

Government of Karnataka

No.RDP.17. RBL.2004

Karnataka Government Secretariat,
Secretariat-2, Multistoried Building,
Bangalore, dated: 8-11-2004

CIRCULAR

Sub:-Guidelines on transferring the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers from the State sector to the District sector and implementing it by assigning to Gram Panchayats w.e.f. 2005-2006.

Ref:- Government Order No. RDP. 146. PMI.2004, dated: 6-10-2004.

The Government Assurance Committee of Karnataka Legislative Assembly, in accordance with the Karnataka Legislative Assembly Assurance No.27/2003, has recommended to "transfer governance, finances and staff to the Panchayat Raj Institutions and to immediately transfer the different programmes to the district sector which are still continued in the State sector though it is possible to implement in the District sector and thereby bring them under the purview of the Panchayat Raj Institutions. Also, in the Government Order cited under reference above, it is notified that the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers, which is now being implemented through the Rural Development and Panchayat Raj Department as a State sector programme had been transferred to the District sector and that, according to Schedule 3, it has been assigned and entrusted to the Gram Panchayats. Further, in the said order it is directed that the programmes so transferred should be continued in the State sector itself during 2004-05 and from 2005-06, they should be incorporated in the link document as a District sector programme along with the grants.

According to Sec. 14 of the Bonded Labour System (Abolition) Act, 1976, the District Magistrate has to provide for the essential economic and social rehabilitation facilities to the released bonded labourers through the district level Vigilance Committee. According to the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers introduced by the Central Government from 1978, the District Magistrate has to formulate suitable rehabilitation programmes and provide facilities to the released bonded labourers. According to the said Scheme, in order to avail the central share of the grants (50%), a proposal has to be submitted in the prescribed formats together with the minutes of the District Level Screening Committee meeting to the Government of India. But, under the Karnataka Government (Transaction of Business) Rules, 1977, while distributing the tasks among the departments, the rehabilitation programme of the freed bonded labourers has been assigned to the Rural Development Department.

In addition to this, the Government in its Order No.RDP.65.RBL.85, Bangalore, dated:12-11-1987, has reconstituted the District Level Screening Committee in each district under the chairmanship of the then Chief Secretary of the then Zilla Parishat and has given full powers to that Committee to take up necessary measures for the rehabilitation of the freed bonded labourers under the Centrally Sponsored Plan Scheme. Accordingly, the rehabilitation programmes of the freed bonded labourers are now being implemented through the Zilla Panchayats. The Central Government in the Manual on the Identification, Release and Rehabilitation of Bonded Labour, brought out in February 2004, has suggested to involve the Panchayat Raj Institutions in the programmes of the rehabilitation of the freed bonded labourers.

There is no clear direction as to under which sector/department this programme has to be monitored either under the Bonded Labour System (Abolition) Act, 1976 or the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers, 1978. However, in the Government Order dated:16-10-2004 cited under reference, since the rehabilitation programme of released bonded labourers has been transferred to the district sector and assigned to the Grama Panchayats for implementation merely on the reason that the Government Assurance Committee of the State Legislative Assembly has recommended, now onwards the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers formulated by the Central Government has to be implemented through the Gram Panchayats at the field level.

Hence, it is directed to transfer the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers pertaining to the rehabilitaiton of released bonded labourers from the State sector to the District sector with effect from 1-4-2005, and to implement the task of rehabilitaiton of released bonded labourers as a District Sector Programme at the filed level as per the following guidelines.

- (1) The head of account prescribed for the Rehabilitation Programme of the released Bonded Labourers will be 2230-Labour and Employment-01-Labour-197-Assistance to Taluk Panchayats-1-Taluk Panchayats-01-Rehabilitation of Bonded Labourers-051: Other Expenses, as per the State Government Budget Estimate Book (Volume 5).
- (2) Since the Rehabilitation Programme of the released Bonded Labourers will be mentioned as a district sector programme in the Link Document from 1-4-2005, the estimated grants required for this programme from 2005-06 should be included in the Zilla Panchayat demand for that year without fail.
- (3) According to the Government Notification No.SAMVYASHAE 51 SHASANA 2000, Bangalore, dated 1-9-2001, and in accordance with Sec. 58A of the Karnataka Panchayat Raj Act, 1993, the Secretary of a Gram Panchayat should compulsorily report any instance of bonded labour found in the jurisdiction of that Grama Panchayat to the concernd District Magistrate (or to the concerned Sub-Divisional Magistrate).
- (4) The Revenue Sub-Divisional Magistrate should release lawfully the bonded labourers including child bonded labourers from the bonded labour system in all the cases being noticed/ reported in his jurisdiction according to the rules laid down and issue the release certificates to them without fail and send a copy of it to the Secretaries of the concerned Grama Panchayats.
- (5) The Secretary of Gram Panchayat, soon after the receipt of such Release Certificates, should call for a Special Gram Sabha of that Panchayat. All the concerned released bonded labourers and all the Government officials coming under the jurisdiction of that Panchayat should be invited to that meeting. After duly consulting with the released bonded labourers in that meeting about the rehabilitation facilities to be provided to them, should prepare brief action plan and sent it to the Chief Executive Officer of the Zilla Panchayat along with the minutes of the Grama Sabha.
- (6) The Chief Executive Officer of the Zilla Panchayat, soon after the receipt of such action plans from the Grama Panchayats, should call for a meeting of the District Level Screening Committee and in that meeting not only accord approval for such aciton plans to provide the rehabilitation facilities under different programmes as per the rules, but also send a proposal in the prescribed format under the Centrally Sponsored Plan Scheme along with the minutes of the Screening Committee meeting to the Government.
- (7) The Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labourers is being implemented by the Central and State Governments in the ratio of 50:50. The Central and State share of funds being released to the Zilla Panchayats by the

State Government under the scheme should be released to the concerned Gram Panchayats by the Zilla Panchayats.

(8) The funds being released at Grama Panchayat level in respect of rehabilitation programme of released bonded labourers should be deposited in the separate account.

(9) As soon as the funds are deposited in the account of the said programme, the Secretary of the Gram Panchayat should call for a Grama Sabha and in that meeting should provide suitable rehabilitation facilities to the concerned freed bonded labourers as per to the already approved action plan.

(10) The Secretary of the Gram Panchayat should compulsorily utilize the funds released by the Government for the rehabilitation of released bonded labourers fully so that by neither having any unspent balance amount left out in the scheme account nor surrendering the amount for any reason at the end of March in each year.

(11) The Secretary of the Gram Panchayat should compulsorily submit the Utilisation Certificate and brief Progress Report of the rehabilitation facilities provided to the freed bonded labourers at the end of each financial year or as and when required to the Chief Executive Officer of the Zilla Panchayat.

(12) The Chief Executive Officer of the Zilla Panchayat should scrutinise such Utilisation Certificates being received from the Gram Panchayats and submit a Consolidated Utilisation Certificate for the funds released by the Government along with a Progress Report at the end of each financial year or as and when required to the Government.

(13) The concerned district level and sub-divisional level Vigilance Committees should inspect the rehabilitation facilities provided to the released bonded labourers and the full responsibility of providing rehabilitation facilities to the freed bonded labourers lies with these committees.

(14) The concerned Chief Executive Officers of the Zilla Panchayats should utilise the funds released to the Zilla Panchayats for the rehabilitation of concerned released bonded labourers under this scheme during 2003-04, by the end of Dec.2004 and compulsorily submit the consolidated Utilisation Certificates to the Government must be submitted to the Government without fail by the Chief Executive Officers of the Zilla Panchayats.

(15) Since this scheme is being continued as a State Sector Programme during 2004-05, if any funds are released under this scheme for the rehabilitation of the released bonded labourers during this year, the concerned Chief Executive Officers of the Zilla Panchayats should utilise such funds as is being done currently before the end of March 2005 by providing rehabilitation facilities to the released bonded labourers and thereby not surrendering the amount for any reason and submit the Utilisation Certificates to the Government.

(Draft approved by the Secretary, RD & PR Dept.)

Sd/-

(B.M. Shivaprakash)

Director,

Self Employment Programmes,
and E/o. Joint Secretary to Govt.,

Rural Development and Panchayat Raj Dept.

To,

1. All the Deputy Commissioners and District Magistrates.

2. All the Chief Executive Officers of Zilla Panchayats.

3. All the District Treasury Officers.

4. All the Revenue Sub-Divisional Assistant Commissioners and Sub-Divisional Magistrates.