

Most Immediate:

GOVERNMENT OF ANDHRA PRADESH
SOCIAL WELFARE (H2) DEPARTMENT ✓

Circular Memorandum No. 3695/H2/97 -1,

Dated: 9-6-1997

Sub:- Bonded Labourers -Identification, release and rehabilitation of bonded labourers
Re-constituting of District Level and Sub-divisional Level Vigilance and
Monitoring Committees -Reg.

- Ref.:- 1. Section (13) of the Bonded Labour System (Abolition) Act, 1976
(Central Act, 19 of 1976)
2. From the Supreme Court of India, Record of Proceedings,
Dt. 19-11-96, in WP No. 3922/85.

As per sub-sections (2) & (3) of section (13) of the Bonded Labour System
(Abolition) Act, 1976 (Central Act 1976 of The District Level Vigilance Committees and
Sub-Divisional Vigilance Committees were constituted with the following Members :-

DISTRICT LEVEL VIGILANCE COMMITTEES:

- | | | |
|--|-----|----------|
| 1. District Magistrate and Collector | ... | Chairman |
| 2. Three persons representing official or non-official agencies
in the district connected with rural development
(to be nominated by the State Government) | ... | Members |
| 3. One person to represent the financial and credit
institutions in the district (to be nominated by the
District Magistrate) | ... | Member |
| 4. Three persons belonging to SCs or STs
(to be nominated by the District Magistrate) | ... | Members |
| 5. Two social workers (to be nominated by District Magistrate) | ... | Members |

SUB-DIVISIONAL VIGILANCE COMMITTEES:

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|--|-----|----------|
| 1. Sub-Divisional Magistrate | ... | Chairman |
| 2. Three persons belonging SCs or STs
(to be nominated by the Chairman) | ... | Members |
| 3. Two Social workers
(to be nominated by the Chairman) " | ... | Members |
| 4. Three persons to represent the official or
non-official agencies in the sub-division connected
with rural development
(to be nominated by the District Magistrate) | ... | Members |
| 5. One person to represent financial and
credit institutions in the sub-division
(to be nominated by the Chairman) | ... | Member |
| 6. One officer specified by the District
Magistrate in the Sub-division | ... | Member |

3. As per the Record of proceedings of the Supreme Court of India in the reference 2nd cited, Government have decided re-constitute the District Vigilance and Monitoring Committee and Sub-divisional vigilance and Monitoring Committees with the following members :-

DISTRICT VIGILANCE AND MONITORING COMMITTEES:

1. District Magistrate & Collector ...Chairman
2. Joint Collector ...Convenor
3. Superintend of Police ...Member
4. District labour Officer ...Member.
- 5 Deputy Director (SW) ...Member
6. One person representing Financial and Credit Institutions (Banks) in the District (to be nominated by the District Magistrate) ...Member
7. Three persons belonging to SCs or STs (to be nominated by the District Magistrate) ...Members
8. Two social workers (to be nominated by the District Magistrate) ...Members
9. Three persons representing official or non-official agencies (Voluntary) in the district connected with rural development (to be nominated by the State Government) ...Members
10. Representative of District Legal services Authority, (District Level) (to be nominated by the level) -District Magistrate) ...Member

SUB-DIVISIONAL VIGILANCE & MONITORING COMMITTEES:

1. Sub-Divisional Magistrate / Revenue Divisional Officer ...Chairman
2. Deputy Supdt. of Police ... Member
3. Asst. labour Officer ... Member
4. Asst. Social Welfare Officer ...Convenor
5. Three persons belonging to SCs or STs. (to be nominated by the Chairman) ...Member
6. Two Social Workers (to be nominated by the Chairman)Members
7. Three representatives of official or non-official agencies connected with rural development in the sub-division (to be nominated by the District Magistrate ...Members
8. One person to represent financial & credit institutions (Banks) in the sub-division (to be nominated by the Chairman) ...Member ..
9. One officer in the Sub-division .. specified by the District Magistrate ...Member
10. Representatives of District Legal services Authority (sub-divisional) (to be nominated by the Chairman) ...Member

3. Hitherto the District Level and Sub-divisional Vigilance Committees were assigned the following functions :-

- a) advise the District Magistrate to any office, authorised by him as to the efforts made and action taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

- b) provide for the economic and social rehabilitation of the freed bonded labourers;
- c) co-ordinate the functions of rural banks and co-operative societies with a view to analysing adequate credit to the freed bonded labourer;
- d) keep an eye on the number of offences of which cognizance has been taken under this Act; ..
- e) make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;
- f) defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

Vigilance Committee may authorise one of its member to defend a suit against a freed bonded labourer and the members authorised shall be deemed, for the purpose of such suits, to be the authorised agent of the freed bonded labourer.

(4) In pursuance to the record of proceedings of the Supreme Court the following additional functions are assigned to the Committees constituted above :-

- i) identify bonded labourers and examine their conditions;
- ii) re-negotiate wherever possible working conditions of bonded labourers with the employers on the basis of the employer's public undertaking to re-establish legal rights and clear dues provided that safety of the bonded labour can be guaranteed and the employer kept under watch to prevent re-lapse into bondage;
- iii) receive information about locals who are held in bondage in other States, and report details to the Government for action;
- iv) to facilitate rescue efforts by involving the police, district and labour officials, legal-aid members or lawyers, NGO's both within the area or from other States with respect of labourers originating from the area;
- v) assist the released bonded labourers in registering an FIR and obtaining the "release certificate" and where necessary follow up on the same;
- vi) serve as reception and rehabilitation committee in respect of released bonded labourers originating from the area;
- vii) ensuring that the immediate needs of food, health, clothing, transportation and interim housing arrangements are taken care of;
- viii) provide counselling and psychological support in trauma conditions through trained personnel and also assist the family unit to re-integrate in society;
- ix) ensure that subsistence grant of Rs.1 ,000 per bonded labour, as required by the law, is paid immediately;
- x) ensure that the provisions of the Bonded labour System (Abolition) Act, 1976 relating to extinguishment of bonded debt, non-ouster from homestead, restoration of property or release of property from mortgage, recovery of dues and compensation where applicable, are implemented;

- xi) ensure that the release rehabilitation be a single composite step with long-term, sustainable arrangements finalised within three months, as far as possible;
- xii) consult the freed labourer on the method of his rehabilitation, considering his or her background, and specific needs and talents;
- xiii) provide consumption loan or monthly sustenance, being a reasonable amount, in the interregnum between release and rehabilitation or until suitable employment is found;
- xiv) arrange alternative wage-employment through preferential treatment to the released individual.
- xv) arrange or extend skill training or other adult education schemes utilising the help of private or voluntary sector;
- xvi) assist the freed labourer in obtaining financial assistance, subsidies through state funds or from nationalised banks.
- xvii) endeavour to rehabilitate the individual in the same occupation. Co-operatives or collectives, wherever feasible, be encouraged for groups or released bonded labourers, on a preferential basis and all the complementary assistance such as training and managerial and marketing support be provided;
- xviii) be vigilant against abuse or misappropriation of rehabilitation benefits by recommending stringent action against offenders;
- xix) review rehabilitation efforts to assess if second dose or additional measures are necessary;
- xx) recommend long-term measures through convergence of anti-poverty schemes, specific development programmes and welfare measures including housing, cultivable land where bonded labourers receive preferential treatment;
- xxi) assign rehabilitation package, in the name of the woman of the household;
- xxii) take all steps to prevent and prompt entrapment into bondage, through enforcement of the Bonded labour system (Abolition) Act, 1976;
- xxiii) critically assess the socio-economic condition creating bondage and devise means of curbing them;
- xxiv) study sensitive occupations known to employ bonded labour and employ specific measures;
- xxv) review the functioning of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 to prevent its abuse for employing bonded labour;
- xxvi) maintain a list of employers of bonded labour, recruiters and agents and initiate criminal action against them and follow up diligently with prosecutions;
- xxvii) the principal employer will be liable for offences under the Bonded Labour System (Abolition) Act, 1976;

(xviii) step up enforcement of the Minimum wages Act.

5. The Collectors are also directed to resurvey the bonded labourers in each district using a methodology best suited to local conditions and sensitivity of the problem, focusing on occupations, areas and high risk groups. The support of Bonded Labour Vigilance and Monitoring Committees of members, the Panchayatiraj institutions, voluntary groups and field experts may be utilised for this survey. The survey be also used. to conduct an awareness of provisions of the Bonded labour System (Abolition) Act, 1976 and other legal rights to examine the socio-economic factors creating bondage, and to obtain details of employers of bonded labour.
6. All the District Collectors are requested to constitute the Vigilance and Monitoring Committees at District and Sub-divisional level as above and send proposals to the Government for notifying these committees.
7. The District collectors are directed to ensure that meetings of the Sub-divisional level committees are conducted every month. The District level Committee meetings shall be conducted for every quarter and proceedings of these meetings should be sent regularly to the Commissioner, Social Welfare. The Commissioner, Social Welfare shall review these reports and sent quarterly progress to the Government..
8. The District Collectors must send their monthly and quarterly progress reports in the already prescribed formats, which are enclosed again to this circular memo for ready reference.
9. The District and Sub-divisional level Vigilance and Monitoring committees shall maintain all the registers as prescribed in Section 7 of the Bonded labour System (Abolition) Rules 1976. (An extract of, the section 7 is enclosed to this circular memo ,for ready reference).

S. RAY, IAS

Principal Secretary to Government

To

All the District Collectors.

All Sub-Divisional Police Officer/Revenue Divisional Officers/
Sub Collectors/ Asst. Collec.tors.

All Superintendents of Police of the State.

The Commissioner of Social Welfare, A.P., Hyderabad.

The Commissioner of Tribal Welfare, A.P., Hyderabad.

The Managing. Director, AP Scheduled Caste Co-op. Finance Corpn., Limited,
Hyderabad.

Copy to : PS to Prl. Secretary, (SW)
P.S. to Minister for Social Welfare
P.A. to Addl. Secretary (R)

SC/Sf

K. SATYANARAYANA
Section Officer.