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ಮಲ್ಲಿಕಾರ್ಜುನ ಖರ್ಗೆ
MALLIKARJUN KHARGE

10061/LL
19/12/12



D.O.No. S-16014/10/2010-BL
ಕಾರ್ಮಿಕ ಮತ್ತು ಉದ್ಯೋಗ ಸಚಿವರು
ಭಾರತ ಸರ್ಕಾರ
ನವ ದೆಹಲಿ
ಶ್ರಮ एवं रोजगार मंत्री
भारत सरकार, नई दिल्ली
MINISTER OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
NEW DELHI

Old. of Ppt. Secy. (Labour) 1798
Date 18-12-12
सत्यमेव जयते

As desired by cm,
Pl. put up a draft
reply
17/12/12
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4th December, 2012

Madam,

Sec (Labour)
Sy. [] is
on leave
Lab Comm.

The existence of bonded labour in our country is a matter of great concern. The Government of India had enacted the Bonded Labour System(Abolition) Act, 1976 with a view to ensuring total eradication of this evil practice. Under the Act the State Governments through District Magistrate, Executive Magistrate and other officials are mandated to identify release and rehabilitate the bonded labourers. In order to assist the State Governments in the task of rehabilitation of identified and released bonded labourers, a Centrally Sponsored Plan Scheme is in operation since May, 1978. Under the Scheme, rehabilitation assistance is provided @ Rs.20000/- per bonded labour which is equally shared by the Central and State Governments. The scheme also provides for financial assistance to the State Governments/UTs for conducting survey of bonded labourers, awareness generation activities and impact evaluation.

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2. The issue of bonded labourers has also been taken up in the Hon'ble Supreme Court in the form of Public Interest Litigations and the Hon'ble Court has been giving necessary directions from time to time for proper implementation of the provisions of the Bonded Labour System(Abolition) Act, 1976. While disposing of the Writ Petition (Civil) No. 3922 of 1985 – Public Union for Civil Liberties Vs. State of Tamil Nadu & Others, the Hon'ble Supreme Court vide judgment dated 15.10.2012 has given certain directions to the State Governments for proper implementation of the provisions of the Act. Secretary, Ministry of Labour & Employment has already brought these directions to the notice of State Government by writing D.O letter to all Chief Secretaries of the State on 25.10.2012. I would, however like to bring these directions to your personal notice in view of the sensitivity involved in the matter. The Directives of the Hon'ble Court are :

- (1) Fresh surveys be conducted periodically once in three years in all the States/UTs in accordance with the provisions of the Act and the revised report, the findings of the survey should be made a part of a computerized data base available on the websites of all concerned.

“बाल श्रम रोकें”

... ..2/-
“STOP CHILD LABOUR”

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मल्लिकार्जुन खरगे
MALLIKARJUN KHARGE



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ಭಾರತ ಸರ್ಕಾರ
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(2) The responsibility of conducting the surveys is on the District Level Vigilance Committees and Sub Divisional Vigilance Committees of the States/UTs and such committees should submit their reports to the NHRC. This should be done in every three years and Committees also should be reconstituted in every three years.

(3) Bonded labour, it may be noticed, is rampant in brick kilns, stone quarries, crushing mines, beedi manufacturing, carpet weaving, construction industries, agriculture, in rural and urban unorganized and informal sector, power looms and cotton handlooms, fish processing etc. The Vigilance Committees are directed to give more attention to these areas and take prompt action in case violation is noticed.

(4) Large numbers of children are working as domestic help in the urban, town and rural areas with no chance to go to schools even though the education from standard I to VIII is compulsory under the Right of Children to Free and Compulsory Education Act, 2009. Local Panchayats and local bodies should identify such children and ensure that they get proper education. We are not unmindful of the fact that in some households they treat the domestic help just like their children and give food, clothing and education but they are exception.

(5) Many of the States/UTs reporting NIL status with respect to existence of Bonded labourers. This might be due to the faulty methodology adopted by them for conducting such surveys. Guidelines on the methodology of identification of bonded labourers formulated by Shri SR Shankaran, Chairman of the Expert Group constituted by the NHRC be followed and implemented by all the States/UTs with suitable modifications to suit local conditions.

(6) The District Magistrates are directed to effectively implement Sections 10, 11 and 12 of the Act and we expect them to discharge their functions with due diligence, with empathy and sensitivity, taking note of the fact that the Act is a welfare legislation.

“बाल श्रम रोकें”

.....3/-
“STOP CHILD LABOUR”

120, Shram Shakti Bhawan, New Delhi-110119
Phone : 23717515, 23710240 Fax : 23711708

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:3:

(7) The District Magistrate and the State Government / UTs would see that the Minimum Wages Act, the Workmen Compensation Act, the Inter- State Migrant Workmen Act, Child Labour (Prohibition and Regulation) Act are also properly and effectively implemented.

(8) Directions are issued to all Gram Panchayats, local bodies to report, in case they come across any case of bonded labour, to the District Magistrate who will take appropriate follow up action under the Act.

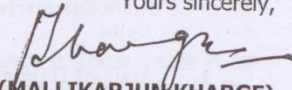
(9) The States and the Union Territories should continue to submit 6 monthly reports to NHRC.

(10) All the States / UTs to constitute Vigilance Committee, if not already constituted within six months.

3. In view of the directions of the Hon'ble Court, I request you to issue necessary instructions to the concerned authorities for implementing directions of the Hon'ble Court. I shall be obliged if I am informed about the action taken by the State Government in the matter.

With regards,

Yours sincerely,


(MALLIKARJUN KHARGE)

Smt. Sheila Dikshit,
Hon'ble Chief Minister,
Government of NCT of Delhi,
Secretariat, I.P. Estate,
Delhi.

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“STOP CHILD LABOUR”

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