



Bonded Labour

Year 2000-2001

- ... Release of Bonded Labourers and their Rehabilitation, Punjab (CASE NO:663/19/1999-2000)
- ... NHRC's initiative results in the release of Bonded Labourers, Haryana (CASE NO:513/7/98-99)

Year 2003-2004

- ... Non-Implementation of the High Power Committee's recommendations on Bonded Labour of East Kameng District, Arunachal Pradesh [Case No: 12/2/1999-2000(FC)]
- ... 400 Bonded Labourers Working in Chauna Stone Mines, District Gwalior Madhya Pradesh [Case No:1351/12/2001-2002(FC)]
- ... Bonded Labourer in the Powerloom Factory, Distt. Periyar, Tamil Nadu [Case No.22/212/96-LD(FC)]

Year 2000-01

Release of Bonded Labourers and their Rehabilitation: Punjab.(Case No. 663/19/1999-2000)

The Commission took suo-motu cognizance of a press report which appeared in the 'Indian Express' dated 17 December 1999 entitled "84 Bonded Labourers Freed, Narrate Shocking Tales of Torture, Molestation". In the press report, it was stated that 84 bonded labourers, who were freed from a cold storage construction site, stated that they were beaten and were given third degree treatment. The woman workers alleged rape and molestation. None of the workers were paid their wages.

The Commission directed the Director General of Police, Punjab and the Senior Superintendent of Police, Jallandhar to send reports to the Commission on this article. The latter responded saying that one Mohan Singh, who was constructing a cold storage, was providing labourers with clothes, food, free accommodation and Rs. 600 per month. The labourers, however, had stated that they had been working for the last four months and were not given wages because the owner had promised to pay them when they returned to their native places. When the Sub Divisional Magistrate, Shahkot and Station House Officer, Police Station, Shahkot visited the spot, the labourers told them that they did not wish to work with the cold-storage owner as his behaviour was insulting. A woman labourer, named Saloni stated that one Pappu had beaten her husband and locked him in a room. The owner could not, himself, be contacted. However, his employees agreed to pay the wages to the labourers. The report added that the Labour Inspector had been directed to ensure the payment of wages to the labourers so that they might go wherever they wanted. The labourers had been brought to the office of the Sub Divisional Magistrate where food had been arranged for them. The labourers were then set free and they went back to their homes. The report concluded by saying that a case, FIR No. 236 dated 15 December 1999, had been registered under section 16, 17 of the Bonded Labour System (Abolition) Act and under Sections 342/323/354 of the Indian Penal Code.

Upon perusing the report, the Commission noted that it was not clear whether the District Magistrate, Jallandhar had issued release certificates and ensured that the bonded labourers would be rehabilitated. By proceedings dated 23 March 2000, the Commission therefore directed its Director General (Investigation) to contact Senior Superintendent of Police (SSP), Jallandhar and to secure the relevant details. The further report, received from the SSP, indicated that the 65 bonded labourers had been released and that the minimum wages due to them had been collected from Mohan Singh, owner of the cold storage. However, release certificates under the relevant Act and the rehabilitation package envisaged under it had not been provided. The Commission, therefore, directed the District Magistrate, Jallandhar:

To issue release certificates to all the 65 bonded labourers, namely the 42 men and 23 women involved. Further, a sum of Rs. 20,000 was to be paid to each of the 65 released bonded labourers under the relevant legislation, of which a sum of Rs. 5,000 may be paid in cash or by demand draft to each labourer.

Form a cooperative society; have it registered under the State Cooperative Societies Act as a Released Bonded Labourers Cooperative Society; treat the balance amount of Rs. 15,000 per head as share capital of each of the members of the society.

Under the appropriate Rozgar Yojana or any other appropriate scheme available, provide governmental work to the cooperative society.

An Inspector of the Cooperative Societies should monitor the working of the society. The work allotted to it would be jointly done by all the members of the cooperative society and the returns from their labour would be enjoyed by them in equal proportion.

In case any Government land was available in the village, the district administration shall take steps to allot the same to the cooperative society and all the members would collectively cultivate the land and reap the benefit in equal proportion. The District Administration would also, in that event, arrange appropriate loans for reclamation of land, its cultivation, and supply of seeds or saplings for agricultural operations, manure etc., for the successful working of the society. The Agriculture Department should be directed to help them in the farming.

In case all the members of the Society were illiterate, the Inspector belonging to the Cooperative Department should assist them in writing the accounts regularly and ensuring its successful working.

The District Labour Officer should ensure the successful prosecution of the offender for the offences charged against him. The District Labour Officer should act in collaboration with the concerned Public Prosecutor/District Attorney, as the case may be, and take the case to its logical conclusion.

The report received from the Deputy Commissioner, Jalandhar was placed before the Commission on 29 April 2002 when the Commission observed that partial compliance had been made, but it appeared that inadequate steps had been taken to comply fully with the directions of the Commission. It was added that the District Magistrate, Jalandhar should

not take the directions of the Commission casually but should make strenuous efforts to trace the labourers who had been released, issue them the release certificates that were required under the law and provide them with other benefits directed by the Commission in its proceedings dated 18 September 2000.

NHRC's Initiative Results in the Release of Bonded Labourers: Haryana(Case No. 513/7/98-99)

The Commission received a complaint from Prof. Sheotaj Singh, General Secretary of the Bonded Labour Liberation Front, Delhi alleging that 20 persons including men, women and children were being kept as bonded labourers in a stone quarry in Gurgaon, Haryana. According to the complaint, though the Sub Divisional Magistrate of the area had visited the site and admitted that minimum wages were not being paid to the labourers, he had refused to issue release certificates to them.

On 21 September 1999, the Commission directed the Chief Secretary, Haryana, to look into the matter and submit a report. In response to the Commission's notice, the Labour Commissioner of Haryana stated that this was not a case of bonded labour but a dispute between workers and their employer regarding wages. Both the parties had reached an agreement, after which the labourers had been sent back to their home district, namely, Jaipur in Rajasthan. The report further stated that the complaint of Prof. Sheotaj Singh alleging non-release of the bonded labour was false.

The Special Rapporteur of the Commission, Shri Chaman Lal, was asked to look into the matter. He recommended that the Commission's own investigation team should meet the bonded labourers who were now living in Jaipur district in order to ascertain the facts.

Accordingly, an investigation team of the Commission, along with senior representatives of the Rajasthan University Women's Association and an officer deputed by the District Magistrate of Jaipur, visited Durgapura, 10 kilometers away from Jaipur city where about 29 persons including 10 children were found camping in the open. They had been living there since their return from Haryana in the second half of September 1999. They belonged to the Banjara Nomadic Tribe and had gone to Haryana in 1994 to market their products. While they were there, one Balkar Singh lured them to work in a stone quarry, offering them attractive wages. After a year, they were denied payment of wages and in lieu of wages, arrangements were made with a local general merchant to provide them daily rations on credit. When the labourers objected and demanded full wages, they were forcibly confined in their hutments after working hours and were guarded by armed musclemen. In August 1999, they somehow managed to establish contact with Prof. Sheotaj Singh. When word spread that Prof. Singh had lodged a complaint, labourers were made to put their thumb impressions on papers of agreement declaring that they had received Rs.5,000 each towards the settlement of their wages. This was done in the presence of the local Sub Divisional Magistrate and police officials. The money was, however, not given to the labourers and, instead, it was adjusted against the items taken by them from the local merchant. In the third week of September 1999, they were transported away from Haryana, escorted by policemen, and later dumped in the outskirts of Jaipur city.

The Sub Divisional Magistrate, when questioned by the team of the Commission, reiterated that the issue related to a wage dispute in which he had worked out a compromise and that, to avoid any further chance of exploitation, he had made arrangements for the transportation of the labourers to Jaipur on their request. He claimed ignorance of the legal interpretation of the Supreme Court verdict wherein the word "bonded labour" had been given a wider interpretation, covering all cases where wages paid to the labourers was less than the minimum fixed by the Government. The Deputy Commissioner, Gurgaon, was also not fully aware of the whole episode. However, after discussions with the officials of the Commission, the district officials dispatched 19 Release Certificates to the Commission to be handed over to the labourers. The District Magistrate, Jaipur assured the Commission that immediate steps would be initiated to render all help to rehabilitate these Banjaras under various welfare schemes of the Government.

The Release Certificates were handed over to the labourers in December 1999 at a small function held in Jaipur. To rehabilitate these labourers, arrangements were made to shift their families temporarily to a Government housing building in Sanganer, near Jaipur city. Thereafter, they would be permanently settled under the Indira Awas Yojna. The Government of Rajasthan informed the Commission that efforts are also being made to allot them cultivable land. Employment is being given to them under the Rural Development Schemes near Sanganer Airport to help them earn their immediate livelihood. A cooperative is being created for them, to which stone mines would be leased in order to generate work in which the tribals had experience. Of the Rs10,000 given to each of the 19 labourers, along with their Release Certificates, Rs. 2,000 was given in cash and rest of the money was deposited in their respective bank accounts. The District Magistrate had sanctioned Old Age Pensions to two elderly women. A pension was also announced to a person who became disabled following serious leg injuries while working in the Gurgaon mines. Cash relief of Rs. 5,000 from the Chief Minister's Relief Fund was also announced for his treatment.

The Commission expressed its appreciation of the role of the officers who were involved in the release of the bonded labourers and the subsequent effort to rehabilitate them.

Year 2003-2004

Non-Implementation of the High Power Committee's recommendations on Bonded Labour of East Kameng District, Arunachal Pradesh [Case No: 12/2/1999-2000(FC)]

Omak Apang, the then Minister of State for Tourism, Government of India forwarded a petition received from Kashok Hale, President, All Puroik Welfare Society, Naharlagum, Arunachal Pradesh regarding non-implementation of the High Power Committee's recommendations on Bonded Labour of East Kameng District, Arunachal Pradesh which was constituted on the behest of the Supreme Court Order Ref. No.2AB(W) 22/97 dated 23 December 1998. It was alleged that although according to the 1991 Census, the number of bonded labourers were 3,542 but actually their number was more than 5,000-7,000 in the East Kameng District, most of whom had not been identified.

Pursuant to the Commission's directions, the report submitted by Shri Sudarshan Agarwal, the then Hon'ble Member of the Commission was sent to the Chief Secretary, Government of Arunachal Pradesh as well as to the Secretary, Ministry of Home Affairs for their response. The State Government of Arunachal Pradesh submitted its report stating that 882.4 hectares of land had been selected and also a model village was established for settlement of the freed bonded labourers and 2,992 bonded labourers were released and paid Rs.2992 lakhs as subsistence allowance @ Rs. 1,000/- each.

Subsequently, the Commission received a report from the Ministry of Labour which indicated that the Sponsored Plan Scheme had been modified from 1 April 2000 and rehabilitation grant was raised to Rs. 20,000 per freed bonded labour. Further in respect of North-Eastern States, 100% rehabilitation grants would be provided by the Central Government. In addition, grants-in-aid would also be provided to the State Government for conducting survey for identification of bonded

labourers, awareness generation activities, evaluatory studies and monitoring and review of the implementation of the Bonded Labour Act, 1976.

On further consideration of the matter, the Commission directed the Union Ministry of Labour as well as the Government of Arunachal Pradesh to send progress reports in respect of progress made towards eradication of the bonded labour system.

In a subsequent report, the State Government indicated that 373 out of 2992 freed bonded labourers had been rehabilitated in January 2002 by paying rehabilitation grant to the tune of Rs. 70.84 lakhs @ Rs. 19,000/- per person under the approved scheme. The remaining 2588 bonded labourers out of 2,619 bonded labourers, had also been rehabilitated in March, 2002 and 31 bonded labourers had since died. The report also indicated that a sum of Rs. 491.75 lakhs had been spent out of a total grant of Rs.497.64 lakhs provided by the Central Government and the balance amount of Rs.5.89 lakhs could not be utilized due to death of 31 bonded labourers.

On consideration of the matter, the Commission noted that the Government of Arunachal Pradesh, Deptt. of Labour had submitted the utilization certificate of Central assistance provided under the Centrally Sponsored Scheme for Rehabilitation of bonded labours of Arunachal Pradesh. Since appropriate action had been taken, the case was closed by the Commission.

400 Bonded Labourers Working in Chauna Stone Mines, District Gwalior Madhya Pradesh [Case No:1351/12/2001-2002(FC)]

The Commission received a complaint from one Butan son of Pitam residing in Madhya Pradesh that was forwarded by Prof. Sheotaj Singh, Bonded Labour Liberation Front alleging that about 400 bonded labourers had been working in Chauna Stone mines in District Gwalior and they were not paid their wages; besides they were tortured and harassed. On consideration of the report submitted by Shri Chaman Lal, Special Rapporteur, NHRC, the Commission asked the Government of Madhya Pradesh to direct the Labour Commissioner, Madhya Pradesh to ensure a comprehensive inspection of these establishments and also to ensure strict enforcement of all Labour Law, particularly, the Minimum Wages Act.

On perusal of the report submitted by the Labour Commissioner, Madhya Pradesh, the Commission observed that the District Administration had freed Butan along with 43 other persons on 9 July 2002 and all of them had been sent to District Guna as per their wishes. The report was however silent as to what action was taken against the persons with whom Butan and 43 others were engaged as bonded labourers and about the relief and rehabilitation measures that had been taken for the freed bonded labourers. The Commission, therefore, further asked the Government of Madhya Pradesh to furnish the information with regard to the manner in which action had been taken regarding Butan and 43 others as indicated above. In a subsequent report, Labour Department, Government of M.P. spelt out the steps taken by the Government of Madhya Pradesh for rehabilitation of bonded labourers freed in July 2002 and also indicated the action taken against the guilty employers.

On consideration of the report, the case was closed by the Commission.

Bonded Labourer in the Powerloom Factory, Distt. Periyar, Tamil Nadu [Case No.22/212/96-LD(FC)]

A complaint was received from Thenmozhi, Periyar District, Tamil Nadu alleging that her aunt, Madeswari who had been working as a bonded labourer in the powerloom factory owned by K.Nallusamy and K.Duraisamy in Periyar District, Tamil Nadu for 1 ½ years against an advance amount of Rs. 12,000 managed to repay the advance amount but the factory owners still demanded Rs. 24,000 more from them. Madeswari somehow managed to escape from the clutches of K.Nallusamy and K.Duraisamy along with her husband and daughters, and that she also found a new employment and started staying with the petitioner. It was further alleged that when Madeswari and her husband were away, Nallusamy and Duraisamy, the factory owners forcefully abducted the petitioner and her aunt's two minor daughters and they were compelled to sing fake loan documents of Rs. 64,000. When Madeswari and her husband came in search of their children and the petitioner, they were also compelled to work.

Not satisfied with the report received from Director General of Police, Government of Tamil Nadu, the Commission requested Shri K.R.Venugopal, Special Rapporteur, NHRC to enquire and submit a report. The Commission, on consideration of the recommendations made by Shri K.R.Venugopal, Special Rapporteur directed vide its proceedings dated 26 December 2000 that the same be forwarded to the Chief Secretary, Government of Tamil Nadu for comments. An interim report dated 11 November 2002 submitted by the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu indicated that the State officials had been instructed to take necessary action against the police officers concerned, as also to inquire into the action taken by the Collectors of Salem District from 1996 onwards and the arrangements made for reorientation of senior officers of the Government with regard to abolition of Bonded Labour System in Tamil Nadu. The report further indicated that the Court had carefully examined the merit of the case and decided to sanction a sum of Rs. 25,000/- to Thenmozhi.

On perusal of the above report on 20 October 2003 the Commission expressed its dissatisfaction and further directed to send the records to Shri K.R.Venugopal, Special Rapporteur, NHRC to take up the matter with the State Government for appropriate action and report.

In response, Shri Venugopal pursued the matter with the State Government as a result of which the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu intimated that the State Government has decided to pay a total amount of Rs. 1.00 lakhs (including Rs. 25,000/- already paid) to Thenmozhi.

On consideration of aforesaid report, the Commission on 24 March 2004 appreciated the stand taken by the State Government and agreed to the payment of Rs. One lakh (including the amount of Rs. 25,000/- already paid) to Thenmozhi and asked the State Government to intimate the Commission whether the actual payment has been made to Thenmozhi and if so, send a copy of the proof of payment. The case is being monitored by the Commission.