutes of this meeting is enclosed. Amongst others the following conclusions were important:

- There is a need to strengthen the monitoring and information systems at district, state and national levels and for developing an authentic database on the bonded labour system in the country.
- The vigilance committees should be constituted at the district and the sub-divisional levels wherever they are due for constitution/ re-constitution. They should be effective and hold meetings on a regular basis.

Under the Bonded Labour System (Abolition) Act, 1976, the identification, release and rehabilitation of freed bonded labourers is the direct responsibility of the concerned State Government/UT. The Act provides for constitution of the vigilance committees at the district and sub-divisional levels for implementation of the provisions of the law. The District and the Sub-Divisional Magistrates have been entrusted with certain duties/responsibilities towards implementation of the statutory provisions. The Act also provides that the State Government may confer the powers of Judicial Magistrate to the Executive Magistrates at the district and the sub-divisional levels and vide Section 21(2) of the Act, these Magistrates have been given powers of summary trial also.
It has been observed that submission of regular information from the States with regard to implementation of the Act viz. identification and rehabilitation of the bonded labour, meetings of the vigilance committees, cognizance of offences, prosecution and conviction of the accused has not been very encouraging. Therefore, as was agreed in the above meeting, representatives of the States were requested to send quarterly reports on these matters.

I would appreciate it if you could kindly advise your colleagues from the Departments dealing with bonded labour to furnish the requisite information as per the prescribed proforma.

Yours sincerely,

-Sd/-
(Vinod Vaish)

End: as above
To
The Chief Secretaries of all States/UTs.
QUARTERLY PROGRESS REPORT UNDER BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Name of the State/Union Territory __________________________ For the quarter ending __________________________

I. PROGRESS TOWARDS IDENTIFICATION, RELEASE AND REHABILITATION OF BONDED LABOURERS:

<table>
<thead>
<tr>
<th>No. of Bonded Labour Identified</th>
<th>No. of Bonded Labour Released</th>
<th>No. of Released Bonded Labourers sent to other States*</th>
<th>No. of Released Bonded Labourers received from other States*</th>
<th>No. of Bonded Labour Rehabilitated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to the end of previous quarter.</td>
<td>During the quarter.</td>
<td>Cumulative Total.</td>
<td>Up to the end of previous quarter.</td>
<td>During the quarter.</td>
</tr>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
</tr>
</tbody>
</table>

II. CONSTITUTION AND PERFORMANCE OF VIGILANCE COMMITTEES AT DISTRICT AND SUB-DIVISION LEVELS:

<table>
<thead>
<tr>
<th>No. of Vigilance Committees required to be constituted.</th>
<th>No. of Vigilance Committees constituted.</th>
<th>No. of meetings held by the Vigilance Committees during the quarter (with date).</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Level</td>
<td>Sub-Divisional Level</td>
<td>District Level</td>
</tr>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
</tr>
</tbody>
</table>

III. PROGRESS TOWARDS ENFORCEMENT OF THE ACT:

<table>
<thead>
<tr>
<th>No. of offences of which cognizance has been taken under section 16, 17, 18, 19, &amp; 20 of the Act.</th>
<th>No. of prosecutions launched.</th>
<th>No. of cases disposed of:</th>
<th>No. of cases pending in trial courts.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of cases in which imprisonment has been imposed.</td>
<td>No. of cases in which only fine has been imposed.</td>
<td>No. of case acquitted.</td>
<td>0-12 Months.</td>
<td>1-2 years.</td>
</tr>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
</tr>
</tbody>
</table>

* As and when released bonded labourers are sent to or received from other States a report indicating details of released bonded labourers and the names of the States is required to be sent to the Ministry of Labour by the sending as well as receiving State, so that rehabilitation of these bonded labourers is coordinated properly.
D.O. No. H-l 1016/14/2001-BL

Dear

Please refer to my predecessor Shri Vinod Vaish's d.o. letter of even number dated 17th April, 2002 on the subject of eradication of the evil of bonded labour system. It is almost 25 years since the Bonded Labour System (Abolition) Act, 1976 came into force but its incidences in pockets of the country are being reported. In the initial stages of implementation of the above Act, there was extraordinary enthusiasm and zeal to root out the system wherever it existed. There was seriousness of purpose and everyone connected with the cause worked with a sense of urgency and pride. You will appreciate that over a period of time this enthusiasm seems to have faded and complacency has taken over in most places notwithstanding a proactive judiciary and of late a very important role played by the National Human Rights Commission (NHRC) in taking up such cases.

2. This subject has again started generating interest and concern among international bodies including international NGOs viz., Anti-Slavery International, Human Rights Watch and ICFTU (International Trade Unions Organisation). Last year my predecessor was required to stand as witness before one of the Committees of ILO to explain India's position in this regard.

3. Therefore, in the light of the above, I feel that there is a strong need to sensitize the functionaries at all levels. In fact, the entire machinery require rejuvenation. The Collector of a district once again will have to play a lead role and reactivate his team right up to the village level. I would request you to kindly circulate the following directions to Collectors/SDMs and to all those connected with the work of identification, release and rehabilitation of bonded labourers in your State AJT:

(i) giving due cognizance to newspaper reports highlighting any case of bonded labour;

(ii) giving due weightage to the complaints made by voluntary/social action groups;

(iii) conducting proper enquiry to verify the factual position and initiating appropriate action;

(iv) holding regular meetings of the vigilance committees; and

(v) encouraging the involvement of voluntary and social action groups in these matters.

4. In this context, I am also enclosing a copy of the minutes of the meeting held in this regard on February 22, 2002 which are self-explanatory.

5. Lastly, we would be happy to associate ourselves in providing whatever inputs you may require in sensitizing and imparting necessary guidance/training to
your officials engaged in this task. I have instructed Shri Manohar Lai, Director General (Labour Welfare) (DG(LW)) to follow up this matter with the concerned Department in your State and will also be instructing V.V. Giri National Labour Institute to work on training, orientation, programmes and training of trainers.

With regards,

Yours sincerely,

-Sd/-

(Dr. P.D. Shenoy)

End: As above.

To

The Chief Secretaries of all States/UTs.