

Sugarcane Harvesting and Bonded Labour

A Report from Belagavi

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Executive Summary

In view of two serious incidents of members from the Adivasi community of Madhya Pradesh being held as bonded labourers in Nippani and Ramdurg taluks of Belagavi district, a team consisting of Shashank SR (*People's Union for Civil Liberties - Karnataka*), Avani Chokshi (*All India Lawyers' Association for Justice*), Syed Junaid (*All India Students' Association*) and Sachi (*All India Students' Association*) representing different human rights and progressive organisations came together to initiate a fact-finding into the issue. The team visited Belagavi on the 28th and 29th of January, 2022 to meet the workers. The team also spoke to the Deputy Commissioner of Belagavi district, Deputy Labour Commissioner of Belagavi district, the Child Welfare Committee and the District Legal Services Authority.

On speaking to the workers, it was found that the labourers belong to the Adivasi community of Madhya Pradesh. They were brought to Belagavi by contractors on payment of advance of Rs. 20,000/- per labourer. In respect to the group this team spoke to, the said advance was paid to 20 workers, of whom nine are minors. The workers stated that prior to being brought to Belagavi, the labourers were not informed of the rate of wages to be paid to them, details of repayment or information of interest accruing to the advance given to them. Upon their arrival at Belagavi, the labourers were made to live in tarpaulin shacks around the fields they harvested. The labourers worked daily for almost 15 hours a day, harvesting sugarcane and loading the daily harvest onto the tractors, and were not paid at all by the contractor, but were paid small sums of Rs. 25-30 per person by the farmers on whose lands they worked, as tips. After working for 2 ½ months without pay, they enquired with their contractor about their wages, but were informed that they were still under the debt of Rs. 2 lakhs and that they could leave only after clearing this debt. This is clearly a 'bonded debt' as defined under the Bonded Labour Systems (Abolition) Act, 1976.

Shockingly, the Tehsildar of each taluk undertook spot enquiries with members of the labour and police departments and panchayat officials and gave reports that there was no bonded labour or child labour, on the grounds that the labourers were not physically restrained. On the basis of this, the Deputy Commissioner has issued a letter to the team stating that there was no forced labour or child labour. The denial, time and again by various state authorities and the district administration including the DC and the Magistrates of any occurrence of the violation of the rights of adivasi migrant workers and children and their denial to initiate proceedings against the accused according to the provisions of the law, coupled with the indifference and insensitivity that various officials displayed towards the grave violations of the rights of one of the most marginalised communities makes it evident the the district administration was attempting to sweep the issue under the carpet. Finally, on 05.02.2022, an FIR bearing No. 18/2022 was lodged by the Sadalaga Police station under Sections 16 and 17 of the Bonded Labour Systems (Abolition) Act, 1976. The Deputy Labour Commissioner (Belagavi) has also treated the complaint of the workers in respect of non-payment of due amounts as a complaint under the Minimum Wages Act, 1948, and the case is currently pending.

Summary Findings

- The team found numerous constitutional and statutory violations by the administration, including violations of Article 23 of the Constitution of India which prohibits *begar* and other forms of forced labour.
- The team came to the conclusion that the workers were Bonded labourers as defined in the Bonded Labour System (Prohibition) Act, 1976, and were required to be provided relief and rehabilitation in accordance with the said Act. It was found that the workers were entitled under the Central Sector Scheme for Rehabilitation of Bonded Labour 2016, to a rehabilitation package of Rs. 1 lakh per adult male bonded labourer and Rs. 2 lakh per woman or child bonded labourers.
- It was found that the DC has failed in his duty to enquire whether any bonded labour is being enforced within his jurisdiction and take necessary action to eradicate this enforcement. Moreover, his action in finding that no forced labour was in practice without speaking to the workers is in violation of the Standard Operating Procedure for the Identification and Rescue of Bonded Labourers and Prosecution of Offender, 2017. His actions are also in contravention of the NHRC Advisories dated 31/05/2021 and 08/12/2021 to Identify, Release and Rehabilitate Bonded Labourers
- The team also found that child labour had taken place, prohibited under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, on the basis of the statements of the workers. In fact, the admission of the contractor that 20 people had been paid advances makes it evident that apart from the 11 adults, all 9 children were also employed, in violation of the 1986 Act. In fact, even the Child Welfare Committee affirmed that the statements of the children made out a violation of the Act
- **The team found that the provisions of the Minimum Wages Act, 1948 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 had been flouted, and calculated that the statutory dues of each worker under these laws would be a sum of Rs. 1,18,878.8/- per worker.**
- The team found a violation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which makes the forced labour of a member of a Scheduled Tribe punishable with imprisonment extending up to five years.
- The team found violation of the Karnataka Grama Swaraj and Panchayat Raj Act, 1993, which makes it obligatory on the part of a Grama Panchayat to report any case of enforcement of the Bonded Labour System.
- The institutional apathy and lack of awareness amongst officials in respect of workers hailing from the most vulnerable and marginalised sections of society is shocking and itself contributes to the violation of the workers to their fundamental right to dignified lives under Article 21 of the Constitution of India.
- The incident cannot be seen in isolation. The workers in their interactions with the fact-finding team revealed that they knew of many such groups which migrated from their homes to different districts in Karnataka including Belagavi and Bagalkot. The migration of workers to various districts in Karnataka is an annual occurrence. The hierarchical power structures in this nexus of players involved in the cycle of migration, enables

systemic patterns of exploitation and oppression which negates the rights of the workers hailing mostly from the vulnerable communities.

Summary Demands

1. The Bonded Labour Systems (Abolition) Act must be understood in letter and spirit by all district authorities and holistically implemented, with activation of Vigilance committees, regular surveys and enforcement of rehabilitation mandates.
 2. Similarly, the District Magistrate and the Labour Department must work hand in hand to ensure abolition of child labour and regulation of adolescent labour in accordance with law, with regular surveys and monitoring, and activation of the District Task Force Against Child and Adolescent Labour is to be constituted and activated. Moreover, the system of periodical monitoring and inspection is required to be put into effect as per Rule 4E.
 3. The Labour Department must conduct regular inspections in respect of compliance of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Minimum Wages Act, 1948, and ensure immediate prosecution of violators.
 4. The State of Karnataka must issue a circular to all for treating the workers employed in the oppressive, exploitative and bonded conditions of labour in a humane and dignified manner and must ensure that those officials who summarily dismiss allegations of violation of law face immediate disciplinary action.
 5. The State of Karnataka must consider the constitution of a welfare board to provide financial security and improve the standard of living of sugarcane workers who are engaged in sugarcane cutting, harvesting and transportation.
 6. The State government must conduct awareness campaigns on bonded labour for all authorities etc. to ensure the eradication of bonded labour and the protection of fundamental rights of workers.
 7. The Rural Development and Panchayat Raj Department, Government of Karnataka must issue a circular to all Gram Panchayats to strictly adhere to the obligation to report bonded labour under Section 58A of the Karnataka Grama Swaraj and Panchayat Raj Act, 1993.
 8. The District administration of Belagavi must make a concerted effort to survey interstate and intrastate migrant workers involved in sugarcane harvesting and loading each season, and ensure compliance of the various laws detailed above.
 9. The Director General and Inspector General of Police, Karnataka must issue a circular reiterating the directions of the Hon'ble Supreme Court in the case of Lalita Kumari v. State of U.P., (2014). 2 SCC 1, which mandates registration of FIR where information discloses commission of a cognizable offence and states that no preliminary inquiry is permissible in such a situation. The further direction of the Hon'ble Court that "*The police officer cannot avoid his duty of registering an offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*" must also be strictly adhered to.
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I. Introduction

Recently, reports that members of an Adivasi community from Madhya Pradesh were being held as bonded labourers at the Belagavi district of Karnataka emerged. Members of the Jagrit Adivasi Dalit Sanghatan reached out to progressive organisations in Bengaluru to take cognizance of the issue. It was stated that a number of Adivasis from rural Madhya Pradesh including women and children were brought to Belagavi by a labour contractor for harvesting and loading of sugarcane. The workers never received wages, but were provided an advance before leaving their home state. On enquiring about wages, the workers were apparently told that their debt was still outstanding and would have to be cleared before they could stop working. Despite the authorities being apprised of the issue, no concrete steps were taken to offer recourse to the workers. In fact, serious lapses were noticed in the treatment of these workers by officials. As it seemed at the outset that the statutory rights under various beneficial legislations of these labourers have been violated, a team consisting of Shashank SR (*People's Union for Civil Liberties - Karnataka*), Avani Chokshi (*All India Lawyers' Association for Justice*), Syed Junaid (*All India Students' Association*) and Sachi (*All India Students' Association*) came together to conduct a fact-finding into the issue.



The fact-finding team visited Belagavi on the 28th and 29th of January, 2022 to meet the workers. They also spoke to the Deputy Commissioner of Belagavi district, Deputy Labour Commissioner of Belagavi district, the Child Welfare Committee and the District Legal Services Authority. The team was unable to meet the Superintendent of Police on account of his unavailability.

II. Context of Sugarcane harvesting in Karnataka

India is the world's second largest producer of sugar as well as the leading consumer of it.¹ Karnataka stands third in the production of cane next only to Uttar Pradesh and Maharashtra. While sugarcane is grown across 16 districts of the state,² the North-western region of the state including Belagavi district makes up the major sugarcane-based economic region, characterized by high sugar recovery and medium cane yield per acre of land. In fact, Belagavi district houses 24 of the the total 62 functioning sugar mills in the state as of 2020. This makes the prominence of the region in sugarcane harvesting and sugar production evident.³

Though sugarcane is planted in the region from June to February, a huge bulk of plantation is undertaken between September to November and crushing operations are undertaken by sugar mills in the months between October and March depending upon the availability of cane. Usually, the costs of harvesting and transportation of cane is borne by the sugar mills.⁴ However, over the recent years, the farmers have been demanding for a fair and transparent price for their produce and also for immediate payments.⁵

Oxfam India in *Human Cost of Sugar: Living and Working Conditions of Migrant Cane-cutters in Maharashtra*⁶ has tracked the recruitment process for sugarcane harvesting and processing industry in Maharashtra which was captured aptly in an image provided in the report. The image is reproduced below:

¹ <https://dfpd.gov.in/sugar-sugarcane-policy.html>

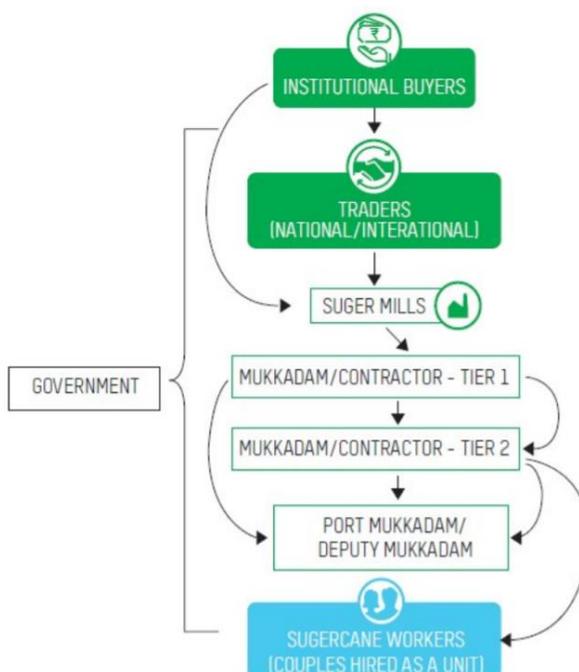
² <https://www.nijalingappasugar.com/sugarcanesenario.html>

³ <https://www.nijalingappasugar.com/guidelines.html>

⁴ <https://www.nijalingappasugar.com/sugarcanesenario.html>

⁵ <https://www.thehindu.com/news/national/karnataka/sugarcane-growers-demand-sap-of-3300-a-tonne/article32866594.ece>

⁶ Human Cost of Sugar: Living & Working Conditions of Migrant Cane-cutters in Maharashtra, Oxfam India.



The sugar mills inform about their labour requirements in the harvest season to labour contractors popularly known as *mukkadams*, who in many cases sub-contract the recruitment. Since the work involves chopping, bundling and loading the cane onto the trucks and for this reason, the contractors (mostly through sub-contractor) prefer hiring couples - one person to chop, the other to load cane through informal and unwritten agreements where they pay advances against which wages earned by the labourers are settled. The mukkadams upon being sure that they can supply the labour force, enter into the agreement with the sugar mills to earn commissions. In our interaction with Kuruburu Shantakumar, President of the State Sugarcane Cultivator's Association, it was understood that even in Karnataka, a similar process for the recruitment of labourers for sugarcane cultivation was in practice.

This large industry is dependent upon the availability of cheap and easily exploitable labour to harvest and transport the cane to the factories wherein it is further processed. Hence, it has been a widespread practice to hire people hailing particularly from marginalized and vulnerable communities including Adivasis, Dalits, Backward Castes and landless labourers who are willing to migrate to other regions as cane-cutters and harvesters. However, more often than not, this pushes the workers to further marginality wherein they along with their children get caught in perpetual debt traps and highly exploitative work and living conditions. Hence, the labourers employed in this economy are exploited at multiple levels including being pushed to work for long hours without breaks, non-payment of wages, denial of worker entitlements, sexual exploitation of women and children, women forced to undergo hysterectomies, employment of adolescents and children in dangerous conditions, physical and verbal abuse of child migrant workers, bonded and

forced labouring amongst others⁷. However, since the contractors mediate the recruitment of labourers, the sugar mills and factories escape any accountability.

Pointing at the systemic exploitation of workers employed in the economy, Los Angeles Times reported that: “*Women bear the brunt of this cruel arrangement. Many are injured on the job, in the unending pressure to produce more. They live in squalor by the sides of fields, with no access to toilets. Infections and illness are common. Until a recent government crackdown, thousands of female sugar-cane cutters were tricked by predatory doctors into having medically unnecessary hysterectomies. Menstruation, they were told, slowed their productivity. A survey released last year by Makaam, a coalition of women’s organisations and health advocates, revealed that 44% of female sugar-cane cutters had no access to water at work sites, 99% had no access to toilets and 86% had no access to electricity. Nearly 20% of respondents said they gave birth in the sugar fields, and more than 10% said they had an abortion during cutting season. About 3% said they encountered some form of sexual harassment on the job.*”⁸

Another report titled *Forced Labor, Child Labor and Land Use in India’s Sugar Industry* provides context to understand the issue at hand. It states that none of the mills that were part of the study “*had a policy on forced labor and the policies only applied at the mill level. They did not address the farm supply chain nor the issue of wage advances and worker debt.... Another challenge related to forced labor was the issue of involuntary overtime that was identified at fifteen of the sampled farms for one mill. Workers reported being obligated to conduct overtime work for loading and unloading of cane, after the regular work day*”. It was found that none of the mills had remediation plans in place in case forced labour was identified. In particular reference to the state of Karnataka and the issue of migration of workers from other states to Karnataka, their recruitment and payment of advances, the report noted that “*mills reported using labor agents or contractors to hire workers...Advances are given as a matter of practice in each of the four states*

⁷ Several media and civil society reports have pointed to such violations in the sugarcane harvest economy across various states including Karnataka in the very recent past. For a cursory glance, the following reports can be examined.

https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2021-02/Human%20Cost%20of%20Sugar_Maharashtra%20Case-2.pdf?33ji.96dQfp5xHQ9svfwmnasKE_ywIEC ,
<https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2018-11/HUMAN%20COST%20OF%20SUGAR-A%20FARM%20TO%20MILLS%20ASSESSMENT%20OF%20THE%20SUGAR%20VALUE%20CHAIN%20IN%20U.P.%2020.pdf> , <https://www.aljazeera.com/program/101-east/2021/10/21/why-are-so-many-indian-sugarcane-cutters-removing-their-wombs>,
<https://www.thenewsminute.com/article/12-people-rescued-bonded-labour-sugarcane-farm-karnataka-114054> , <https://www.thehindubusinessline.com/markets/commodities/covid-19-over-6-lakh-sugarcane-cutters-in-dire-straits/article32283970.ece> , <https://ruralindiaonline.org/en/articles/cutting-cane-for-2000-hours/> , <https://www.newsclick.in/Faith-Promises-Seasonal-Migrant-Sugarcane-Cutters-Maharashtra> ,
<https://www.newsland.com/2019/04/17/elections-2019-beed-sugarcane-cutters-congress-bjp-sena> ,
<https://indianexpress.com/article/business/economy/study-flags-labour-issues-in-sugarcane-producing-states-7268274/> , <https://www.groundxero.in/2020/10/12/the-bitter-taste-of-sugar/> ,
<https://www.latimes.com/world-nation/story/2021-11-08/india-sugarcane-cutters> ,
<https://www.reuters.com/article/us-india-slavery-sugar-idUSKBN1DE12E>,
<https://behanbox.com/2020/11/06/the-cost-of-sugar-women-cane-cutters-in-maharashtra/>

⁸ <https://www.latimes.com/world-nation/story/2021-11-08/india-sugarcane-cutters> ,

in the southern region. As in other regions, advances are given just prior to the start of harvest. Workers should work off the advance during the harvest season. If workers wanted to leave the harvest work early, they would need to find a way to pay back the advance. The advances were often equivalent to the estimated earnings for a single harvest season; therefore, workers stated they would remain for the entire harvest period.”⁹

With reference to policies on child labour, the report noted that sugarcane harvesting was usually a family affair and where the family had migrated, children were present in the fields and older children would inevitably assist the family in harvest activities. In this regard, though some mills had written policies on child labour, none of them targeted the farm supply chains and they did not include remediation efforts. It highlighted that the vast majority of children were observed on farms in Karnataka, where there is a large number of migrant workers from neighbouring states who have brought their family with them for the harvest season and that the children were between the 12-14 age group. It had been found that, in many instances, children were cutting sugarcane with curved blades and loading bundles of sugarcane into transport vehicles. The absence of any contract or the documentation of the transactions between the labourers and the contractors only pushes the workers to further vulnerability.¹⁰

In a report titled ‘Bonded Labour in Three Districts in Karnataka State, India: Prevalence it was extrapolated that there were as many as 558,334 bonded labourers in the three districts of Bangalore Urban, Bangalore Rural and Ramanagara. The report notes that *“Several factors increased a labourer’s probability of being trafficked, including being 30 years or younger, male and with larger numbers of working family members. Migrant workers were also more likely to have been trafficked than non-migrants... 79.5% took an advance from an employer under the condition that they would migrate out of state to work at the employer’s factory until the advance was paid back. Based on the fact that 64.1% of these labourers were illiterate, it is unclear how many truly understood the terms of employment or even the wage calculations conducted by the employers once on site. Although some of the respondents spoke of their time on the worksite in more positive or neutral terms, many of the labourers described abusive situations that involved restrictions on freedom of movement and employment, in addition to experiencing verbal and physical abuse. Some of them were able to return to their native villages after paying back the advance; however, many had to be rescued by the government since if they tried to leave on their own accord, they would be severely beaten or even killed”¹¹*

One instance of bonded labouring on sugarcane fields in Karnataka saw the light in December 2019 when 12 workers were rescued from bonded labouring on sugarcane farms in Karnataka’s Holenarasipura in Hassan district. Two people were also booked under section 370 (human

⁹<https://www.coca-colacompany.com/content/dam/journey/us/en/policies/pdf/human-workplace-rights/addressing-global-issues/india-country-study.pdf>

¹⁰<https://www.coca-colacompany.com/content/dam/journey/us/en/policies/pdf/human-workplace-rights/addressing-global-issues/india-country-study.pdf>

¹¹ <https://rajeev.in/wp-content/uploads/2019/01/bonded-labour-in-three-districts-karnataka.pdf>

trafficking) of the Indian Penal Code and relevant sections of the Child Labour (Prohibition and Regulation) Act and Bonded Labour System (Abolition) Act¹²

Hence, there exists compelling reasons to believe that there exists systematic bonded and child labour effectualised by host of agents, including the mills, the farmers, the contractors and state authorities in Karnataka. Hence, the two cases that the fact-finding team has specifically dwelled into must be viewed as representative of larger rampant human and labour rights violation practises in the sugarcane harvesting and processing industry which require systematic redressal and not be brushed off as one-off incidents being reported.

III. Narration of events

Before the team's visit, the team was informed that two separate incidents of bonded labor had recently come to light in Belagavi district, in Ramdurg taluk and Nippani taluk. The workers from Ramdurg after a number of challenges, had made their way to Madhya Pradesh and could not be contacted by the team.

Incident at Ramdurg Taluk

In view of the unavailability of the workers, who had already returned to their villages after being rescued, the team took a report of the incident from Smt. Susheela, the Director of NGO Spandana in Belagavi and Ms. Madhuri, from Jagrit Adivasi Dalit Sanghatan. Smt Susheela who had been present at the spot visit conducted by the Tahsildar, district Labour Officer, Taluk Labour Inspector, District Child Labour Project Director, Child Development Project Officer and a police official to investigate into complaints of bonded labour raised by Jagrit Dalit Adivasi Sanghatan, Madhya Pradesh, and NGO Spandana, Belagavi. The officials visited the spot at Halagatti on 20.01.2022 and enquired about the issue there. The workers there stated that after being paid an advance of Rs.20,000/- each they were brought to Belagavi from Madhya Pradesh by contractors Shri Kalu and Shri Shyam. Workers were paid the advance sum by Shyam. The workers claim that Shyam absconded after allegations of bonded labour came to light.

The workers said that despite the passage of three months, they were not paid wages. When workers asked the contractor Shyam for accounts, he said that 2 or 3 of them should accompany him to the factory. 3 workers went with him to the Nirani factory taking the slips recording the number of tons of sugarcane the group had cut and loaded. But at the factory, they were told that they owed the factory more than Rs2 lakh! Their phone and the slips were snatched from them and they were locked up in a room in the factory, as hostages. The other workers were told they

¹²<https://www.thenewsminute.com/article/12-people-rescued-bonded-labour-sugarcane-farm-karnataka-114054>

had to continue working or the three would not be released. After written complaints at both Barwani and Belagavi, Kalu and the police released the “hostages”, 6 days after they had been held. But before returning them to the rest of the group, they were taken to a police station where they were made to record a statement that they had no grievance and were happy to continue working. Late that night and early the next morning the local villagers (who had already been incited to express hostility to the workers after the complaints had been sent) insisted that the group leave the village immediately. Smt. Susheela states that these workers were subsequently threatened and forced to give a statement to police officials that nothing untoward had occurred, and that they were willing to continue work, and there had been no bonded labour.

At the spot visit, the PSI and a number of locals including land owners, farmers, panchayat president etc joined the officials and started pointing fingers at the labourers. It was repeatedly alleged that despite taking an advance, the workers did not work properly and created issues. Shockingly, the PSI and the Tehsildar adopted the same lines and even went as far as stating that the workers will not be considered bonded labourers in law, since they were not physically restrained or tied up. This view was subsequently echoed by the Superintendent of Police, Belagavi. As per the officials, the only thing that they could do was arrange transportation and food.



It is distressing to note that throughout the narrative of Smt.Susheela, it appeared that the Tehsildar and police were adamantly unwilling to consider the workers as bonded labourers and treated them instead as perpetrators of some mischief due to their act of claiming their rights. In fact, the PSI even stated that on his own agricultural land he had been cheated by workers who took advances but then raised issues. This attitude on the part of State officials obligated by law to uphold statute revealed the complicated web that prevents workers from being able to effectively claim the protections afforded to them under law.

In respect of this issue, Sudhir Katiyar, Member, Core Group on Bonded Labour of National Human Rights Commission NHRC, issued a communication to the DC, Belagavi (**Annexure A**), specifically making the following requests:

- Take immediate action to get the workers released.
- Release the immediate financial assistance of Rs. 20,000/- per released person
- Cases be registered against the persons who have perpetrated this crime under the BL Act, a summary trial be conducted and the whole group be issued Release Certificates that will entitle them to rehabilitation
- The Labour Department be directed to initiate proceedings under the Minimum Wages Act and the Payment of Wages Act to ensure payment of back wages to the workers
- From the reports received it looks like that this is not an isolated case but part of a larger human trafficking operation. An enquiry be undertaken to detect other such cases in the area

However, no action has been taken on this representation till date.

The mistreatment of the workers did not end here - on the evening of the spot inspection, the private owners of the land upon which the workers had been made to put up tents demanded they immediately vacate. Among the group of labourers, there were 13 children including a three-month-old baby and a new mother. Due to the immediate intervention of Smt. Susheela, with various State level officials, the land owners did not force the group to leave at night. However, at 6:00 AM the next day, the land owners were forced to remove their sheds and were left stranded on the road.

Upon the intervention of Sudhir Katiyar Member, Core Group on Bonded Labour of National Human Rights Commission NHRC, the DC and other authorities arranged for transportation for the workers. In another massive blunder, the workers were put onto a train that terminated at Solapur, and were left stranded without money there. They remained stranded in Sholapur for almost an entire day, until local activists contacted by JADS provided them with food, helped arrange vehicles and even contributed Rs 10,000 to help with the cost. Upon their return, the group gave detailed statements on their ordeal to PS Pati as well as the district labour officials. However, no action has been taken

Incident at Nippani Taluk

From speaking with the workers still in Belagavi, the narrative that emerged was one of horrific violations of law at every level. The workers were lodged in the Urban Homeless Shelter for Men at Belagavi. There were 11 adult workers with 6 young children at the shelter. Apart from this, there were 9 teenagers in the custody of the Child Welfare Committee, who were housed in girls' and boys' hostels separately.

We were informed that the workers belong to the villages of Kandra and Ubadagad, Tehsil Pati, District Barwani, Madhya Pradesh. They work as rural agriculturalists and belong to the Nihal caste (which is designated as a Scheduled Tribe) and are part of the Adivasi community. The

entire series of incidents began immediately after Diwali festival in 2021, when they were approached in their village by labour contractors Shri Kalu and Shri Ashok Sindhya. Each person was offered an advance of Rs. 20,000/- to each person who came to work, and promised that they could return in three months, with their debt cleared and higher earnings for their family. They were not told the rates of wages, or the details of repayment. Moreover, they were never informed of any interest accruing to the advance given to them.

Twenty people belonging to the same extended family had accepted this offer (of whom 11 are adults and 9 are adolescents). The family also brought their six young children along. The workers were taken from Madhya Pradesh three days after Deepavali festival to Maharashtra in a pick-up vehicle. From Maharashtra they were brought to Kasanal village near Nippani, in Belagavi District by Mr. Ashok Sindhya who drove the tractor they came in. They were to cut sugarcane for Halasidnath Sugar Factory.

In Belagavi, they were made to live in tarpaulin shacks around the fields that they harvested. Each day, the group was able to harvest sugarcane from half to one acre of land which took from 7:00 AM to 6:00 PM. Thereafter, they loaded the same onto tractors and were free to rest only after 9:30-10:00 PM. During this period, they were never paid a single rupee by the contractor but received a small sum of Rs. 500-600 for the entire group of 20 people from the farm owners each day. Ashok Shinde's relative, Chandrakant Vani used to make them work each day, on behalf of Halasidnath Sugar Factory. It was he who told the workers where to go each day. In fact, Mr. Kalu had returned back to Madhya Pradesh. The workers repeatedly asked Chandrakant Vani for accounts of how much was due to them after adjusting the advance amount, but he refused to give any accounts and only told them that a large sum was still due and they had to continue working.



The workers informed us that after working for 2.5 months, without even one day of holiday, they contacted Mr. Kalu enquiring about their salary and the amount due to them. To their utter shock, they were informed that out of a total of Rs. 4 lakhs advance to the entire group, only half had been cleared and the workers were still under the debt of Rs. 2 lakhs. The workers were further informed that they would leave only after clearing this debt.

When the workers reached out to Jagrit Adivasi Dalit Sanghatan, a people's organisation active in their villages in Madhya Pradesh, they apprised the authorities. On 18th January 2022, Jagrit Adivasi Dalit Sanghatan in Madhya Pradesh complained to the Superintendent of Police of Belagavi district, Karnataka and the Deputy Commissioner, District Belgavi, Karnataka requesting them to immediately rescue and free the Adivasi labourers – men, women and children from the sugarcane farms as well as the sugar factory, and provide for their rehabilitation as per the applicable legal provisions (**Annexure - B**). Another letter dated 21.01.2022 was also submitted (**Annexure - C**) demanding immediate prosecution of individuals and parties involved in the crimes committed against Adivasi labourers. Lists of workers were also collated by Jagrit Adivasi Dalit Sanghatan (**Annexure - D**). Smt. Susheela, the Director of NGO Spandana in Belagavi, was also involved in raising the incident of bonded labour at a number of levels, and submitted a letter to the DC on 19th January 2022 seeking for action to be taken on the incidents of bonded labour (**Annexure E**).

Consequently, on 21st January 2022, a spot inspection was conducted by the various authorities, including the Tahsildar, Police, District Labour Officer, Labour Inspector. Smt. Susheela had also joined the inspection. However, the officers stated that since the workers were not physically restrained, and possessed mobile phones, they could not be considered bonded labourers.

The workers told us that the Tehsildar initially promised that they would be given transportation to their home. For this, he took the fingerprints of Shri Saidam and other workers. However, soon after, the Tahsildar told Shri Saidam that a case had been lodged against him for forcing 3 of the underage girls in the group into forced labour. Due to this, the entire group was traumatised and put into even more fear.

On 24th January, 2022, Smt Susheela visited the tents of the workers again and identified the presence of child labourers. The various panchayat members and local people attempted to blame the workers for the entire incident. In fact, shockingly, the officials attempted to send the workers away with the contractor again. Finally due to the resistance of the workers, this did not transpire. Later, it came to light that there were nine child labourers in the group, and the Child Welfare Committee got involved. The Tahsildar was adamant that the workers should be immediately sent back to their hometown without redressal for the violation of their rights, and was upset about the involvement of the CWC. Smt. Susheela stated that the workers had said that the Tahsildar repeatedly phoned the workers from the mobile of the contractor to threaten them. Even Mr. Ashok Shinde repeatedly threatened the workers.

The workers are currently still in Belagavi and require transportation back to their village in Madhya Pradesh.

The major demands that the workers put forth while speaking to the fact-finding committee were:

1. They want to return to their homes at the earliest.
2. They want the custody of their children who have been lodged with the Child Welfare Committee.
3. That they be paid wages as per the rates fixed by the government for the days they have worked.
4. That they not be wrongfully implicated under any cases as threatened by the Tehsildar

As of now, the workers are currently in Belagavi and are in need of transportation to go back to their village in Madhya Pradesh.

IV. Tahsildar Reports

The attitude of the Government in its treatment of the workers cannot be better characterized than by the summary report of the Tahsildars of Nippani and Ramdurg who, on summary enquiry, declared that there was no bonded labour, no child labour and no violation of law in respect of the workers! The team accessed these reports, which are summarised hereunder:

Report of Tahsildar of Ramdurg

The Tahsildar of Ramdurg issued a report dated 20.01.2022 to the Deputy Commissioner with respect to the incident pertaining to the workers from Madhya Pradesh there. The report noted that a communication had been received from the Deputy Commissioner of Belagavi on 19.01.2022, as per which site visits had been undertaken on 20.01.2022. The official present at the site visits included the Tahsildar, Ramdurg Taluk; the District Labour Officer; Project Director-National Child Labour Project; Co-ordinator – Children Helpline 1098; officer of District Child Rescue unit; CDPO, Ramdurg ; PSI Ramdurg; Labour Inspector, Ramdurg; Ms. Susheela from NGO Spandana; Panchayat Development Officer, Halagatti; Revenue Inspector, Mudakavi; Village Accountant, Halagatti. The report states that the communication from the DC referred to an incident that had been complained of, and narrated the details of the complaint.

During the site visit, it was found that 18 workers and 14 children had come from Kadva village, Badvane District of Madhya Pradesh to Halagatti village, Mudakavi Hobli of Ramdurg Taluk. The labourers in the presence of the officers stated that Shri Kalu Mukardam and Shri Shyam(both contractors) had paid Rs. 40,000/- per couple as advance during Dussehra time. Among the workers, only one couple complained about non-payment of wages due to them.

As per the report, the workers were working with contractors of Nirani sugar factory in Kulageri village, Badami Taluk of Bagalkot district. The labourers had been staying at the site location for around ten days during which they were harvesting sugarcane in the land of Shri M.T. Patil of Hampiholi village. The PSI of Ramdurg, the Labour Department, Women and Children Welfare Department and the local Panchayat all stated that no complaints had been received by them

from these labourers. The report states that workers stated during the enquiry that they did not have any harvesting work since the last 3-4 days and were able to procure rations and necessary items without any restrictions or fear. The labourers confirmed, in the presence of village farmer Shri Hanamantha Thimmanna Hoskoti, that they received some amounts from the land owner(s) for a trip of tractor vehicle loaded with harvested sugarcane.

On the basis of this, the Tahsildar in the report found that the allegations of bonded labour, and nonpayment of wages was untrue. The report also found that since the labourers were neither forcibly detained nor were their movements restricted, the case would not fall under the Bonded Labour System (Abolition) Act, 1976. It was also held that the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 would not be attracted. **(Annexure - F)**

Report of Tahsildar of Nippani

The report of the Tahsildar of Nippani issued a few days later on 24.01.2022 is practically identical to the report issued on 21.01.2022 by the Tahsildar of Ramadurg. The report noted that on the basis of a communication from the Deputy Commissioner of Belagavi on 19.01.2022, site visits were undertaken on 21.01.2022 and 24.01.2022. The officials present at the site visits included the Tahsildar, Nippani Taluk; the Labour Officer, Div-01; the Assistant Labour Commissioner, Belagavi; Project Director-National Child Labour Project; the CDPO Supervisor; PSI Sadalaga; Labour Inspector, Nippani; Revenue Inspector, Nippani; Village Accountant, Kasanala village; and Panchayat Development officer. The report states that the communication from the DC referred to an incident that had been complained of, and narrated the details of the complaint.

The Tahsildar spoke of the enquiry during the spot visits, wherein the workers clearly testified to 20 workers having come on payment of advance amount. The report states that no complaint had been received at the local police station, Labour Department, Women and Children Welfare Department and the local Panchayat orally stated that no complaints had been received by them from these labourers regarding non-payment of wages or any other issues. As per the report, the workers stated during the enquiry that they did not have any harvesting work since the last 3-4 days and were able to procure rations and necessary items without any restrictions or fear. The farmers of the village, Shri Vishwas Sarjeram and Sachin Balu Shinde of Kasanala had confirmed that the workers received Rs. 500-800 per trip from the land owners. On the basis of this, the Tahsildar in the report found that the allegations of bonded labour, and nonpayment of wages was untrue. The report also found that since the labourers were neither forcibly detained nor were their movement restricted, the case would not fall under the Bonded Labour System (Abolition) Act, 1976 **(Annexure - G)**. According to Shri Chandrakant, a sum of Rs. 4 Lakh (Rs. 20,000 per person) was paid in advance to the family of 20 people, 6 children. It may be noted that this itself proves child labour, since only 11 workers were adults and 9 were children. It was also stated that the family was provided with wheat, rice, cooking oil, toor dal, sugar, tea powder, puffed rice, rawa, jowar and bajra roti. Additionally, the report also stated that Shri Chandrakant had agreed by the way of an affidavit to pay Rs. 273 per tonne of sugarcane harvested by each family in accordance with the notification No. KAE40LMW-2017 dated 30.12.2017 (which is later found by

the team to be the notified minimum wages for workers in Khandasari Sugar Industries). However, the team was not able to obtain a copy of the affidavit despite multiple attempts.

V. Responses of Authorities

Deputy Commissioner and District Magistrate, Belagavi

The members of the fact-finding team met the Deputy Commissioner who also serves as the District Magistrate of Belagavi on 28th January, 2022. At the meeting, the Deputy Commissioner stated that the concerned workers had been sent back to Madhya Pradesh, and the incident was not one of bonded labour as per the report of the Tahsildar. He further said that the Bonded Labour System (Abolition) Act, 1976 had been complied with, in toto, but when questioned on the specifics, he asked the team to lodge their requests in written form, which he said would be responded to in due course. He also denied the team's request to raise their concerns on cases of bonded labour that had come to light in his jurisdiction, and insisted that any representation be made in writing. A representation dated 28.01.2022 was accordingly made by the team (**Annexure - H**). In response, the Deputy Commissioner issued a report dated 05.02.2022 to the team stating that the workers are not bonded labourers in terms of the Act, and on the basis of the Tahsildar Reports, and therefore the question of rehabilitating them under the Act does not arise. Importantly, in violation of principles of natural justice, the Deputy Commissioner did not offer the workers in his jurisdiction an opportunity to be heard, before declaring them to be beyond the scope of the Act. (**Annexure - I**)

Deputy Labour Commissioner, Belagavi

The team visited the Deputy Labour Commissioner, Belagavi (DLC) with respect to the incident at hand, and spoke to him of the numerous statutory violations in the case. The workers were employed in forced labour prohibited under Article 23 of the Constitution of India was especially stressed. Various judgments of the Hon'ble Supreme Court holding that non-payment of minimum wages amounts to forced labour under Article 23 on account of the economic compulsion were highlighted. (*Sanjit Roy v. State of Rajasthan and Peoples Union for Democratic Rights v Union of India*). However, the team was informed by the DLC that in view of the Tahsildars Report finding that there is no non-payment of wages, no bonded labour or child labour, a specific complaint raising these issues has to be filed before he can take any action. On the issue of payment, he stated that payment to the workers was calculated on a piece-rate basis, and said that the workers would only be entitled to Rs. 273 per ton, and not the minimum wage. This statement is directly contrary to section 17 of the MW Act and the judgement of the Supreme Court in *Bandhua Mukti Morcha v. Union of India*, (1984) SCC (L&S) 389, where it was held that a piece-rated worker is also entitled to receive the minimum wages irrespective of his output. This point is further discussed in our section below on the Minimum Wages Act, 1948. On further discussion, the Deputy Labour Commissioner accepted the complaint of the workers filed with the assistance of the team on 29.01.2022 (**Annexure J**) and promised action on the same.

With respect to Child Labour, the DLC was of the opinion that since the work involved was strenuous, children would not be able to handle the work, and therefore there was no possibility of Child Labour existing. News reports now quote the DLC as saying that *“the tahsildar has submitted a report saying that children were not employed by the sugar mills, and hence they are not child labourers. “How can we file a complaint when the children have not worked. The NGO which rescued the kids can go ahead and file a complaint,” he said.*”¹³

Subsequently, the DLC called for a conciliation meeting between the workers and the contractors, wherein the statement of dues was submitted on behalf of the workers. The contractor expressed his willingness to pay Rs. 2000/- per person. Hence, the workers proceeded with the Minimum Wages claim, which will be heard in accordance with the procedures laid out in the 1948 Act.

District Legal Services Authority:

The Member Secretary of the District Legal Services Authority stated that he would be willing to seek action reports from various authorities if a full report of the incident were to be forwarded to him. In this regard, a representation has been sent vide email dated 02.02.2022 (**Annexure K**). Thereafter, the DLSA authorised a panel advocate to represent the workers and file necessary complaints on their behalf.

Child Welfare Committee, Belagavi

The team met the Chairperson of the Child Welfare Committee on 29.01.2022. The Chairperson, informed that, from the statements made by children before the committee, it is evident that child labour and bonded labour had occurred, and that therefore it is her duty to ensure registration of an FIR on the same. She informed the team that in its order dated 25.01.2022, the Child Welfare Committee of Belagavi has noted that Smt. Susheela and two other staff of NGO Spandana have rescued and brought 9 child labourers (6 boys and 3 girls) who were involved in sugar cane harvesting at Kasanal village of Nippani Taluk to the custody of the CWC along with relevant documents. The order categorically notes that all the children had been brought in from Kandra village in Barwani district of Madhya Pradesh as Bonded Child Labourers, and instructs the PSI of Sadalaga Police Station to register a FIR against five people, including the contractors and sugarcane farm Landowner. The District Labour Inspector of Chikkodi is directed to be the complainant.

However, the same has not been complied with till date, as per the information collected by the team. It has been reported by media that *“despite the CWC directing the labour department to file a complaint at Sadalaga Police Station, the latter is refusing to do so, arguing that they are not child labourers”*¹⁴ Moreover, the team has reliably learnt that the CWC has now received a letter

¹³<https://timesofindia.indiatimes.com/city/hubbali/child-labourers-from-madhya-pradesh-rescued-in-nippani-are-married-ngo/articleshow/89285894.cms>

¹⁴http://timesofindia.indiatimes.com/articleshow/89285894.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

dated 02.02.2022 from the Labour Department refusing to initiate criminal proceedings on the grounds that no child labour was witnessed during the spot inspection.

Police Department

The team was unable to meet the police authorities on account of their unavailability. However, the police officials had been present at the spot inspection at both locations, and had found that there was no bonded labour and child labour. Smt. Susheela informed the team that despite running from pillar to pole, the police were reluctant to register an FIR. Finally, on 05.02.2022 an FIR bearing No. 18/2022 has been lodged by the Sadalaga Police station under Sections 16 and 17 of the Bonded Labour Systems (Abolition) Act, 1976. It appears that the police had to be pressurised to perform its mandatory duty.

It may be remembered that the Hon'ble Supreme Court in the case of *Lalita Kumari v. State of U.P.*, (2014). 2 SCC 1, has held that *"Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation."* This is required to be scrupulously adhered to. In fact, the Hon'ble Court continued by stating *"The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence."*

VI. Violations

Constitution of India

The treatment of the workers, including the minor children, is violative of the Constitution of India on multiple levels. Article 23 of the Constitution of India prohibits *begar* and other forms of forced labour. In fact, the Hon'ble Supreme Court of India in *PUDR vs. Union of India* [AIR 1982 SC 1473] and *Sanjit Roy v. State of Rajasthan* [AIR 1983 SC 328] has held that non-payment of minimum wages will amount to forced labour in terms of Article 23 of the Constitution. The treatment of the workers is also a violation of their fundamental right to live with dignity recognised by the Courts, as an aspect of the Right to Life under Article 21 of the Constitution. Additionally, Article 24 of the Constitution prohibits the employment of children below 14 years in any hazardous employment.

- The Directive Principles of State Policy in the Constitution requires the State to provide for just and humane conditions of work (Article 42), and requires the State to endeavour to secure to all workers - work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities (Article 43). Similarly, the State is required to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes

and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation (Article 46).

Bonded Labour System (Prohibition) Act

The system of bonded labour has been statutorily abolished by the Bonded Labour System (Abolition) Act, 1976. Under this Act, the *bonded debt* system has been recognised and abolished by the legislature by specifically defining the bonded labour system as follows:

(g) "*bonded labour system*" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that, --

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, on such advance

(ii)...

he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, ...

In the plain terms of the narration of events told to the team, the workers were bonded labourers under bonded debt, the system of which has been abolished by Section 4 of the Act.

Importantly, section 6 extinguishes the liability to repay bonded debt, and section 17 makes the advancement of any bonded debt punishable with imprisonment upto three years and a fine.

As per Section 10 of the Act, the task of implementing the law is on the District Magistrate. Importantly, under Section 12 of the Act, it is the duty of every District Magistrate to enquire whether any bonded labour is being enforced within their jurisdiction and take necessary action to eradicate this enforcement. Significantly, Section 13 of the Act mandates the constitution of a Vigilance Committee in each district consisting of the District Magistrate who shall be the Chairman. The Vigilance Committee must also include 3 persons belonging to the SC/ST communities nominated by the District Magistrate, 2 social workers resident in the district nominated by the District Magistrate, etc. It is the obligatory function of the Vigilance Committee to provide for the economic and social rehabilitation of freed bonded labourers as also to conduct a survey as to whether there is any offence of bonded labour in the district.

One provision of vital significance is Section 15 of the Bonded Labour Act, which reverses the burden of proof onto the contractor to show that any debt is not bonded debt. This goes to ensure

that bonded labourers, who are the most vulnerable sections, are not forced to shoulder the impossible burden of proving that he was a bonded labourer. To this effect, even the Honourable Supreme Court in the case of *Bandhua Mukti Morcha vs Union of India* said as follows –

“It would be cruel to insist that a bonded labourer in order to derive the benefits of this social welfare legislation should have to go through a formal process of trial with the normal procedure for recording of evidence. That would be a totally futile process because it is obvious that a bonded labourer can never stand up to the rigidity and formalism of legal processes due to his poverty, illiteracy and social and economic backwardness and if such a procedure were required to be followed, the State government might as well obliterate this Act from the Statute book. It is now statistically established that most of bonded labourers are members of Scheduled Castes and Scheduled Tribes or Other Backward Classes and ordinary course of human affairs would show, indeed judicial notice can be taken of it, that there would be no occasion for a labourer to be placed in a situation where he is required to supply forced labour for no wage or for nominal wage, unless he has received some advance or other economic consideration from the employer and under the pretext of not having returned such advance or other economic consideration, he is required to render service to the employer or he is deprived of his freedom of employment or of the right to move freely wherever he wants. Therefore, whenever it is shown that a labourer is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is therefore a bonded labourer. This presumption may be rebutted by the employer and also by the state government if it chooses but unless and until satisfactory material is produced for rebutting this presumption, the court must proceed on the basis that the labourer is a bonded labourer entitled to the benefit of the provisions of the Act. The State government cannot be permitted to repudiate its obligation to identify, release and rehabilitate the bonded labourers on the plea that though the concerned labourer may be providing forced labour, the State government does not owe any obligation to them unless and until they show in an appropriate legal proceeding conducted according to the rules of adversary system of justice, that they are bonded labourers.”

Despite the fact that the offences under the Act are made cognisable, the police officials have repeatedly violated the law by refusing to register FIRs on information of the commission of a cognisable offence to their knowledge.

Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 was enacted to prohibit the engagement of children in certain kinds of occupations, and to regulate the conditions of work for children in other kinds. As per the 2016 amendment to the Act, children below the age of 14 years are barred from employment absolutely, and adolescents between 14-18 years cannot be employed in certain hazardous occupations. The Act also prohibits the employment of

adolescents for more than 6 hours in a day, and stipulates a weekly holiday. As per the Child Labour (Prohibition and Regulation) (Karnataka)(Amendment) Rules, 2017, it is the duty of the District Magistrate to conduct surveys of children and adolescent labour, at least once in two years, and preside over the District Task Force against Child and Adolescent Labour System

The Aadhar cards of the 9 child workers currently in the custody of the Child Welfare Committee clearly show that three of them are children and six of them are adolescents. The statement of the contractor that he has paid 20 people advances makes it evident that apart from the 11 adults, all 9 children were also employed, in violation of the Act.

Minimum Wages Act 1948 and pending dues under law

The statements of the workers, the contractor and the recording of the Tahsildar all make it clear that the workers were not paid minimum wages. The workers were paid an advance amount of Rs. 20,000, and then only around 25-30 rupees per worker per day from the land owner (Rs. 500-600 for the entire group). From our discussions with the Deputy Labour Commissioner, the team was told that the workers were being paid Rs. 273/- per ton of sugarcane harvested and loaded, and it is only this amount that the workers would be entitled to. However, this is directly contrary to Section 17 of the Minimum Wages Act, 1948, which states that *“Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate.”* It is also contrary to the judgement of the Hon’ble Supreme Court in *Bandhua Mukti Morcha v. Union of India*, (1984) SCC (L&S) 389, wherein the Hon’ble Court upheld the entitlement of piece-rate workers to minimum wages at least, irrespective of output.

As per the notified minimum wages for Khandasari Sugar Industries for the year 2021-22, skilled workers are entitled to Rs. 532.13 per day. Importantly, the affidavit of the Contractor Vani affirms payment of Minimum Wages under Notification No. KAE40LMW-2017 dated 30.12.2017, is the notified minimum wages for workers in Khandasari Sugar Industries.

Apart from this, the Minimum Wages Act and Rules provide for 8 hours work in a day, and payment at double the rate of wages for overtime work or work on the weekly day of rest. The workers here had no day of rest and worked for at least 14 hours a day. As per the Karnataka Minimum Wage Rules, deductions and overtime registers are to be maintained, and it seems unlikely that the same was complied with.

The report of the Tahsildar annexed the following statement of accounts that attempted to show that the workers still owe debt to their employers. At the outset, the debt must be viewed as bonded debt which has been extinguished by the Bonded Labour System (Abolition) Act. However, even otherwise, this calculation is absolutely contrary to the Minimum Wages Act, 1948.

Reported on 09/11/2021
 Total Harvested trips : from 11/11/2021 to 15/01/2022- 53 trips(work stopped from 14th Jan 2022)

- Total Harvested tonnage:983.09Mt (One load Joint with another contractor on 15/01/2022, hence considered 10MT only for calculation)
- Harvesting Rate: Rs 273/MT
- Total Harvesting Earning: Rs 2,68,383/-(For 983.09MT).

Grain Purchased:
 Rs1200/- Rice in Local
 Rs 12000/-Jawar 06/11/2021
 Rs 3700/- Jawar 11/01/2022
 18900/- Total purchased grains.

Total Business:
 Rs 268383/- Total Bill @ 273/MT
 Rs 18900/- Less Grains
 Rs 249483/-
 Rs 35000/ Less labour shifting charges.
 Rs214483/- Net amount in hands.

Incentive: Rs 50992.77 (19% on Rs 268383/-Which is going to Sayyad Maharaj and Kalu of MP state).

Total Advance given to Sayyadam Maharaj through Kalu: Rs 4,00,000/-
 Less net amount in advance: :Rs2,14,483/-
 Bamboo/Tent/Knives (10 Pairs of Labours) : Rs 10,000/-
 Balance yet pay :Rs 1,95,517/-

In respect of the deductions stated to be made for grain etc, the same are totally impermissible. S. 11 of the Act mandates payment of minimum wages in cash, and payment in kind is permissible only where so notified by the Government. Moreover, as per the Interstate Migrant Workers Act, notwithstanding anything contained in any other law, wages payable to an inter-State migrant worker under this section shall be paid in cash. Hence no payment in kind is permissible.

The workers are also entitled to certain dues under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. As per Section 14, the contractor must pay displacement allowance amounting to 50% of monthly wages, in addition to wages. Moreover, journey allowance for tickets must be given by the contractor, and the same cannot be deducted from the dues of the workers. The contractor is also obligated to pay the return journey allowance to the workers, and wages for travel periods as if the worker was on duty.

As per the workers, they left on 07.11.2021 and worked till 21th January 2022, which is a period of 75 days. Travel back will also be one days, for which workers are entitled to be paid, and therefore minimum wage must be calculated for 76 days of work.

Moreover, the workers received a sum of Rs. 500-600 a day for the entire group (around Rs. 25-30 per worker) as bakshish from the farmers whose lands they tilled. This cannot be considered as part of the wages due from the employer.

Importantly, per section 17 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, in case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of the wages in full or the unpaid balance due to the worker.

Calculation of dues

Particulars	Amount
Minimum wage for 8 hours [A]	532.13
Minimum wages for 6 hours overtime at double wages [B]	798.195
Daily Wage [C= A+B]	1330.325
No. of days work including travel, as per ISMW Act [D]	76 days
No. of weekly days off to have been provided to be paid at double rate [E]	11 days
Total work days [F= D+(2*E)]	98 days
Total wages for daily work[G=C*F]	1,30,371.85
Displacement Allowance [H=A*15]	7981.95
Travel allowance for Return journey as per ISMW Act (sleeper train ticket) [I]	525
Advance Amount [J]	20,000
Total due per workers [G+H+I-J]	Rs. 1,18,878.8/-

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

Section 3(1)(h) of the Act as amended in 2015 reads as follows: *“Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, (h) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government.. shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five*

years and with fine.” Since the workers belong to a Scheduled Tribe community, their employers would be liable to prosecution under the Act.

Further, under section 4 of the Act, failure of a public servant to end such atrocity and prosecute the persons responsible for the offence as per the legal provisions of the Act also attracts prosecution under the Act. In the *Arumugam Servai v State of Tamil Nadu* case (2011) underlines this, the Supreme Court has reiterated that the duty to act upon a complaint of an Atrocity lies with the administration and police officials; failure to act upon a complaint of atrocity implies that the officials themselves must be held accountable and prosecuted accordingly.

Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

This Act mandates registration of the establishment in the State it is situated in, as well as licensing of contractors in both home state and work state. Section 12(b) makes it the duty of the contractor to issue to each worker a passbook with photograph of the workman in Hindi, English and the Language of the workman, with

- “(i) the name and place of the establishment wherein the workman is employed;*
- (ii) the period of employment;*
- (iii) the proposed rates and modes of payment of wages;*
- (iv) the displacement allowance payable;*
- (v) the return fare payable to the workman on the expiry of the period of his employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment;*
- (vi) deductions made; and*
- (vii) such other particulars as may be prescribed;”*

The contractor is also mandated to ensure regular payment of wages to such workmen; to ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a State different from their own State; and to provide and maintain suitable residential accommodation to such workmen during the period of their employment, which have all been violated. As described above, there is also a mandate to pay displacement allowance, journey allowance etc. which has not been paid.

In respect of the accommodation, Rule 39 of the Karnataka Rules mandates the provision of families of migrant workmen suitable barracks so as to accommodate one room having at least a floor area of 10 square metres, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine and one common latrine for every three such quarters. The barracks must afford adequate ventilation, protection against heat, wind, rain and have smooth, hard and impervious floor surface. The barracks must have adequate supply of wholesome drinking water. If this is not provided by the Contractor, then the principal employer must provide the same.

The Rules also mandate the maintenance of muster roll, wage register, deductions register, fines register, overtime register and advance register, which must be maintained for three years.

In view of the rampant violation of the Act, the contractor and principal employer are liable to penalty of imprisonment and fine. However, cognisance of the offence can only be made on the complaint of the Labour Inspector. Hence, it is necessary that the Labour Inspector initiates prosecution under this Provision.

Karnataka Grama Swaraj and Panchayat Raj Act, 1993

This enactment was amended in the year 2001 to include Section 58A, which makes it *“obligatory on the part of a Grama Panchayat to report in such form and at such intervals as may be prescribed to the Deputy Commissioner or to any other authority specified by the Government in this behalf, any case of enforcement of Bonded Labour System which stood abolished under the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976) in the Panchayat Area failing which it shall be construed as a default in the performance of duties imposed on it for the purpose of section 268.”* In fact, section 268 permits the dissolution of Panchayats for the persistent default in the performance of duties.

Not only this, but bonded labourers are included within the ambit of the definition of ‘Vulnerable sections of society’ in Section 2(42B) of the Act. In accordance with Section 3E, the Gram Sabha must ensure social justice for all, especially for people of the vulnerable sections of the society to exercise their rights in a free and fair manner. Moreover, one of the functions of the Gram Panchayat is to protect the rights and interests of the disenfranchised and the people belonging to the vulnerable sections of society and also to monitor and prevent practices that tend to violate their rights and to take all measures at their command to safeguard the dignity and freedom of the individual (Section 58(5)(iii)).

Unfortunately, without considering the law that defines the scope of duties, and without considering the mandate to safeguard the dignity and freedom of the individual, the Gram Panchayat members participated in the creation of a summary report stating that no offence of Bonded Labour or child labour had been made out.

Central Sector Scheme for Rehabilitation of Bonded Labourers - 2016

The Central Sector Scheme for Rehabilitation of Bonded Labour 2016, which is Centrally sponsored without State contribution, mandates payment of rehabilitation package of Rs. 1 lakh per adult male bonded labourer and Rs. 2 lakh per woman or child bonded labourers, in addition to

1. Allotment of house site and agricultural land
2. Land Development
3. Provision of low-cost dwelling units

4. Animal husbandry, dairy, poultry, piggery etc.
5. Wage employment, enforcement of minimum wages etc
6. Collection and processing of minor forest products
7. Supply of essential commodities under targeted PDS, and
8. Education for children

The said Scheme of 2016 also provides that a Bonded Labour Rehabilitation fund shall be created at the district level by each State with a permanent corpus of at least Rs. 10 Lakhs at the disposal of the District magistrate which should be renewable.

The Scheme further provides for immediate assistance of at least Rs. 5,000/- to be provided by the District Administration to the rescued person out of the District Bonded Labour Rehabilitation Fund at the disposal of the District Magistrate. Where the DM is satisfied that a particular rescued person requires more than Rs.5,000, he or she may disburse such a higher amount as deemed fit, subject to a ceiling of Rs. 20,000. Since the workers are now stranded in Belagavi, it would be necessary for the DM to release immediate amounts of Rs. 20,000 to each worker.

Standard Operating Procedure for the Identification and Rescue of Bonded Labourers and Prosecution of Offender, 2017

The Ministry of Labour, Government of India, has released to all enforcing agencies this detailed procedure document regarding the various steps to be complied with in case of any complaint of bonded labour. The entire document has been comprehensively violated by the Belagavi administration. Provision of food, shelter, protection and immediate cash assistance is mandated. One of the major procedures that has been flouted is in respect of Inquiry, which states that

“In order to issue a release certificate, the DM or SDM shall conduct an inquiry in a free and fair environment in respect of each labourer separately or with his family, in the absence of the offender and in the presence of a member of a civil society organisation or a social worker as soon as possible by definitely within 24 hours of the rescue. The questions to be asked to the labourer should include questions regarding advance or other obligations, wage payments, freedom to travel, seek alternative employment and sell or purchase goods at market value, and questions regarding other offences against schedule castes or tribes, offences against children etc. It shall not be necessary to question the offender or any of his associates. Such an inquiry is not an adversarial inquiry, and the procedures for criminal trials do not apply to such an inquiry.”

However, without even speaking to the workers, the DC of Belagavi has seen fit to issue a report stating that no bonded labour has been found.

NHRC Advisories to Identify, Release and Rehabilitate Bonded Labourers

The NHRC has issued advisories dated 31/05/2021 and 08/12/2021 regarding bonded labourers. The advisories contain a number of detailed preventative steps to be taken by the district level authorities, and steps for the identification, release and rehabilitation of bonded labourers. One important direction is that in all actions, the district administration/ state government should direct its officials to treat the bonded labourers with dignity and respect. These advisories have not been complied with.

There is a requirement of generating awareness around the advisory amongst district level authorities and ensuring implementation of the same. Copies of the Advisories are annexed herewith as **Annexure - L** and **Annexure - M**.

VII. Observations

The rampant violation of the laws that secure the rights of workers involved in the industry including Bonded Labour System (Abolition) Act, 1976, Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Minimum Wages Act 1948, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 must be understood not just a violation of the law but also as a mockery of the spirit of the Constitution that constitutes India as a Socialist state, the principal aim of which is to eliminate inequality of income and standards of life and to provide a decent standard of life to all its citizens. It must also be understood as a subversion of the foundational principle of the Constitution that resolves to secure all its citizens socio-economic and political Justice.

The denial, time and again by various state authorities and the district administration of any occurrence of the violation of the rights of Adivasi migrant workers and children and their denial to initiate proceedings against the accused according to the provisions of the law alongside the indifference and insensitivity that various officials displayed towards the grave violations of the rights of marginalized communities makes it evident that the district administration is not only closing its eyes to the issue but actively attempting to sweep the issue under the carpet. This is further evidenced by the data provided in Lok Sabha regarding the numbers of bonded labourers given cash assistance under the Central Scheme, which has remained zero in the State of Karnataka for the past four years.

NUMBER OF BONDED LABOURERS WHO HAVE BEEN GIVEN CASH ASSISTANCE													
YEAR	Assam	Bihar	Karnataka	MP	Odisha	Poddu-cherry	Rajasthan	TN	UP	Chhattisgarh	West Bengal	Jharkhand	Total
2016-2017		1792	181		258				258			118	2607
2017-2018	-	461	1500	2	742	-	159	-	3492	57	-		6413
2018-2019	12	238	-	-	-	9	-	-	741	1276	-		2246
2019-2020	-	-	-	-	-	-	-	-	-	-	-		-
2020-2021	1	220	-	34	--	-	49	-	-	-	16		320
2021-2022	-	48	-	-	-	-	-	876	-	-250	-		1174
Total													12760

As highlighted earlier, there exists compelling reasons to believe that there exists systematic bonded and child labour effectualised by host of agents, including the mills, the farmers, the contractors and state authorities in Karnataka. The interstate migrant workers are not just responding to the various violations of their rights but also to the systemic hostilities that they are subjected to, by everyone around them. Apart from progressive organisations, the entire state and societal framework works against the workers. Progressive organisations and the larger civil society are also faced with hostility not just by the society but also by the state officials when they attempt to secure the rights of the workers and children.

In its multiple discussions with various officials, the fact-finding committee witnessed that the officials lack any understanding of the various laws that renders them incompetent to discharge their duties effectively. On multiple instances, the officials including the tehsildars were declaring that the labourers cannot be considered as bonded labourers as they own an android phone and or because move around freely.

In addition to being unaware about the laws, the officials were also completely unaware about the policies in place to identify, rescue and rehabilitate either bonded labourers or child labourers and this must be understood as institutional apathy with regard to addressing the issue and not just as a problem with the personnel in the positions of authority.

Usually workers working in the sugarcane industry hail from Adivasi and Dalit communities which is amongst the most marginalized sections within the social fabric of the country. Hence, when they migrate to other regions and states, all mechanisms of recourse remain inaccessible to them, making them more vulnerable to systemic oppression.

Workers often seasonally migrate to other regions and states with their children. The living conditions in their workplace in most cases are pathetic and conducive for living. This effectively robs them of their right to shelter and right to a life of dignity. In addition to this, children are deprived of their right to food and education.

The workers in their interactions with the fact-finding team revealed that they knew of many such groups which migrated from their homes to different districts in Karnataka including Belagavi and Bagalkot. This is an alarming situation. In fact, a recent report shows another horrific incident in

Bailhongal taluka of Belagavi, with not only bonded labour but also physical assault and rape. Even in this case, getting an FIR lodged was a difficult endeavour, and the FIR did not invoke either the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and the Bonded Labour System (Abolition) Act (BLSAA).¹⁵ The Jagrit Adivasi Dalit Sangathan has provided further details to the team, including the fact that the promised wages of Rs 440 a day were never paid, and that 3 women and 3 minor girls had been repeatedly raped and sexually assaulted by the contractor and two of his associates. Even in this occasion, the police refused to take cognisance of information that these workers were facing violent and abusive situations, and allegedly the workers were physically abused and roughed up in the police station itself. No action has been taken by the Madhya Pradesh police on the FIR lodged.

The migration of workers to various districts in Karnataka is an annual occurrence. The hierarchical power structures in this nexus of players involved in the cycle of migration, enables systemic patterns of exploitation and oppression which negates the rights of the workers hailing mostly from the vulnerable communities.

VIII. Demands and Recommendations:

Demands in respect of the instant cases

The team demands the following:

- I. The Deputy Commissioner must clarify whether the vigilance committee mandated to be constituted under the Bonded Labour Act, whose duty includes the provision for the economic and social rehabilitation of the freed bonded labourers is constituted.
- II. The Deputy Commissioner must clarify under what procedures has he found that the workers are not bonded labourers even without giving them an opportunity of hearing? This is in contravention of the Standard Operating Procedure for the Identification and Rescue of Bonded Labourers and Prosecution of Offender, 2017 issued by the Ministry of Labour, Government of India, which mandates an inquiry by the DM or SDM in a free and fair environment in respect of each labourer separately or with his family, in the absence of the offender and in the presence of a member of a civil society organisation or a social worker as soon as possible by definitely within 24 hours of the rescue. The questions to be asked to the labourer should include questions regarding advance or other obligations, wage payments, freedom to travel etc.
- III. The Deputy Commissioner must immediately release the immediate relief amount as provided under the 2016 Central Sector Scheme, to the extent of Rs. 20,000/- per person.

¹⁵<https://thewire.in/labour/made-to-relive-our-trauma-again-bonded-labourers-beaten-up-raped-talk-of-police-inaction>

The Deputy Commissioner must further ensure that the Centrally sponsored rehabilitation package of Rs. One lakh for each male bonded employer and Rs. Two lakhs for each woman and child labourer in accordance with the 2016 Central Sector Scheme. He must also ensure the provision of holistic rehabilitation as mandated under the 2016 scheme.

- IV. All the police officials of the district have received information of the commission of offences under the Bonded Labour System (Abolition) Act, 1976, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, and the SC/ST (Prevention of Atrocities) Act, 1989. On 05.02.2022 an FIR bearing No. 18/2022 was lodged by the Sadalaga Police station under Sections 16 and 17 of the Bonded Labour Systems (Abolition) Act, 1976. The provisions on the other Acts must be invoked by the police.
- V. Since the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Minimum Wages Act, 1948 permit cognisance of offences only on the complaint of the authorised labour inspector, he must immediately take steps to initiate prosecution against the perpetrators under these laws.
- VI. The Deputy Labour Commissioner must take urgent steps to ensure that the workers receive the full extent of their entitlements under the various laws, and must act with a view to ensure justice to the workers.
- VII. There is evident child and adolescent labourers, in view of the admission of the contractor that advances for 20 people were paid (of these, there are only 11 adults). Hence, there must be expeditious provision of compensation amount to child and adolescent labourers from the Child and Adolescent Labour Rehabilitation Fund in accordance with section 14B of the Act.
- VIII. The district authorities must ensure the provision of facilities and transportation to the 20 workers and children still stranded in Belagavi back to their homes as per the NHRC advisories.

Demands in respect of the larger issues around employment in sugarcane industry

1. The Bonded Labour Systems (Abolition) Act must be understood in letter and spirit by all district authorities and holistically implemented. At the outset, the district level Vigilance Committees mandated to be Constituted under Section 13 of the Act must be constituted and activated. In view of the repeated statements of the workers that such practices abound, and numerous other workers are trapped in the same system, the Vigilance committee must perform its titular function and the functions assigned to it. Moreover, there must be regular surveys for bonded labour in accordance with Section 14(e) of the Act, with special emphasis on the interstate workers employed in the sugarcane industry. In respect of workers identified to be bonded labourers, the district administration must

ensure comprehensive rehabilitation and provision of due amounts under the 2016 Central Sector Scheme. Awareness must be raised around the Act, Rules, Schemes and NHRC advisories, and the District administration must treat the bonded labourers with dignity and respect.

2. Similarly, the District Magistrate and the Labour Department must work hand in hand to ensure abolition of child labour and regulation of adolescent labour in accordance with law. Specifically, the DC must comply with the mandate to conduct child and adolescent labour surveys at least once in two years in Rule 4C(1)(i) of the Rules. The District Task Force Against Child and Adolescent Labour is to be constituted and activated. Moreover, the system of periodical monitoring and inspection is required to be put into effect as per Rule 4E.
3. The Labour Department must conduct regular inspections in respect of compliance of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Minimum Wages Act, 1948, and ensure immediate prosecution of violators.
4. The State of Karnataka must issue a circular for the humane and dignified treatment of workers in oppressive, exploitative and bonded conditions of labour and must ensure that those officials who summarily dismiss allegations of violation of law face immediate disciplinary action.
5. The State of Karnataka must consider the constitution of a welfare board to provide financial security and improve the standard of living of sugarcane workers who are engaged in sugarcane cutting, harvesting and transportation, as per the Maharashtra model.¹⁶ Such Board must be given adequate financial and administrative backing in order to effectively perform its functions.
6. The State government must conduct awareness campaigns on bonded labour for all authorities etc. to ensure the eradication of bonded labour and the protection of fundamental rights of workers.
7. The Rural Development and Panchayat Raj Department, Government of Karnataka must issue a circular to all Gram Panchayats to strictly adhere to the obligation to report bonded labour under Section 58A and the function under Section 58(5)(iii) of protecting the rights and interests of the disenfranchised and the people belonging to the vulnerable sections of society and also monitoring and preventing practices that tend to violate their rights and to take all measures at their command to safeguard the dignity and freedom of the individual.

¹⁶<https://indianexpress.com/article/cities/mumbai/maharashtra-government-sets-up-welfare-board-for-sugarcane-workers-6019469/>

8. The District of Belagavi must make a concerted effort to survey interstate migrant workers involved in sugarcane harvesting and loading each season, and ensure compliance of the various laws detailed above.
 9. The Director General and Inspector General of Police, Karnataka must issue a circular reiterating the directions of the Hon'ble Supreme Court in the case of Lalita Kumari v. State of U.P., (2014). 2 SCC 1, which mandates registration of FIR where information discloses commission of a cognizable offence and states that no preliminary inquiry is permissible in such a situation. The further direction of the Hon'ble Court that "*The police officer cannot avoid his duty of registering an offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*" must also be strictly adhered to.
-

IX. Acknowledgments

The team acknowledges the grit of the labourers to have been able to share their experiences with the team alongside putting up a strong battle against the power structures despite all odds to claim their rights. The team would like to thank the efforts of Ms. Susheela (Spandana NGO), Ms. Madhuri (Jagrit Adivasi Dalit Sanghatan), Dr. YJ Rajendra (PUCL-K), and Adv. Clifton D'Rozario (All India Lawyers' Association for Justice) for their relentless efforts in ensuring justice to the workers, as well as their assistance towards this report. The team also sincerely thanks Madhulika T (All India Lawyers' Association for Justice) for her assistance in pulling the report together. We also thank the team members of Spandana NGO including Sachin and Vishal for the assistance they provided for the fact-finding team.

Annexure A: Communication dated 20.01.2022 Sudhir Katiyar, Member, Core Group on Bonded Labour of National Human Rights Commission



Fwd: release of bonded laborers in Belagavi district

----- Forwarded message -----

From: **Sudhir Katiyar** <[REDACTED]>
Date: Thu, 20 Jan, 2022, 4:53 pm
Subject: release of bonded laborers in Belagavi district
To: <deo.belagavi@gmail.com>
Cc: madhuri krishnaswamy <madhuri.jads@gmail.com>, <rajendrayj@gmail.com>

Member Core Group on Bonded Labour of National Human Rights Commission

285 Shankar Colony, Fatehpura,
Udaipur -313001, Rajasthan
20th January 2022

Deputy Commissioner
Belagavi
Karnataka

Dear Sir

Release of Bonded Labourers

I understand that your office is in receipt of an application for Release of a group of 20 tribal workers from MP held under bondage conditions for sugarcane harvesting work in your district. I also understand that a tehsildar level officer today went for an enquiry and did not agree that workers are being held bonded. It is clear that the said officer is not fully conversant with the provisions of The Bonded Labour (Abolition) Act. I attach a video shot of one of the persons from this group. I request you to watch it. It is only 2.5 minutes long. The video shot makes it very clear that the workers are bonded and not getting enough to eat. I request you to get the whole group released expeditiously and provide them with temporary relief.

You would be aware that the honourable Supreme Court has declared the National Human Rights Commission as the nodal agency to ensure implementation of the Bonded Labour Act all over the country. I am a member of the Core Committee on Bonded Labour of the NHRC. I request you to

- take immediate action to get the workers released.
- Release the immediate financial assistance of Rs. 20,000/- per released person
- Cases be registered against the persons who have perpetrated this crime under the BL Act, a summary trial be conducted and the whole group be issued Release Certificates that will entitle them to rehabilitation
- The Labour Department be directed to initiate proceedings under the Minimum Wages Act and the Payment of Wages Act to ensure payment of back wages to the workers.
- From the reports received it looks like that this is not an isolated case but part of a larger human trafficking operation. An enquiry be undertaken to detect other such cases in the area

I attach copies of the (i) application made on behalf of workers (ii) the standard operating procedures issued by the Commission for release of bonded laborers (iii) the Commission's order enhancing the immediate relief amount to Rs. 20,000/- (iv) the video shot of one of the workers

07/02/2022, 11:16

Gmail - Fwd: release of bonded laborers in Belagavi district

Regards

Sudhir Katiyar

Prayas Centre for Labor Research and Action

Member Core Group on Bonded Labourers NHRC

Cell [REDACTED]

Encl. as above

*Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
Universal Declaration of Human Rights article 23 section 3*

4 attachments

 **standard operating procedures release of bonded labour.pdf**
3931K

 **office order enhancing immediate relief.pdf**
36K

 **LTR to DM SP Belgavi 18.01.22.pdf**
127K

 **Bonded sugarcane haresting worker in Belgaum.mp4**
17231K

Annexure B: Complaint dated 18.01.22 by Jagrit Adivasi Dalit Sanghatan in Madhya Pradesh



जाग्रत आदिवासी दलित संगठन मध्य प्रदेश

Date

19.01.22

To,

1. The District Collector, District Belgavi, Karnataka
2. The Superintendent of Police, District Belgavi, Karnataka

Sub: URGENT: Immediate rescue of Adivasi labourers from Madhya Pradesh forced to work as Bonded Labour in Belagavi, out of which 3 Adivasis have been kidnapped and wrongfully confined in a sugar factory

Sir,

We, the activists of Jagrit Adivasi Dalit Sangathan, a peoples' organization in Madhya Pradesh, have just been contacted by the Adivasi workers of Tehsil Pati, District Barwani informing us that they were taken to work as labourers on sugarcane farms in Belagavi, Karnataka by a contractor named Shyam, around three months ago (immediately after Dussheera) and have since then they have been made to work continuously day and night - they begin their work of cutting sugarcane at dawn until the evening. After 5 PM they are made to load the sugarcane that has been cut into trucks. They have not been paid their wages, nor have they been informed of the wages they have earned so far. They are being illegally detained on the farm and are being prevented from leaving the farm. They are kept in two locations in Belagavi-

1. Village Kasanal, Halsheetnaath Nipani, (around 20 adults and 6 children and
2. Village Halagatti (Halgeeta ?), Ramdurg Police Station area , (around 16 adults and 13 children)

Around three days ago, when the workers who were kept in Halagatti asked an account of their earnings so far from the contractor, **Shyam**, he asked 3 people to accompany him to the factory, "Kulgeri Nirani" and talk to the owners there. Later, the contractor returned alone, and informed the others that the owner of the factory said that the workers still owe the factory owner money that he paid to them in advance, and thus they must work there as long as the owners would tell them to, **and was therefore holding 3 people hostage in the factory itself.**

The three workers now missing and believed to be illegally confined in "Kulgeri Nirani" factory are -

1. Kailash s/o Kartap, resident of village Kandra, Tehsil Pati, District Barwani
2. Jaadiya s/o Puniya, resident of Village Kandra, Tehsil Pati, District Barwani,
3. Debra s/o Nahaarsing, resident of Village Ubadagad, Tehsil Pati, District Barwani

Other workers can be contacted via these numbers –

1. In Village Kasanal – Saaidaam, (resident of Kandra village): +91-7666933928
2. In Village Halgeeta(Halagatti) – Kutaar, (resident of Kandra): +91-8450834681;
Durgaram (resident of Ubadagad): +91-9098589284 and +91 7747911942

Most workers were given Rs20,000/ “advance” per head earlier in the year. Since the minimum wages for agricultural work in Karnataka is Rs 441 per day, this amount would have been adjusted in lieu of wages more than two months ago and the work they are performing since then is bonded labour. Moreover, they are being made to work more than 16 hours a day, every day. As per the provisions of the Bonded Labour System (Abolition) Act, 1976, this is a clear case of Bonded Labour. We request your urgent intervention in this matter as per the provisions of the **Bonded Labour System (Abolition) Act, 1976, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Prohibition of Child Labour Act, 1986 and other relevant acts** protecting and safeguarding the rights of these workers which have been violated by the contractors, farm owners and the management of the sugar factory.

We request that –

1. **The District Police and District Administration of Belgavi immediately rescue and free these Adivasi workers – men, women and children from the sugarcane farms as well as the sugar factory, and provide for their rehabilitation as per the applicable legal provisions.**
2. **Immediate prosecution of the individuals and parties involved in the crimes committed against Adivasi workers.**

On behalf of Jagrit Adivasi Dalit Sangathan,

Valsing Sastiya,

Harsing Jamre,

Madhuri,

Valsing Noju (brother of bonded worker, Saidam)

Enclosed : 1. tractor loading slip given to workers at Kasanal. 2. tractor loading slips given to workers at Halgatti. These have details of location

Annexure C: Complaint dated 21.01.22 by Jagrit Adivasi Dalit Sanghatan in Madhya Pradesh



जागृत आदिवासी दलित संगठन

मध्य प्रदेश

Date

21.01.22

To,

1. The District Collector, Belagavi District, Karnataka
2. The Superintendent of Police, Belagavi District, Karnataka
3. IG Police, Northern Range, Belagavi, Karnataka

*Re: Letter dt. 19.01.22 re: freeing Adivasi bonded labourers from Barwani district, Madhya Pradesh being illegally confined **Kulgeri Nirani/Shri Halasidhanath Sahakari Sakhar Karkhana LTD; Nipani** sugar factory and forced to work as Bonded Labourers in the village of Kasanal and Halagatti, in Belagavi district*

Sub: Migrant Adivasi Workers from MP subject to Bonded Labour, Trafficking, Atrocity under the Prevention of Atrocities Act, 1989, and violations of labour laws, along with offences under the IPC

Sir,

In our previous letter to you, dated 19.01.22, we informed you of the case of Adivasi migrant workers forcibly employed in conditions of Bonded Labour in Belagavi district. A total of 36 women and men along with 19 children are being kept in two locations – **Village Kasanal, (around 20 adults and 6 children), and Village Halagatti (Halgeeta), Ramdurg Police Station area, (around 16 adults and 13 children)**

Additionally, 3 of the migrant workers are believed to have been kidnapped and illegally confined in **Kulgeri Nirani/Shri Halasidhanath Sahakari Sakhar Karkhana LTD; Nipani** sugar factory in Belagavi for almost one week now. These workers are –

Kailash s/o Pratap, resident of village Kandra, Tehsil Pati, District Barwani, Jaadiya s/o Puniya, resident of Village Kandra, Tehsil Pati, District Barwani, Debra s/o Nahaarsing, resident of Village Ubadagad, Tehsil Pati, District Barwani

We would like to bring to your attention the following violations against these workers –

Violations as per The Bonded Labour System (Abolition) Act, 1976 (BLSAA)

As previously submitted, this case is primarily one of Adivasi migrants being forcibly made to work under the Bonded Labour System, which can be clearly established thus:

The workers from Barwani, were given an “**advance**” of Rs. 20,000 each by a contractor, which served to act as a “**bonded debt**” (as defined u/s 2 (a) and (d) of the Act). The Act (u/s 2 (g)) clearly defines “**bonded labour system**” as a system of “**forced or partly forced labour, which a debtor, is presumed to have entered to the effect that –**

- **2 (g)(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, on such advance, or**
- **2 (g)(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or**
- **2 (g)(v)(1) he would render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or**
- **2 (g)(v)(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or**
- **2 (g)(v)(3) forfeit the right to move freely throughout the territory of India, or**
- **2 (g)(v)(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;**

In the case of the workers of Barwani, all of these conditions clearly establish the fact that they are forcibly being made to work under the bonded debt of an advance of Rs. 20,000 per worker. They have not been paid any wages, they have not been given any information about the terms of wages, any account of how much wages are due to them, they have no means of returning home and three members of their group appear to be held hostage against their leaving.

Further, while the minimum wages for Agricultural and Related Works in Karnataka as per **is Rs. 441.28 per day for an eight-hour day**. These workers are being made to work more than 16 hours a day, harvesting sugarcane from dawn to dusk and then several hours until late night, they are loading the cane onto transport trucks/tractors. Each worker is thus being made to work **2 “person days”** in a single day. Even if they had been working for

only eight hours a day, the advance sum of Rs 20,000 per head would have been adjusted against wages in 45 days, but they have now worked for three months without wages.

Thus, as defined under S. 2 (g)(v)(1), the work being performed is work under the bonded labour system. Under section 2 (i) it is specified that any wage less than the minimum wage is a “nominal wage” and thus bonded labour.

Under Section 15, the **“burden of proof”** to prove a debt is not a bonded debt lies upon the creditor, ie the contractor/employer.

Section 12 of the Act clearly underlines the duty of the District Magistrate in such situations, tasking them with **“to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.”**

Further, the Act directs prosecution of persons involved in the **enforcement of bonded labour (u/s 16 of the Act), advancement of bonded debt (u/s 17 of the Act) and for extraction of bonded labour under the bonded labour system (u/s 18 of the Act) abetment is also to be prosecuted (section 20)**. As per section 22, every offence under the Act is a cognizable offence.

Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1976

Section 2 (1)(a)(ii) of the Act holds that the State government shall act as the “appropriate government” to monitor any “establishment” defined under Section 2(1)(d)(ii) – “any place where any industry, trade, business, manufacture or occupation is carried on”, where the “inter-state migrant workman” is “any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State, whether with or without the knowledge of the principal employer in relation to such establishment;”.

Section 6 of the Act clearly prohibits against employment of Inter State Migrant Workmen without **registration**, however, neither have the workers being registered as per the process under law, nor has the contractor, as per section 12 of the Act, fulfilled his duties towards these inter-state migrant workmen. Contractors are required to be licensed.

Under section 12 (a), contractors are required to **inform the authorities** both in the state of origin as well as in the destination state about the particulars of the workers. Under section 12 (b) they are required to provide workers with a **passbook** with details of work and payment

Further, “wages, welfare and other facilities to be provided to inter-state migrant workmen” have been violated thus –

S 13 (b) “an inter-State migrant workman **shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948**” – the Adivasi migrant workers are currently being paid much less than the notified minimum wages, as established previously.

U/S 16 (a), contractor is to ensure “**regular payment of wages**”

U/S 16 (c), contractor is to ensure “**suitable conditions of work** to such workmen having regard to the fact that they are required to work in a State different from their own State”

U/S 16 (d), to provide and maintain **suitable residential accommodation** to such workmen during the period of their employment;

U/S 17, the **responsibility of the payment of wages** falls upon the contractor (u/s 17(1)) and the principal employer (u/s 17 (4)).

Violations as per The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

As per the SC/ST Act, **section 3(1)(h)** forcibly making a person of the Scheduled Tribes do bonded labour constitutes as an atrocity. Under **section 4** of the Act, a public servant such as yourself is legally bound to end such atrocity and prosecute the persons responsible for the offence as per the legal provisions of the Act.

Offences under the Indian Penal Code, 1860

Three persons are being forcibly held against their will under illegal confinement, which constitutes as an offence under **Section 365, “Kidnapping or abducting with intent secretly and wrongfully to confine person”** and under **Section 368, “Wrongfully concealing or keeping in confinement, kidnapped or abducted person”**.

Section 370 of the Indian Penal Code defines the recruitment, transport, harbouring of person(s) for the purpose of “**exploitation**” by force, coercion, fraud, inducement **as trafficking**. In this case, close to 40 men, women and children have been brought to work

under bonded labour through deception and inducement by way of bonded debt paid via an “advance”. The workers are being made to work for longer than eight hours a day and are being paid wages less than the stipulated minimum wage by the state. Thus, the **exploitation of workers is being carried out through forced labour and servitude.**

Section 374 of the Indian Penal Code prohibits Unlawful Compulsory Labour compelling any person to labour against the will of that person, holding the offence punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both. **It is also a cognizable offence.**

Guidelines of the NHRC -

The National Human Rights Commission has been mandated by the Supreme Court in W.P. no (3922/1985) to get involved in the implementation of the Bonded Labour System (Abolition) Act, 1976, in fulfillment of which, **the NHRC has published clear guidelines for District Magistrates and Sub-Divisional Magistrates for the identification, rescue and rehabilitation of Bonded Labourers, as well as prosecution of the Employers and Contractors responsible for extraction and implementation of Bonded Labour**, which we have enclosed with this letter for your reference.

We therefore request you to take urgent action to ensure

- 1. Immediate release of the three persons who are now missing and being illegally confined.**
- 2. The release and safe transportation to their homes of the victimized Adivasi families.**
- 3. Criminal action under the aforementioned and any other legal provisions, against all perpetrators including those guilty of abetment and the principal employers.**
- 4. Identification, release and rehabilitation all other persons in the area who are being similarly exploited, and steps to set up mechanisms for the prevention of such exploitation of migrant workers.**

Thanking you

Madhuri

Valsing Sastia

Harsing Jamre

Enclosed:

1. Letter dt. 19.01.22 re: freeing Adivasi bonded labourers from Barwani district, Madhya Pradesh being illegally confined Kulgeri Nirani/Shri Halasidhanath Sahakari Sakhar Karkhana LTD; Nipani sugar factory and forced to work as Bonded Labourers in the village of Kasanal and Halagatti, in Belagavi district (2 pages)
2. Complete list of workers in i) Ramdurg and ii) Kasanal (2 pages, total)
3. NHRC Guidelines for District Magistrates, Sub-Divisional Magistrates to follow at the time of identification and rescue of bonded labourers (3 Images)
4. NHRC Guidelines for the prosecution Of Employer/Contractor responsible for Bonded Labourers (5 images)

Annexure D: Lists of workers were also collated by Jagrit Adivasi Dalit Sanghatan

List of bonded workers at Kasanal, near Halsheethnath

All workers are from the villages of Kandra and Ubadagad , Tehsil Pati, District Barwani, Madhya Pradesh

No.	Name (Adults)	Gender	Village
1.	Saidaam s/o Nanjaria	M	Kandra
2.	Sayabai w/o Saidaam	F	kandra
3.	Deba s/o Chhatarsing	M	Kandra
4.	Ramtibai w/o Deba	F	Kandra
5.	Gitaram s/o Bhoyla	M	Kandra
6.	Sunita bai w/o Deba	F	Kandra
7.	Sawan s/o Bhoyla	M	Kandra
9.	Banu bai w/o Sawan	F	Kandra
10.	Inder s/o Kashiram	M	Kandra
11.	Riyaani bai w/o Inder	F	Kandra
12.	Vishal s/o Saidaam	M	Kandra
13.	Munga bai w/o Vishal	F	Kandra
14.	Ilu bai d/o Bhoyla	F	Kandra
15.	Nimu bai d/o Kashiram	F	Kandra
16.	Rinubai d/o Saidaam	F	Kandra
17.	Vishnu s/o Tersing	M	Ubadagad
18.	Ringubai w/o Vishnu	F	Ubadagad
19.	Nanuram s/o Tersing	M	Ubadagad
20.	Dhema bai w/o Kishore	F	Ubadagad
No.	Names (children)	Gender	Village
1.	Ralubai d/o Bhoyla (age about 13 years)	F	Kandra
2.	Mukesh s/o Deba (age about 10 years)	M	Kandra
3.	Sayaram s/o Gitaram (age about 1 year)	M	Kandra
4.	Rahul s/o Dhemabai Kishore (age about 4 years)	M	Ubadaad
5.	Rohit s/o Dhema bai Kishore (age about 2 years)	M	Ubadagad
6.	Chhelubai d/o Boyla (age about 10 years)	F	

Workers near Ramdurg from Pati tehsil, District Barwani, Madhya Pradesh

S.no	Name	Gender	Village
1.	Bhaayaa s/o Nangalsing	M	Semli, Pati Tehsil, District Barwani, MP
2.	Subi Bai w/o Bhaayaa	F	Semli, Pati Tehsil, District Barwani, MP
3.	Anaarsing s/o Bhaayaa	M	Semli, Pati Tehsil, District Barwani, MP
4.	Lakshyaa w/o Anaarsing	F	Semli, Pati Tehsil, District Barwani, MP
5.	Maahangyaa bai wd/o Anil	F	Semli, Pati Tehsil, District Barwani, MP
6.	Kutaal s/o Ramu	M	Kandra, Pati Tehsil, District Barwani, MP
7.	Gaaytu bai w/o Kutaal	F	Kandra, Pati Tehsil, District Barwani, MP
8.	Kailash s/o Pratap (kidnaaped)	M	Kandra, Pati Tehsil, District Barwani, MP
9.	Moni bai w/o Kailash	F	Kandra, Pati Tehsil, District Barwani, MP
10.	Jaadiya s/o Puniya (kidnapped)	M	Kandra, Pati Tehsil, District Barwani, MP
11.	Samti Bai w/o Jaadiya	F	Kandra, Pati Tehsil, District Barwani, MP
12.	Parsiram s/o Kailash	M	Kandra, Pati Tehsil, District Barwani, MP
13.	Debra s/o Naharsing (kidnapped)	M	Ubaadagad, Pati Tehsil, District Barwani, MP
14.	Dila bai w/o Debra	F	Ubaadagad, Pati Tehsil, District Barwani, MP
15.	Dungaram s/o Debra	M	Ubaadagad, Pati Tehsil, District Barwani, MP
16.	Durga d/o Debra	F	Ubaadagad, Pati Tehsil, District Barwani, MP

List of Children

S.no	Name	Age (approx.)	Gender
1.	Devraj s/o Kutaal	2 years	M
2.	Kajal d/o Kutaal	5 years	F
3.	Akhlesh s/o Debra	5 years	M
4.	Kaalia s/o Debra	5 years	M
5.	Anita d/o Debra	8 years	F
6.	Rohit s/o Debra	3 months	M
7.	Ikram s/o Maahangyaa bai	3 years	M
8.	Saajan s/o Anarsing	4 months	M
9.	Mehtya s/o Kailash	8 years	M
10.	Revtya d/o Kailash	5 years	F
11.	Kamlia s/o Kailash	4 years	M
12.	Pinkhia s/o Kailash	7 years	M
13.	Siva s/o Kailash	1 year	M

Annexure E: Complaint dated 19.01.2022 by NGO Spandana



Spandana

Works to Create a humane &
Just Society for Vulnerable Communities

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ಗೆ,

ದಿನಾಂಕ:19/01/2022

ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು
ಬೆಳಗಾವಿ

ಮಾನ್ಯರೇ,

ವಿಷಯ: ತುರ್ತು: ಮಧ್ಯಪ್ರದೇಶದ ಅಧಿವಾಸಿ ಜೀತ ಕಾರ್ಮಿಕರನ್ನು ಬಂಧಿತ ಕಾರ್ಮಿಕರಾಗಿ ಕೆಲಸ ಮಾಡಲು ಒತ್ತಾಯಿಸಲಾಗಿದ್ದು, ಅದರಲ್ಲಿ 3 ಅಧಿವಾಸಿಗಳನ್ನು ಅಪಹರಿಸಿ ಸಕ್ಕರ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಬಂಧಿಸಲಾಗಿದ್ದು, ತಕ್ಷಣವೇ ಅವರನ್ನು ರಕ್ಷಿಸುವ ಕುರಿತು.

ಮಧ್ಯಪ್ರದೇಶದ ರಾಜ್ಯದ ಬರ್ಬಾನಿಯ ಜಿಲ್ಲಾ ತಹಸೀಲ್ ವಾಟಿಯ ಅಧಿವಾಸಿ ಕಾರ್ಮಿಕರು ಅಲ್ಲಿಯ ಜನಪರ ಸಂಘಟನೆಯಾದ ಜಾಗೃತ ಅಧಿವಾಸಿ ದಲಿತ ಸಂಘಟನೆಯ ಕಾರ್ಯಕರ್ತರನ್ನು ಮುಖಾಂತರ ನಮ್ಮನ್ನು ಸಂಪರ್ಕಿಸಿದ್ದು, ಅವರನ್ನು ಬೆಳಗಾವಿ ಜಿಲ್ಲೆಯ ಬೈಲಹೊಂಗಲ ಮತ್ತು ಚಿಕ್ಕೋಡಿ ಉಪವಿಭಾಗದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕಲ್ಪಿಸಿದ ತೋಟದಲ್ಲಿ ಕೂಲಿ ಕೆಲಸಕ್ಕೆ ಕರೆದೊಯ್ಯಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಶ್ಯಾಮ್ ಎಂಬ ಗುತ್ತಿಗೆದಾರ, ಸುಮಾರು ಮೂರು ತಿಂಗಳ ಹಿಂದೆ (ದಸರಾ ಮುಗಿದ ತಕ್ಷಣ) ಕಾರ್ಮಿಕರನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಮತ್ತು ಅಂದಿನಿಂದ ಅವರನ್ನು ಹಗಲು ರಾತ್ರಿ ನಿರಂತರವಾಗಿ ಕೆಲಸ ಮಾಡುವಂತೆ ಮಾಡಲಾಗಿದೆ. ಕಾರ್ಮಿಕರು ಬೆಳಿಗ್ಗೆಯಿಂದ ಸಂಜೆಯವರೆಗೆ ಕಷ್ಟ ಕಡಿಯುವ ಕೆಲಸವನ್ನು ಮಾಡುತ್ತಾರೆ. ಸಂಜೆ 5 ಗಂಟೆಯ ನಂತರ ಕತ್ತರಿಸಿದ ಕೆಲಸವನ್ನು ಬ್ರೂನಿಂಗ್ ಲೋಡ್ ಮಾಡಿಸಲಾಗುತ್ತದೆ. ಆದರೆ ಈ ಕಾರ್ಮಿಕರಿಗೆ ಸರಿಯಾಗಿ ಕೂಲಿ ಪಾವತಿ ಮಾಡುತ್ತಿಲ್ಲ. ಇಲ್ಲಿಯವರೆಗೆ ದುಡಿದ ಕೂಲಿ ಬಗ್ಗೆಯೂ ಮಾಹಿತಿ ನೀಡಿಲ್ಲ. ಕಾರ್ಮಿಕರು ತಮ್ಮನ್ನು ವಾವಾನ್ನು ಉರಿಗೆ ಕಳಿಸಿ ಎಂದು ಬೇಡಿಕೊಂಡರೂ, ಅಕ್ರಮವಾಗಿ ಜಮೀನಿನಲ್ಲಿ ಬಂಧಿಸಿ ಜಮೀನು ಬಿಟ್ಟು ಹೋಗದಂತೆ ತಡೆಯಲಾಗುತ್ತಿದೆ. ಅವರನ್ನು ಎರಡು ಸ್ಥಳಗಳಲ್ಲಿ ಇರಿಸಲಾಗಿದೆ. ಜೀತಕಾರ್ಮಿಕರ ರಕ್ಷಣೆಯ ದೃಷ್ಟಿಯಿಂದ ಅವರು ಇರುವ ಸ್ಥಳವನ್ನು ಗೌಪ್ಯವಾಗಿಟ್ಟಿದ್ದು, ದಾಖಲೆ ವೇಳೆ ವಿವರವನ್ನು ನಾವು ನೀಡುತ್ತೇವೆ. ಈ ಜೀತಕಾರ್ಮಿಕರೊಂದಿಗೆ ಅಧಿವಾಸಿ ನಮದಾಯಕ್ಕೆ ಸೇರಿದ ಮಧ್ಯಪ್ರದೇಶದ ರಾಜ್ಯದವರು.

1. ಬೈಲಹೊಂಗಲ ಉಪವಿಭಾಗದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ, ಸುಮಾರು 20 ವಯಸ್ಕರು ಮತ್ತು 6 ಮಕ್ಕಳು
2. ಚಿಕ್ಕೋಡಿ ಉಪವಿಭಾಗದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ, ಸುಮಾರು 16 ವಯಸ್ಕರು ಮತ್ತು 13 ಮಕ್ಕಳು

ಸುಮಾರು ಮೂರು ದಿನಗಳ ಹಿಂದೆ, ಬೈಲಹೊಂಗಲ ಉಪವಿಭಾಗದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಇರಿಸಲಾಗಿದ್ದ ಕಾರ್ಮಿಕರು ಗುತ್ತಿಗೆದಾರ ಶ್ಯಾಮ್‌ನಲ್ಲಿ ತಮ್ಮ ಆದಾಯದ ಲೆಕ್ಕವನ್ನು ಕೇಳಿದಾಗ, 3 ಜನರನ್ನು ತನ್ನೊಂದಿಗೆ ಒಂದು ಸಕ್ಕರ ಕಾರ್ಖಾನೆಗೆ ಕರೆದು ಅಲ್ಲಿನ ಮಾಲೀಕರೊಂದಿಗೆ ಮಾತನಾಡಲು ಹೇಳಿದರು. ನಂತರ ಗುತ್ತಿಗೆದಾರನು ಒಬ್ಬನೇ ಹಿಂದಿರುಗಿದನು ಮತ್ತು ಕಾರ್ಖಾನೆಯ ಮಾಲೀಕರು ಕಾರ್ಖಾನೆಯ ಮಾಲೀಕರಿಗೆ ಮುಂಗಡವಾಗಿ ಪಾವತಿಸಿದ ಹಣವನ್ನು ಇನ್ನೂ ಪಾವತಿಸಬೇಕೆಂದು ಕಾರ್ಖಾನೆಯ ಮಾಲೀಕರು ಹೇಳಿದರು ಮತ್ತು ಮಾಲೀಕರು ಹೇಳುವವರೆಗೂ ಅವರು ಕೆಲಸ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿದರು. ಹೀಗಾಗಿ ಕಾರ್ಖಾನೆಯಲ್ಲಿಯೇ 3 ಜನರನ್ನು ಒತ್ತಾಯಿಸಿ ಇರಿಸಿಕೊಂಡಿದ್ದು, ಈ ಕೆಳಕಂಡ ಮೂವರು ಕಾರ್ಮಿಕರು ಈಗ ಕಾಣೆಯಾಗಿದ್ದಾರೆ ಮತ್ತು ಸಕ್ಕರ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಬಂಧಿಸಲ್ಪಟ್ಟಿದ್ದಾರೆ ಎಂದು ನಂಬಲಾಗಿದೆ -

- Reg. No. DR/SOR/196/95 - 96
- Registered under the Income Tax Act, 1961 12 A and 80G
- Registered under the Foreign Contribution Regulation Act, 1976.

1. ಕೈಲಾಶ್ s/o ಕರ್ತಾಪ್, ಕಂದ್ರ ಗ್ರಾಮದ ನಿವಾಸಿ, ತಹಸೀಲ್ ಪತಿ, ಬರ್ವಾನಿ ಜಿಲ್ಲೆ
2. ಜಾದಿಯಾ s/o ಪುನಿಯಾ, ಕಂದ್ರ ಗ್ರಾಮದ ನಿವಾಸಿ, ತಹಸೀಲ್ ಪತಿ, ಜಿಲ್ಲೆ ಬರ್ವಾನಿ,
3. ದೇಬ್ರಾ s/o ನಹಾಸಿಂಗ್, ಗ್ರಾಮದ ಉಬದಗಡ ನಿವಾಸಿ, ತಹಸೀಲ್ ಪತಿ, ಜಿಲ್ಲೆ ಬರ್ವಾನಿ

ಹೆಚ್ಚಿನ ಕಾರ್ಮಿಕರಿಗೆ ವರ್ಷದ ಆರಂಭದಲ್ಲಿ ತಲಾ ರೂ 20,000/ "ಮುಂಗಡ" ನೀಡಲಾಯಿತು. ಕರ್ನಾಟಕದಲ್ಲಿ ಕೃಷಿ ಕೆಲಸಕ್ಕೆ ಕನಿಷ್ಠ ತೂಲಿ ದಿನವೊಂದಕ್ಕೆ 441 ರೂ.ಗಳಾಗಿರುವುದರಿಂದ ಎರಡು ತಿಂಗಳ ಹಿಂದೆಯೇ ಈ ಮೊತ್ತವನ್ನು ತೂಲಿ ಬದಲಾಗಿ ಹೊಂದಾಣಿಕೆ ಮಾಡಲಾಗುತ್ತಿತ್ತು ಮತ್ತು ಅಂದಿನಿಂದ ಅವರು ನಿರ್ವಹಿಸುತ್ತಿರುವ ಕೆಲಸವು ಜೀತದ ಕೆಲಸವಾಗಿದೆ. ಇದಲ್ಲದೆ ಅವರು ದಿನಕ್ಕೆ 16 ಗಂಟೆಗಳಿಗಿಂತ ಹೆಚ್ಚು ಕೆಲಸ ಮಾಡುವಂತೆ ಮಾಡಲಾಗುತ್ತಿದೆ. 1976 ರ ಜೀತ ಕಾರ್ಮಿಕ ವ್ಯವಸ್ಥೆ (ನಿರ್ಮೂಲನೆ) ಕಾಯಿದೆಯ ನಿಬಂಧನೆಗಳ ಪ್ರಕಾರ, ಇದು ಜೀತ ಕಾರ್ಮಿಕರ ಸ್ವಲ್ಪ ಪ್ರಕರಣವಾಗಿದೆ. 1976 ರ ಜೀತ ಕಾರ್ಮಿಕ ವ್ಯವಸ್ಥೆ (ನಿರ್ಮೂಲನೆ) ಕಾಯಿದೆ, ಅಂತರ-ರಾಜ್ಯ ವಲಸೆ ಕಾರ್ಮಿಕರು (ಉದ್ಯೋಗದ ನಿಯಂತ್ರಣ ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳು) ಕಾಯಿದೆ, 1979, ಪರಿಶಿಷ್ಟ ಜಾತಿಗಳು ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ (ತಡೆಗಟ್ಟುವಿಕೆ) ದೌರ್ಜನ್ಯಗಳು) ಕಾಯಿದೆ, 1989 ಮತ್ತು ಬಾಲಕಾರ್ಮಿಕ ನಿಷೇಧ ಕಾಯಿದೆ, 1986, ಮಾನವ ಸಾಗಾಣಿಕೆ ತಡೆ ಕಾಯಿದೆ ಕಲಂ 370 ಮತ್ತು ಗುತ್ತಿಗೆದಾರರು, ತೋಟದ ಮಾಲೀಕರು ಮತ್ತು ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆಯ ಆಡಳಿತವು ಉಲ್ಲಂಘಿಸಿರುವ ಈ ಕಾರ್ಮಿಕರ ಹಕ್ಕುಗಳನ್ನು ರಕ್ಷಿಸುವ ಮತ್ತು ರಕ್ಷಿಸುವ ಇತರ ಸಂಬಂಧಿತ ಕಾಯಿದೆಗಳು. ಆದುದರಿಂದ ಈ ವಿಷಯದಲ್ಲಿ ನಿಮ್ಮ ತುರ್ತು ಮಧ್ಯಸ್ಥಿಕೆಗೆ ನಾನು ವಿನಂತಿಸುತ್ತೇನೆ.

ನಾವು ಈ ಕೆಳಗಿನ ಕ್ರಮಕ್ಕಾಗಿ ವಿನಂತಿಸುತ್ತೇವೆ -

1. ಬೆಳಗಾವಿಯ ಜಿಲ್ಲಾಡಳಿತವು ಮತ್ತು ಜಿಲ್ಲಾ ಪೊಲೀಸ್ ಈ ಆದಿವಾಸಿ ಕಾರ್ಮಿಕರನ್ನು - ಪುರುಷರು, ಮಹಿಳೆಯರು ಮತ್ತು ಮಕ್ಕಳನ್ನು ಕಬ್ಬಿನ ತೋಟಗಳು ಮತ್ತು ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆಯಿಂದ ತಕ್ಷಣ ರಕ್ಷಿಸಿ, ಮುಕ್ತಗೊಳಿಸಿ ಮತ್ತು ಅನ್ಯವಾಗುವ ಕಾನೂನು ನಿಬಂಧನೆಗಳ ಪ್ರಕಾರ ಅವರ ಪುನರ್ವಸತಿ ಒದಗಿಸಿ.
2. ಆದಿವಾಸಿ ಕಾರ್ಮಿಕರ ವಿರುದ್ಧ ಮಾಡಿದ ಅಪರಾಧಗಳಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವ ವ್ಯಕ್ತಿಗಳು ಮತ್ತು ಪಾಲುದಾರ ವಿರುದ್ಧ ತಕ್ಷಣದ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸುವುದು..

ಆದುದರಿಂದ ತಾವು ಈ ಕೂಡಲೇ ಏಳು ಜನ ಜೀತಕಾರ್ಮಿಕರನ್ನು ಗೌಪ್ಯತೆ ಕಾಪಾಡಿಕೊಂಡು ವಿವಿಧ ಕಾನೂನಿನನುಸಾರವಾಗಿ ಅವರನ್ನು ಬಿಡುಗಡೆಗೊಳಿಸಲು, ಬಿಡುಗಡೆ ಪ್ರಮಾಣ ಪತ್ರ ಮತ್ತು ತುರ್ತು ಪರಿಹಾರ ನೀಡಿ ಅವರ ರಾಜ್ಯಗಳಿಗೆ ವಾಪಾಸು ಮರಳುವ ವ್ಯವಸ್ಥೆ ಮಾಡುವುದು ಮತ್ತು ಮಾಲೀಕರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಕೊಳ್ಳಬೇಕೆಂದು ಈ ಮೂಲಕ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ.

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ.

ಗೃಹಿಯು

(ಐ. ಸುಶೀಲ)

ನಿರ್ದೇಶಕರು ಸೈಂದನ ಸಂಸ್ಥೆ.

ಸಂಯೋಜಕರು, ಮಕ್ಕಳ ಸಾಗಾಣಿಕೆ ಮುಕ್ತ ಭಾರತ ಆಂದೋಲನ ಮತ್ತು ಬಾಲಕಾರ್ಮಿಕ ಪದ್ಧತಿ ವಿರೋಧಿ ಆಂದೋಲನ - ಕರ್ನಾಟಕ

ಪ್ರತಿಯನ್ನು

೧. ಮಾನ್ಯ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ಜಿಲ್ಲಾ ಕಾನೂನು ಸೇವೆಗಳ ಪ್ರಾಧಿಕಾರ ಬೆಳಗಾವಿ

✓ ೨. ಮಾನ್ಯ ಉಪ ಆಯುಕ್ತರು, ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ಬೆಳಗಾವಿ

೩. ಮಾನ್ಯ ಜಿಲ್ಲಾ ಪೊಲೀಸ್ ಪರಿಷ್ಕಾರಿಗಳು, ಬೆಳಗಾವಿ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಅಗತ್ಯ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.



Annexure F: Report of Tahsildar, Ramdurg



(ಕರ್ನಾಟಕ ಸರ್ಕಾರ)

ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ, ರಾಮದುರ್ಗ

Office of the Tahashildar & Taluka Executive Magistrate Ramdurg-591123
 ದೂರವಾಣಿ/Fax:-08335-242162. Email:-tahashildarrmd@gmail.com

ಕ್ರ/ಎಂಎಜಿ/ಜಿಪನಿ/ವಿವ-01/2021-22 ದಿನಾಂಕ:20.01.2022

ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು
 ಬೆಳಗಾವಿ ಇವರಿಗೆ
 ಮಾನ್ಯರೆ,

ವಿಷಯ:ಮಧ್ಯಪ್ರದೇಶದ ಆದಿವಾಸಿ ಕಾರ್ಮಿಕರನ್ನು ತಕ್ಷಣ ರಕ್ಷಿಸುವುದು ಹಾಗೂ ತಪ್ಪಿತಸ್ಥರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಕೊಳ್ಳುವ ಕುರಿತು.
 ಉಲ್ಲೇಖ:ತಮ್ಮ ಇ-ಮೇಲ್ ಸಂದೇಶ/ಪತ್ರ ನಂ:ಎಂ.ಎ.ಜಿ/ಜಿಪನಿ/ಸಿಆರ್-245/2021-22, ದಿ:19.01.2022.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಳಗಾವಿ ಹಾಗೂ ತಮ್ಮ ಉಲ್ಲೇಖಿತ ಪತ್ರ ನಿರ್ದೇಶನದಡಿ, ರಾಮದುರ್ಗ ತಾಲೂಕಿನ ಮುದಕವಿ ಹೋಬಳಿಯ ಹಲಗತ್ತಿ ಗ್ರಾಮದಲ್ಲಿ ದಿ:20.01.2022 ರಂದು ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಸದರಿ ಸ್ಥಳಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳು ಜಂಟಿಯಾಗಿ ಭೇಟಿ ನೀಡಿದ್ದು ಇರುತ್ತದೆ.

1. ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಹೆಗ್ಡೆನವರ, ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳು ರಾಮದುರ್ಗ
2. ಶ್ರೀಮತಿ ತರನ್ನುಮ ಎ ಬಿ, ಜಿಲ್ಲಾ ಕಾರ್ಮಿಕ ಅಧಿಕಾರಿಗಳು, ಕಾರ್ಮಿಕ ಇಲಾಖೆ ಬೆಳಗಾವಿ
3. ಶ್ರೀಮತಿ ಜ್ಯೋತಿ ಕಾಂತೆ, ಯೋಜನಾ ನಿರ್ದೇಶಕರು ಬಾಲ ಕಾರ್ಮಿಕ ಯೋಜನಾ ಸಂಸ್ಥೆ ಬೆಳಗಾವಿ
4. ಶ್ರೀ ಮಲ್ಲೇಶ ಕುಂದರಗಿ, ಸಂಯೋಜಕರು ಮಕ್ಕಳ ಸಹಾಯವಾಣಿ 1098
5. ಶ್ರೀ ರಾಜು ಮಾದರ, ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಘಟಕ
6. ಶ್ರೀಮತಿ ಸಿಂಗಾರವ್ವ ವಂಟಮೂರಿ, ಸಿ.ಡಿ.ಪಿ.ಒ ರಾಮದುರ್ಗ
7. ಶ್ರೀ ನಾಗನಗೌಡ ಕಟ್ಟಿಮನಿ, ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ರಾಮದುರ್ಗ
8. ಶ್ರೀ ಎಮ್ ಎಚ್ ದೊಡಮನಿ, ಕಾರ್ಮಿಕ ನಿರೀಕ್ಷಕರು, ರಾಮದುರ್ಗ
9. ಶ್ರೀಮತಿ ಸುಶೀಲಾ ಸ್ವಂದನ ಎನ್ ಜಿ ಒ ಬೆಳಗಾವಿ
10. ಪಂಚಾಯತ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಹಲಗತ್ತಿ
11. ಕಂದಾಯ ನಿರೀಕ್ಷಕರು, ಮುದಕವಿ
12. ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿ, ಹಲಗತ್ತಿ

ಮುಂದುವರಿಯುತ್ತ ಉಲ್ಲೇಖಿತ ಪತ್ರದಡಿ ಮಧ್ಯಪ್ರದೇಶದಿಂದ ರಾಮದುರ್ಗ ತಾಲೂಕಿನ ಮುದಕವಿ ಹೋಬಳಿಯ ಹಲಗತ್ತಿ ಗ್ರಾಮದಲ್ಲಿ ಕಬ್ಬಿನ ತೋಟದಲ್ಲಿ ಕಾರ್ಮಿಕರಾಗಿ ಕೆಲಸ ಮಾಡಲು ಕರೆ ತಂದು ಶ್ಯಾಮ್ ಎಂಬ ಮಹಾರಾಷ್ಟ್ರದ ಗುತ್ತಿಗೆದಾರ, ಸುಮಾರು 3 ತಿಂಗಳ ಹಿಂದೆ (ದಸರಾ ಮುಗಿದ ತಕ್ಷಣ) ಮತ್ತು ಅಂದಿನಿಂದ ಅವರನ್ನು ಹಗಲು ರಾತ್ರಿ ನಿರಂತರವಾಗಿ ಕೆಲಸ ಮಾಡಿಸಿಕೊಂಡು ಅವರಿಗೆ ಸಂಬಳ/ಕೂಲಿ ನೀಡದೇ ಅಕ್ರಮವಾಗಿ ಜಮೀನಿನಲ್ಲಿ ಬಂಧಿಸಿ ಜಮೀನು ಬಿಟ್ಟು ಹೋಗದಂತೆ ತಡೆಯಲಾಗುತ್ತಿದ್ದು, ಸದರಿ ಪುರುಷ, ಮಹಿಳೆ ಮತ್ತು ಮಕ್ಕಳನ್ನು ಕಬ್ಬಿನ ತೋಟದಿಂದ ಮುಕ್ತಗೊಳಿಸಿ ತಕ್ಷಣ ಪುನರ್ವಸತಿ ಇತರೇ ಸೌಲಭ್ಯಗಳನ್ನು ನೀಡುವಂತೆ ಕೋರಿರುವ ಪ್ರಯುಕ್ತ ಸದರಿ ಸ್ಥಳಕ್ಕೆ ಮೇಲ್ಕಂಡ ಅಧಿಕಾರಿಗಳು ಜಂಟಿಯಾಗಿ ದಿ:20.01.2022 ರಂದು ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಭೇಟಿ ನೀಡಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಮಧ್ಯಪ್ರದೇಶ ರಾಜ್ಯದ ಬೊಂಡವಾಗಿ ಜಿಲ್ಲಾ ಕಡವಾ ಗ್ರಾಮದ ಪುರುಷ ಮತ್ತು ಮಹಿಳೆಯರು ಸೇರಿ 18 ಜನ, 14 ಮಕ್ಕಳು ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಇದ್ದು, ಸದರಿಯವರ ಸಮಕ್ಷಮ ವಿಚಾರಣೆ ಮಾಡಲಾಗಿ ಶ್ರೀ ಕಾಲು ಮುಕಾದಮ, ಗುತ್ತಿಗೆದಾರ, ಶ್ರೀ ಶ್ಯಾಮ ಗುತ್ತಿಗೆದಾರ ಇವರು ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಒಂದು ಗಂಡು ಹಾಗೂ ಒಂದು ಹೆಣ್ಣು ಸೇರಿ ಇಬ್ಬರ ಜೋಡಿಗೇ ತಲಾ ರೂ.40000/-ರೂ ಗಳಂತೆ(ನಲವತ್ತು ಸಾವಿರ ರೂ.ಗಳು) ದಸರಾ ಸಮಯದಲ್ಲಿ ಮುಂಗಡವಾಗಿ ಶ್ಯಾಮ

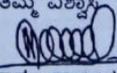
ಎನ್ನುವವರು ಈ ಕಾರ್ಮಿಕರಿಗೆ ಹಣ ನೀಡಿರುತ್ತಾರೆ ಎಂಬುದು ವಿಚಾರಣೆಯಲ್ಲಿ ಸ್ಪಷ್ಟತೆ ಕಾರ್ಮಿಕರು, ಅಧಿಕಾರಿಗಳು ಸಮಕ್ಷಮ ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರ ಪೈಕಿ ಒಂದು ಜೋಡಿ ಮಾತ್ರ ಬಾಕಿ ವೇತನ ಪಡೆದಿರುವುದಿಲ್ಲ ಅಂತಾ ಸಮಕ್ಷಮ ತಿಳಿಸಿರುತ್ತಾನೆ.

ಸದರಿಯವರು ಬಾಗಲಕೋಟೆ ಜಿಲ್ಲೆಯ ಬದಾಮಿ ತಾಲೂಕಿನ ಕುಳಗೇರಿ ಗ್ರಾಮದ ನಿರಾಣಿ ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆಯ ಗುತ್ತಿಗೆದಾರರೊಂದಿಗೆ ಸದಲಯವರು ವ್ಯವಹರಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ಸುಮಾರು 10 ದಿನಗಳಿಂದ ಸದಲ ಸ್ಥಳದಲ್ಲಿ ಕಟ್ಟು ಕಟ್ಟಾವು ಮಾಡುತ್ತಾ ನೆಲೆಸಿರುತ್ತಾರೆ. ಶ್ರೀ ಎಮ್ ಟಿ ಪಾಟೀಲ, ಹಂಪಿಹೋಳಿ ಗ್ರಾಮ ಇವರಿಗೆ ಸಂಬಂಧಿಸಿದ ಕಟ್ಟು ಕಟ್ಟಾವು ಮಾಡುವ ಹೊಲದಲ್ಲಿ ಕಾರ್ಮಿಕರು ಕೆಲಸ ನಿರ್ವಹಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ತಮ್ಮ ಯಾವುದೇ ವೈಯಕ್ತಿಕ ಸಮಸ್ಯೆಯಾಗಲಿ ಮತ್ತು ವೇತನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಮಸ್ಯೆಯಾಗಲಿ ಸಂಬಂಧಿಸಿದ ಸ್ಥಳೀಯ ಮೋಲಿಸ್ ರಾಣಿಗೆ ದೂರುಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಎಂಬ ವಿಷಯವನ್ನು ಹಾಜರಿದ್ದ ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ರಾಮದುರ್ಗ ಇವರು ಮೌಖಿಕವಾಗಿ ಹೇಳಿಕೆ ನೀಡಿ ಖಚಿತಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಅದರಂತೆಯೇ ತಾಲೂಕಾ ಆಡಳಿತ ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಇಲಾಖೆ ಮತ್ತು ಸ್ಥಳೀಯ ಪಂಚಾಯತಿಗೆ ಯಾವುದೇ ದೂರುಗಳು ಬಂದಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ ಎಂಬುದು ಹೇಳಿಕೆ ಮುಖಾಂತರ ಮೌಖಿಕವಾಗಿ ಖಚಿತಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ಮೂರು ನಾಲ್ಕು ದಿನಗಳಿಂದ ತಮ್ಮ ಕಟ್ಟಾವು ಕೆಲಸ ಇಲ್ಲದೇ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ತಮ್ಮ ಜೀವನೋಪಾಯಕ್ಕೆ ಬೇಕಾದ ಅಡಿಗೆ, ದಿನಸಿ ಸಾಮಗ್ರಿಗಳು ಮತ್ತು ಇತರೆ ವಸ್ತುಗಳನ್ನು ಪಡೆಯಲು ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ಅಡತಡೆ ಇಲ್ಲದೇ/ ಬೆದರಿಕೆ ಇಲ್ಲದೇ ನಿರ್ಭೀತವಾಗಿ ತಮ್ಮ ಜೀವನವನ್ನು ಸಾಗಿಸುತ್ತಿರುವುದು ನಮ್ಮ ಸಮಕ್ಷಮ ವಿಚಾರಣೆಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ಕಟ್ಟು ಕಟ್ಟಾವು ಮಾಡಿದ ರೈತರಿಂದ ಲೋಡ್ ಆದ ಪ್ರತಿ ಟ್ರ್ಯಾಕ್ಟರ್ ವಾಹನಕ್ಕೆ ರೂ.5000/-ಗಳಿಂದ ರೂ.6000/-ಗಳವರೆಗೆ ಒಂದು ಟ್ರಿಪ್‌ಗೆ ಹಣ ಪಡೆದುಕೊಂಡಿರುವ ಬಗ್ಗೆ ಗ್ರಾಮದ ರೈತ ಶ್ರೀ ಹನಮಂತ ತಿಮ್ಮಣ್ಣ ಹೊಸಕೋಟೆ ಇವರ ಮುಂದೆ ಖಚಿತ ಪಡಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಚಾರಣೆ ವೇಳೆಯಲ್ಲಿ ಹಲಗತ್ತಿ ಗ್ರಾಮದ ಮಾಜಿ ಗ್ರಾಮ ಪಂಚಾಯತ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ವೆಂಕಣ್ಣ ಬ ಮುಧೋಳ ಹಾಗೂ ಗ್ರಾಮಸ್ಥರಾದ ಶ್ರೀ ಲಕ್ಷ್ಮಣ ಕರಿಯಪ್ಪ ಶೇಡಬಾಳ, ಶ್ರೀ ಸುಭಾಷ ಅವಣ್ಣಪ್ಪ ಗೋಡಿಕಟ್ಟಿ, ಶ್ರೀ ಬಸವರಾಜ ನಿಂಗಪ್ಪ ಗೋಡಿಕಟ್ಟಿ, ಹಾಗೂ ಹನಮಂತ ತಿಮ್ಮಣ್ಣ ಹೊಸಕೋಟೆ ಇವರ ಸಮಕ್ಷಮ ಸದರಿ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಹಾಗೂ ಸ್ಥಾನಿಕ ಚೌಕಾಶಿಯಲ್ಲಿ ಹಾಜರಿದ್ದರು. ಮಧ್ಯಪ್ರದೇಶದಿಂದ ರಾಮದುರ್ಗ ತಾಲೂಕಿನ ಮುದಕವಿ ಹೋಬಳಿಯ ಹಲಗತ್ತಿ ಗ್ರಾಮದಲ್ಲಿ ಕಬ್ಬಿನ ತೋಟದಲ್ಲಿ ಕಾರ್ಮಿಕರಾಗಿ ಕೆಲಸ ಮಾಡಲು ಕರೆ ತಂದು ಶ್ಯಾಮ್ ಎಂಬ ಗುತ್ತಿದಾರ, ಸುಮಾರು 3 ತಿಂಗಳ ಒಂದೆ (ದಸರಾ ಮುಗಿದ ತಕ್ಷಣ) ಮತ್ತು ಅಂದಿನಿಂದ ಅವರನ್ನು ಹಗಲು ರಾತ್ರಿ ನಿರಂತರವಾಗಿ ಕೆಲಸ ಮಾಡಿಸಿಕೊಂಡು ಅವರಿಗೆ ಸಂಬಳ/ಕೂಲಿ ನೀಡದೇ ಅಕ್ರಮವಾಗಿ ಜಮೀನಿನಲ್ಲಿ ಬಂಧಿಸಿ ಜಮೀನು ಬಿಟ್ಟು ಹೋಗದಂತೆ ತಡೆಯಲಾಗುತ್ತಿರುವುದು ಎಂಬ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ದೂರು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿದ್ದು ಇರುತ್ತದೆ ಅಂತಾ ಸ್ಥಳ ತನಿಖೆಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಕಾರ್ಮಿಕರನ್ನು ಯಾರೂ ಕೂಡಾ ಅಕ್ರಮವಾಗಿ ಬಂಧಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಇವರು ಬಿಟ್ಟು ಹೋಗದಂತೆ ಯಾರನ್ನೂ ತಡೆಹಿಡಿಯಲಾಗಿರುವುದಿಲ್ಲ. ಕಾರಣ, ಸದರಿ ಕಾರ್ಮಿಕರು ಜೇತ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆ-1976ರ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವುದಿಲ್ಲ ಎಂಬ ವಿಷಯವನ್ನು ಹಾಗೂ ಸದರಿ ಕಾಯ್ದೆಯ ವ್ಯಾಖ್ಯಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ವಿಷಯಗಳು ಪರಿಗಣಿಸಲಾಗದು ಹಾಗೂ ಸದರಿ ಎಲ್ಲ ಕಾರ್ಮಿಕರು ಸ್ವತಂತ್ರವಾಗಿ ತಮ್ಮ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸುತ್ತಾ, ತಮ್ಮ ದಿನನಿತ್ಯದ ಅವಶ್ಯಕತೆಗಳನ್ನು ಸ್ವತಃ ಪೂರೈಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಯಾವುದೇ ಬಂಧನವಾಗಲೀ, ಬೆದರಿಕೆಯಾಗಲೀ ಯಾರಿಂದಲೂ ಇದ್ದದ್ದೂ ಕಂಡುಬರುವುದಿಲ್ಲ.

ಅದರಂತೆ ಸದರಿ ಕಟ್ಟು ಕಟ್ಟಾವು ಮಾಡುತ್ತಿರುವ ಕಾರ್ಮಿಕರು ಜೇತ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆಯಡಿ, ಬಾಲಕಾರ್ಮಿಕ ಮತ್ತು ಕಿಶೋರ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆಯ ವ್ಯಾಪ್ತಿಗಾಗಲಿ ಬರದೇ ಇದ್ದರೂ ಸಹಿತ ತಾಲೂಕಾ ಆಡಳಿತದಿಂದ ಮಧ್ಯಾಪ್ಪ ಬಿಸಿ ಊಟದ ವ್ಯವಸ್ಥೆ, ಮೋಬೈಲ್ ಎಂಬುಲೆನ್ಸ್ ಮೂಲಕ ಆರೋಗ್ಯ ತಪಾಸಣೆ, ಗರ್ಭಿಣಿ ಮತ್ತು ಬಾಣಂತಿ ಸ್ತ್ರೀಯರು ಇರುವುದರಿಂದ ಸದರಿಯವರಿಗೆ ವಿಶೇಷ ಆರೋಗ್ಯ ನಿಗಾವನ್ನು ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಎಂಬುವ ವಿಷಯವನ್ನು ಮಾನ್ಯರಿಗೆ ಸಲ್ಲಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ



ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕ ಕಾರ್ಯನಿರ್ವಾಹಕ
ದಂಡಾಧಿಕಾರಿಗಳು ರಾಮದುರ್ಗ

ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳ ಸಮಕ್ಷಮ:

1. ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ಹೆಗ್ಡೆವರ, ತಹಶೀಲ್ದಾರ ಹಾಗೂ
ತಾಲೂಕಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳು ರಾಮದುರ್ಗ

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2. ಶ್ರೀಮತಿ ಜ್ಯೋತಿ ಕಾಂತೆ, ಯೋಜನಾ ನಿರ್ದೇಶಕರು
ಬಾಲ ಕಾರ್ಮಿಕ ಯೋಜನಾ ಸಂಸ್ಥೆ ಬೆಳಗಾವಿ
3. ಶ್ರೀಮತಿ ತರನ್ನಮ್ ಎ ಬಂಗಾಲಿ,
ಜಿಲ್ಲಾ ಕಾರ್ಮಿಕ ಅಧಿಕಾರಿಗಳು, ಕಾರ್ಮಿಕ ಇಲಾಖೆ ಬೆಳಗಾವಿ
4. ಶ್ರೀ ಮಲ್ಲೇಶ ಕುಂದರಗಿ, ಸಂಯೋಜಕರು ಮಕ್ಕಳ ಸಹಾಯವಾಣಿ 1098
5. ಶ್ರೀ ರಾಜು ಮಾದರ, ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಘಟಕ
6. ಶ್ರೀಮತಿ ಸಿಂಗಾರವ್ವ ವಂಟಮೂರಿ, ಸಿ.ಡಿ.ಪಿ.ಒ ರಾಮದುರ್ಗ
7. ಶ್ರೀ ನಾಗನಗೌಡ ಕಟ್ಟಿಮನಿ, ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ರಾಮದುರ್ಗ
8. ಶ್ರೀ ಎಮ್ ಎಚ್ ದೊಡಮನಿ, ಕಾರ್ಮಿಕ ನಿರೀಕ್ಷಕರು, ರಾಮದುರ್ಗ
9. ಶ್ರೀಮತಿ ಸುಶೀಲಾ ಸ್ವಂದನ ಎನ್ ಜಿ ಒ ಬೆಳಗಾವಿ
10. ಪಂಚಾಯತ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಹಲಗತ್ತಿ
11. ಕಂದಾಯ ನಿರೀಕ್ಷಕರು, ಮುದಕವಿ
12. ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿ, ಹಲಗತ್ತಿ

- MKande

- A. S. S.

- S. S.

- S. S.

- S. S.
20/01/22

- S. S.

- S. S.
20.01.2022

- S. S.
ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕ ಕಾರ್ಯನಿರ್ವಾಹಕ
ದಂಡಾಧಿಕಾರಿಗಳು ರಾಮದುರ್ಗ

ಪ್ರತಿ: ಮಾನ್ಯ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ಬೈಲಹೊಂಗಲ ಇವರಿಗೆ ಮಾಹಿತಿ ಕುರಿತು ಗೌರವಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿದೆ.

Kalu/Sayyadam Maharaj /Sham Pawar. Cane Harvesting Contractor H&T batch working details

Reported on 09/11/2021

Total Harvested trips : from 11/11/2021 to 15/01/2022- 53 trips(work stopped from 14th Jan 2022)

- Total Harvested tonnage:983.09Mt (One load Joint with another contractor on 15/01/2022, hence considered 10MT only for calculation).
- Harvesting Rate: Rs 273/MT
- Total Harvesting Earning: Rs 2,68,383/- (For 983.09MT).

Grain Purchased:

Rs1200/- Rice in Local

Rs 12000/-Jawar 06/11/2021

Rs 3700/- Jawar 11/01/2022

18900/- Total purchased grains.

Total Business:

Rs 268383/- Total Bill @ 273/MT

Rs 18900/- Less Grains

Rs 249483/-

Rs 35000/ Less Labour shifting charges.

Rs214483/- Net amount in hands.

Incentive: Rs 50992.77 (19% on Rs 268383/-Which is going to Sayyad Maharaj and Kalu of MP state).

Total Advance given to Sayyadam Maharaj through Kalu: Rs 4,00,000/-

Less net amount in advance: :Rs2,14,483/-

Bamboo/Tent/Knives (10 Pairs of Labours) : Rs 10,000/-

Balance yet pay :Rs 1,95,517/-

एया प्रमोउ बाली शेडल एकम बेरोवर आहे

आमन्वयत आहे

① मथाराम पुष्प कोळुकी

② केव्हास प्रताप सोळुकी

③ देवरा मारसोवी कोळुकी

सापला विश्वास

आहे

Annexure G: Report of Tahsildar, Nippani

ಕರ್ನಾಟಕ ಇಲಾಖೆ (REVENUE DEPARTMENT)	
ತಹಶೀಲ್ದಾರ ಕಾರ್ಯಾಲಯ ನಿಪ್ಪಾನಿ(TAHSILDAR OFFICE NIPPANI)-591237	
ದೂರವಾಣಿ (Telephone) & ಫ್ಯಾಕ್ಸ್ (Fax) :- 08338 - 220395	Email: tahnpn@rediffmail.com
ಕ್ರ/ಎಂಎಚ್/ಜೆವನಿ/ವಿವ-01/2021-22	ದಿನಾಂಕ:24.01.2022
ಮಾನ್ಯ ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ಚಿಕ್ಕೋಡಿ, ಇವರಿಗೆ	
ಮಾನ್ಯರ,	
<p>ವಿಷಯ:ಮಧ್ಯಪ್ರದೇಶದ ಆದಿವಾಸಿ ಕಾರ್ಮಿಕರನ್ನು ತಕ್ಷಣ ರಕ್ಷಿಸುವುದು ಹಾಗೂ ತಪ್ಪಿತಸ್ಥರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಕೊಳ್ಳುವ ಕುರಿತು.</p> <p>ಉಲ್ಲೇಖ: ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಳಗಾವಿ ಇವರ ತಮ್ಮ ಇ-ಮೇಲ್ ಸಂದೇಶ/ಪತ್ರ ನಂ:ಎಂ.ಎ.ಜೆ/ಜೆವನಿ/ಸಿಆಲ್-245/2021-22 ದಿ:19.01.2022.</p>	
<p>ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಬೆಳಗಾವಿ ಹಾಗೂ ತಮ್ಮ ಉಲ್ಲೇಖಿತ ಪತ್ರ ನಿರ್ದೇಶನದಡಿ, ನಿಪ್ಪಾನಿ ತಾಲೂಕಿನ ಹೋಬಳಿಯ ಕಸನಾಳ ಗ್ರಾಮದಲ್ಲಿ ದಿ:21.01.2022 ಹಾಗೂ 24.01.2022 ರಂದು ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಸದರಿ ಸ್ಥಳಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳು ಜಂಟಿಯಾಗಿ ಭೇಟಿ ನೀಡಿದ್ದು ಇರುತ್ತದೆ.</p> <ol style="list-style-type: none"> 1) ಡಾ: ಶ್ರೀ ಮೋಹನ್ ಭಸ್ಕೇ ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳು ನಿಪ್ಪಾನಿ 2) ಶ್ರೀ ಇಕ್ಬಾಲ್ ಅನ್ವಾರಿ ಸಹಾಯಕ ಕಾರ್ಮಿಕ ಆಯುಕ್ತರು, ಬೆಳಗಾವಿ ವಿಭಾಗ ಬೆಳಗಾವಿ 3) ಶ್ರೀ ಮಹೇಶ ಕುಲ್ಕರ್ಣಿ ಕಾರ್ಮಿಕ ಅಧಿಕಾರಿ ಉಪ ವಿಭಾಗ-01 ಬೆಳಗಾವಿ 4) ಕುಮಾರಿ ಜ್ಯೋತಿ ಕಾಂತ್, ಯೋಜನಾ ನಿರ್ದೇಶಕರು ಬಾಲ ಕಾರ್ಮಿಕ ಯೋಜನಾ ಸಂಸ್ಥೆ ಬೆಳಗಾವಿ 5) ಶ್ರೀಮತಿ ಸುವರ್ಣ ಗುರವ, ಮೇಲ್ವಿಚಾರಕರು ಸಿ.ಡಿ.ಪಿ.ಒ ಕಚೇರಿ ನಿಪ್ಪಾನಿ 6) ಶ್ರೀ ರವೀಂದ್ರ ಅಜ್ಜಣ್ಣವರ, ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ಸದಲಗಾ 7) ಶ್ರೀ ರಾಜೇಶ ಅಸ್ತೋಟಕರ ಕಾರ್ಮಿಕ ನಿರೀಕ್ಷಕರು, ನಿಪ್ಪಾನಿ 8) ಶ್ರೀ ದಯಾನಂದ ಕಡಪಟ್ಟಿ ಪಂಚಾಯತ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಮಾರಣಾಪುರ 9) ಕಂದಾಯ ನಿರೀಕ್ಷಕರು, ನಿಪ್ಪಾನಿ 10) ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು, ಕಸನಾಳ 	
<p>ಮುಂದುವರಿಯುತ್ತ ಉಲ್ಲೇಖಿತ ಪತ್ರದಡಿ ಮಧ್ಯಪ್ರದೇಶದಿಂದ ನಿಪ್ಪಾನಿ ತಾಲೂಕಿನ ನಿಪ್ಪಾನಿ ಹೋಬಳಿಯ ಕಸನಾಳ ಗ್ರಾಮದಲ್ಲಿ ಕಬ್ಬಿನ ತೋಟದಲ್ಲಿ ಕಾರ್ಮಿಕರಾಗಿ ಕೆಲಸ ಮಾಡಲು ಕರೆ ತಂದು ಶ್ರೀ ಶ್ಯಾಮ್ ಎಂಬ ಗುತ್ತಿಗೆದಾರ, ಸುಮಾರು 3 ತಿಂಗಳ ಹಿಂದೆ (ದಸರಾ ಮುಗಿದ ತಕ್ಷಣ) ಮತ್ತು ಅಂದಿನಿಂದ ಅವರನ್ನು ಹಗಲು ರಾತ್ರಿ ನಿರಂತರವಾಗಿ ಕೆಲಸ ಮಾಡಿಸಿಕೊಂಡು ಅವರಿಗೆ ಸಂಬಳ/ಕೂಲಿ ನೀಡದೇ ಅಕ್ರಮವಾಗಿ ಜಮೀನಿನಲ್ಲಿ ಬಂಧಿಸಿ ಜಮೀನು ದಿಟ್ಟು ಹೋಗದಂತೆ ತಡೆಯಲಾಗುತ್ತಿದ್ದು, ಸದರಿ ಮರುಷ, ಮಹಿಳೆ ಮತ್ತು ಮಕ್ಕಳನ್ನು ಕಬ್ಬಿನ ತೋಟದಿಂದ ಮುಕ್ತಗೊಳಿಸಿ ತಕ್ಷಣ ಪುನರ್ವಸತಿ ಇತರೇ ಸೌಲಭ್ಯಗಳನ್ನು ನೀಡುವಂತೆ ಕೋರಿರುವ ಪ್ರಯುಕ್ತ ಸದರಿ ಸ್ಥಳಕ್ಕೆ ಮೇಲ್ಕಂಡ ಅಧಿಕಾರಿಗಳು ಜಂಟಿಯಾಗಿ ದಿ:21.01.2022 ಮತ್ತು 24.01.2022 ರಂದು ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಭೇಟಿ ನೀಡಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಮಧ್ಯಪ್ರದೇಶ ರಾಜ್ಯದ ಬಡವಾಣಿ ಜಿಲ್ಲಾ ಕಡವಾ ಗ್ರಾಮದಿಂದ ನಿಪ್ಪಾನಿ ತಾಲೂಕಿನ ಗ್ರಾಮ ಕಸನಾಳದಲ್ಲಿ ಶ್ರೀ ಸಾಯಿಭಾಮ (ಮಹಾರಾಜ) ನೇತೃತ್ವದಲ್ಲಿ ಆಗಮಿಸಿದ ಮರುಷ ಮತ್ತು ಮಹಿಳೆಯರು ಸೇರಿ 20 ಜನ, 06 ಮಕ್ಕಳು ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಇದ್ದು, ಸದರಿಯವರ ಸಮಕ್ಷಮ ವಿಚಾರಣೆ ಮಾಡಲಾಗಿ ಶ್ರೀ ಕಾಲು ಮುಕಾದಮ, ಗುತ್ತಿಗೆದಾರ, ಶ್ರೀ ಚಂದ್ರಕಾಂತ ಗಿಣ್ಣಾಣದೇವವಾಣಿ ಗುತ್ತಿಗೆದಾರ ಇವರು ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಒಂದು ಗಂದು ಹಾಗೂ ಒಂದು ಹೆಣ್ಣು ಸೇರಿ ಇಬ್ಬರ ಜೋಡಿಗೆ ತಲಾ ರೂ.40000/-ರೂ ಗಳಂತೆ(ನಲವತ್ತು ಸಾವಿರ ರೂ.ಗಳು) ದಸರಾ ಸಮಯದಲ್ಲಿ ಮುಂಗಡವಾಗಿ ಶ್ರೀ ಚಂದ್ರಕಾಂತ ಗಿಣ್ಣಾಣದೇವವಾಣಿ ಎನ್ನುವವರು ಈ ಕಾರ್ಮಿಕರಿಗೆ ಹಣ ನೀಡಿರುತ್ತಾರೆ ಎಂಬುದು ವಿಚಾರಣೆಯಲ್ಲಿ ಸ್ಪಷ್ಟ ಕಾರ್ಮಿಕರು, ಅಧಿಕಾರಿಗಳ ಸಮಕ್ಷಮ ತಿಳಿಸಿರುತ್ತಾರೆ.</p>	
<p>ಸದರಿ ಕಾರ್ಮಿಕರು ತಮ್ಮ ಯಾವುದೇ ವೈಯಕ್ತಿಕ ಸಮಸ್ಯೆಯಾಗಲಿ, ಮತ್ತು ವೇತನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಮಸ್ಯೆಯಾಗಲಿ ಸಂಬಂಧಿಸಿದ ಸ್ಥಳೀಯ ಪೋಲಿಸ್ ಠಾಣೆಗೆ ದೂರುಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಎಂಬ ವಿಷಯವನ್ನು ಹಾಜರಿಗೊಂಡು ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ಸದಲಗಾ ಇವರು ಮೌಖಿಕವಾಗಿ ಹೇಳಿಕೆ ನೀಡಿ ಖಚಿತಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಅದರಂತೆಯೇ ತಾಲೂಕಾ ಆಡಳಿತ ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಇಲಾಖೆ ಮತ್ತು ಸ್ಥಳೀಯ ಪಂಚಾಯತಿಗೆ ಯಾವುದೇ ದೂರುಗಳು ಬಂದಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ ಎಂಬುದು ಹೇಳಿಕೆ ಮುಖಾಂತರ ಮೌಖಿಕವಾಗಿ ಖಚಿತಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ಮೂರು ನಾಲ್ಕು ದಿನಗಳಿಂದ ತಮ್ಮ ಕಟಾವು ಕೆಲಸ ಇಲ್ಲದೇ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ತಮ್ಮ ಜೀವನೋಪಾಯಕ್ಕೆ ಬೇಕಾದ ಅಡಿಗೆ, ದಿನಸಿ ಸಾಮಗ್ರಿಗಳು ಮತ್ತು ಇತರ ವಸ್ತುಗಳನ್ನು ಪಡೆಯಲು ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ಆಡಳಿತ ಇಲ್ಲದೇ/ ದೆದರಿಕೆ ಇಲ್ಲದೇ ನಿರ್ದೇಶನವಾಗಿ ತಮ್ಮ ಜೀವನವನ್ನು ಸಾಗಿಸುತ್ತಿರುವುದು ನಮ್ಮ ಸಮಕ್ಷಮ ವಿಚಾರಣೆಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರು ಕಬ್ಬು ಕಟಾವು ಮಾಡಿದ ರೈತರಿಂದ ಲೋಡ್ ಆದ ಪ್ರತಿ ಟ್ರ್ಯಾಕ್ಟರ್ ವಾಹನಕ್ಕೆ ರೂ.500/-ಗಳಿಂದ ರೂ.800/-ಗಳವರೆಗೆ ಒಂದು ಟ್ರಿಪ್ ಹಣ ಪಡೆದುಕೊಂಡಿರುವ ಬಗ್ಗೆ ಗ್ರಾಮದ ರೈತ ಶ್ರೀ ವಿಶ್ವಾಸ ಸರ್ಜೇರಾವ್ ನಾಯಕ ಹಾಗೂ ಸಚೀನ ದಾಳು ಶಿಂದೆ ಕಸನಾಳ ಇವರ ಮುಂದೆ ಖಚಿತ ಪಡಿಸಿರುತ್ತಾರೆ.</p>	
<p>ಸದರಿ ವಿಚಾರಣೆ ವೇಳೆಯಲ್ಲಿ ಕಸನಾಳ ಗ್ರಾಮದ ಗ್ರಾಮ ಪಂಚಾಯತ ಸದಸ್ಯರಾರಾದ ಶ್ರೀ ಸಚೀನ ದಾಳು ಶಿಂದೆ ಹಾಗೂ ಗ್ರಾಮಸ್ಥರಾದ ಶ್ರೀ ಬಾಣೇಶ ಸುಕೇಶ ಸರಬಳ, ಶ್ರೀ ಒಂಟೂ ಮಾರುತಿ ಕಂಬಳಿ, ಶ್ರೀಮತಿ ಸುನೀತಾ ರಾಜಾರಾಮ ನಾಯಕ ಹಾಗೂ ಶ್ರೀಮತಿ ಅಶ್ವಿನಿ ದಾಗೇಶ್ ನರಗೋಳಿ ಇವರು ಸಮಕ್ಷಮ ಸದರಿ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಹಾಗೂ ಸ್ಥಾನಿಕ ಚೌಕಾತಿಯಲ್ಲಿ ಹಾಜರಿದ್ದರು.</p>	

ಮಧ್ಯಪ್ರದೇಶದಿಂದ ನಿಪ್ಪಾಣಿ ತಾಲೂಕಿನ ನಿಪ್ಪಾಣಿ ಹೋಬಳಿಯ ಕಸನಾಳ ಗ್ರಾಮದಲ್ಲಿ ಕಬ್ಬಿನ ತೋಟದಲ್ಲಿ ಕಾರ್ಮಿಕರಾಗಿ ಕೆಲಸ ಮಾಡಲು ಕರೆ ತಂದು ಶ್ರೀ ಚಂದ್ರಕಾಂತ ಗಿಣ್ಯಾಣದೇವವಾಣಿ ಎಂಬ ಗುತ್ತಿದಾರ, ಸುಮಾರು 3 ತಿಂಗಳ ಹಿಂದೆ (ದಸರಾ ಮುಗಿದ ತಕ್ಷಣ) ಮತ್ತು ಅಂದಿನಿಂದ ಅವರನ್ನು ಹಗಲು ರಾತ್ರಿ ನಿರಂತರವಾಗಿ ಕೆಲಸ ಮಾಡಿಸಿಕೊಂಡು ಅವರಿಗೆ ಸಂಬಳ/ಕೂಲಿ ನೀಡದೇ ಅಕ್ರಮವಾಗಿ ಜಮೀನಿನಲ್ಲಿ ಬಂಧಿಸಿ ಜಮೀನು ಬಿಟ್ಟು ಹೋಗದಂತೆ ತಡೆಯಲಾಗುತ್ತಿರುವುದು ಎಂಬ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ದೂರು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿದ್ದು ಇರುತ್ತದೆ ಅಂತಾ ಸ್ಥಳ ತನಿಖೆಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಕಾರ್ಮಿಕರನ್ನು ಯಾರೂ ಕೂಡಾ ಅಕ್ರಮವಾಗಿ ಬಂಧಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಇವರು ಬಿಟ್ಟು ಹೋಗದಂತೆ ಯಾರನ್ನೂ ತಡೆಹಿಡಿಯಲಾಗಿರುವುದಿಲ್ಲ. ಕಾರಣ, ಸದರಿ ಕಾರ್ಮಿಕರು ಜೇತ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆ-1976ರ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವುದಿಲ್ಲ ಎಂಬ ವಿಷಯವನ್ನು ಹಾಗೂ ಸದರಿ ಕಾಯ್ದೆಯ ವ್ಯಾಖ್ಯಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ವಿಷಯಗಳು ಪರಿಗಣಿಸಲಾಗದು ಹಾಗೂ ಸದರಿ ಎಲ್ಲ ಕಾರ್ಮಿಕರು ಸ್ವತಂತ್ರವಾಗಿ ತಮ್ಮ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸುತ್ತಾ, ತಮ್ಮ ದಿನನಿತ್ಯದ ಅವಶ್ಯಕತೆಗಳನ್ನು ಸ್ವತಃ ಪೂರೈಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಸದರಿ ಕಾರ್ಮಿಕರಿಗೆ ಯಾವುದೇ ಬಂಧನವಾಗಲೀ, ಬೆದರಿಕೆಯಾಗಲೀ ಯಾರಿಂದಲೂ ಇದ್ದದ್ದೂ ಕಂಡುಬರುವುದಿಲ್ಲ.

ಅದರಂತೆ ಶ್ರೀ ಚಂದ್ರಕಾಂತ ಗಿಣ್ಯಾಣದೇವವಾಣಿ ಗುತ್ತಿದಾರ ಇವರ ಹೇಳಿಕೆಯಂತೆ, ನಿಪ್ಪಾಣಿ ತಾಲೂಕಿನ ಗ್ರಾಮ ಕಸನಾಳದಲ್ಲಿ ಶ್ರೀ ಸಾಯಿಭಾಮ (ಮಹಾರಾಜ) ನೇತೃತ್ವದಲ್ಲಿ ಆಗಮಿಸಿದ ಪುರುಷ ಮತ್ತು ಮಹಿಳೆಯರು ಸೇರಿ 20 ಜನ, 06 ಮಕ್ಕಳು ಒಂದು ಕುಟುಂಬಕ್ಕೆ (08 ಗಂಡು ಮತ್ತು ಹೆಣ್ಣು 12) 20,000/- ರೂ ರಂತೆ, ರೂ 4,00,000/- ಮುಂಗಡವಾಗಿ ಪಾವತಿಸಲಾಗಿದೆ ತದನಂತರ ನಿಪ್ಪಾಣಿ ತಾಲೂಕಿನ ಕಸನಾಳ ಗ್ರಾಮ ಆಗಮಿಸಿದ ಶ್ರೀ ಮಹಾರಾಜ ನೇತೃತ್ವದ ಕುಟುಂಬದ ಕಾರ್ಮಿಕರಿಗೆ ಗೋಡಿ, ಅಕ್ಕಿ, ಅಡುಗೆ ಎಣ್ಣೆ, ತೋಗರಿ ಬೇಳೆ ಸಕ್ಕರೆ, ಚಹಾ ಪುಡಿ, ಅವಲಕ್ಕಿ, ರವೆ ಜೋಳ ಮತ್ತು ಸಜ್ಜೆ ರೊಟ್ಟಿ (ಬಾಜರಿ) ಪೂರೈಸುತ್ತಾರೆ. ತಲಾ ಒಂದು ಕುಟುಂಬಕ್ಕೆ ಸದರಿ ಕಬ್ಬು ಕಟಾವು ಮಾಡಲಿಕ್ಕೆ ಹೋದಾಗ ಪ್ರತಿ ಟನ್ಗೆ 273/- ರೂ ಅದರಂತೆ ಸದರಿ ಕಬ್ಬು ಕಟಾವು ಮಾಡುತ್ತಿರುವ ಕಾರ್ಮಿಕರು ಜೇತ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆಯಡಿ, ಹಾಗೂ ಕಾರ್ಮಿಕರಿಗೆ ಕನಿಷ್ಠ ವೇತನ ಕಾಯ್ದೆ-1948 ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:KAE40LMW-2017 Dated 30.12.2017 ಅನ್ವಯ ಶ್ರೀ ಚಂದ್ರಕಾಂತ ಗಿಣ್ಯಾಣದೇವ ವಾಣಿ, ಗುತ್ತಿದಾರರು, ಕನಿಷ್ಠ ವೇತನ ನೀಡಲು ಮುಜ್ಜಳಿಕೆಯ (ಅಭಿಡಿವಿತ) ಮೂಲಕ ಒಪ್ಪಿರುತ್ತಾರೆ. ತಾಲೂಕಾ ಆಡಳಿತ ವತಿಯಿಂದ ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿಯವರಿಂದ ಮಧ್ಯಪ್ರದೇಶ ರಾಜ್ಯದ ಬಡವಾಣಿ ಜಿಲ್ಲಾ ಕಡವಾ ಗ್ರಾಮದಿಂದ ನಿಪ್ಪಾಣಿ ತಾಲೂಕಿನ ಕಸನಾಳ ಗ್ರಾಮಕ್ಕೆ ಬಂದಿರುವ ಶ್ರೀ ಸಾಯಿಭಾಮ (ಮಹಾರಾಜ) ಹಾಗೂ ಇತರರು ಪುರುಷ ಮತ್ತು ಮಹಿಳೆಯರು ಸೇರಿ 20 ಜನ, 06 ಮಕ್ಕಳು ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಇದ್ದು, ಇವರಿಗೆ ವಿವಿಧ ಸೌಲಭ್ಯಗಳನ್ನು ಪೂರೈಸಲಾಗಿದೆ ಹಾಗೂ, ಸದರಿ ಕಬ್ಬು ಕಟಾವು ಮಾಡುತ್ತಿರುವ ಕಾರ್ಮಿಕರು ಜೇತ ಕಾರ್ಮಿಕ ಕಾಯ್ದೆಯಡಿ ಬರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ^{ವಿಳಿತ} ಮಾಹಿತಿಯನ್ನು ಮಾನ್ಯರ ಅವಗಾಹನೆಗಾಗಿ ಗೌರವಪೂರ್ವಕವಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕ ಕಾರ್ಯನಿರ್ವಾಹಕ
ದಂಡಾಧಿಕಾರಿಗಳು ನಿಪ್ಪಾಣಿ

ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳ ಸಮಕ್ಷಮ:

- 1) ಡಾ: ಶ್ರೀ ಮೋಹನ್ ಭಸ್ಕೇ ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳು ನಿಪ್ಪಾಣಿ
- 2) ಶ್ರೀ ಎಂ.ಬಿ.ಅನ್ನಾರಿ ಸಹಾಯಕ ಕಾರ್ಮಿಕ ಆಯುಕ್ತರು, ಬೆಳಗಾವಿ ವಿಭಾಗ ಬೆಳಗಾವಿ
- 3) ಶ್ರೀ ಮಹೇಶ ಕುಲ್ಲಳ್ಳಿ ಕಾರ್ಮಿಕ ಅಧಿಕಾರಿ ಉಪ ವಿಭಾಗ-01 ಬೆಳಗಾವಿ
- 4) ಕುಮಾರಿ ಜ್ಯೋತಿ ಕಾಂತೆ, ಯೋಜನಾ ನಿರ್ದೇಶಕರು ಬಾಲ ಕಾರ್ಮಿಕ ಯೋಜನಾ ಸಂಸ್ಥೆ ಬೆಳಗಾವಿ
- 5) ಶ್ರೀಮತಿ ಸುವರ್ಣಾ ಗುರವ, ಮೇಲ್ವಿಚಾರಕರು ಸಿ.ಡಿ.ಪಿ.ಬಿ ಕಚೇರಿ ನಿಪ್ಪಾಣಿ
- 6) ಶ್ರೀ ರವೀಂದ್ರ ಅಜ್ಜಣ್ಣನವರ, ಆರಕ್ಷಕ ಉಪನಿರೀಕ್ಷಕರು, ಸದಲಗಾ
- 7) ಶ್ರೀ ರಾಜೇಶ ಅನ್ನೋಟಕರ ಕಾರ್ಮಿಕ ನಿರೀಕ್ಷಕರು, ನಿಪ್ಪಾಣಿ
- 8) ಶ್ರೀ ದಯಾನಂದ ಕಡವಟ್ಟಿ ಪಂಚಾಯತ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಮಾಣಕಾಪೂರ
- 9) ಕಂದಾಯ ನಿರೀಕ್ಷಕರು, ನಿಪ್ಪಾಣಿ
- 10) ಗ್ರಾಮ ಅಧಿಕಾರಿಗಳು, ಕಸನಾಳ

ತಹಶೀಲ್ದಾರ ಹಾಗೂ ತಾಲೂಕ ಕಾರ್ಯನಿರ್ವಾಹಕ
ದಂಡಾಧಿಕಾರಿಗಳು ನಿಪ್ಪಾಣಿ

Annexure H: Representation Dated 28.01.2022 Made to the DC

To,
The Deputy Commissioner
Belagavi District

Dear Sir,

Subject: Regarding incidents of bonded labour in Belagavi District

The instant representation is to bring to your attention two very serious incidents of bonded labour that occurred in Nippani Taluk and Ramadurga Taluk, Belagavi district. We visited your office this morning but were only afforded a short interview with you and hence wish to put the following details on record.

Reg. Bonded Labourers from Nippani Taluk

A group of 20 workers from Badhvani District, Madhya Pradesh had been brought to Belagavi by a contractor on payment of an advance sum on Rs. 20,000/- per person. They were made to work for 15 hour work days as sugarcane harvesters and loaders. The group included several children who were also similarly employed. The workers had been promised that after 3 months of service, they would be able to return home with considerable earning besides clearing the debt. However, they were never informed of the daily rates of wages, the work hours or any other details. Moreover, they were never informed of any interest accruing to the advance given to them. The contractor in question was one Mr. Kalu who was the mukardam(contractor) and was also from Madhya Pradesh. The entire group belongs to a single family including women and children.

The workers were taken from Madhya Pradesh three days after Deepavali festival to Maharashtra in a pick-up vehicle. From Maharashtra they were bought to Belagavi with one Mr. Ashok Sindhya who drove the tractor they came in. In Belagavi, they were made to live in tarpauine shacks around the fields that they harvested. Each day, the group was able to harvest sugarcane from half to one acre of land which took from 7AM to 6PM. Thereafter, they loaded the same onto tractors and were free to rest only after 9:30-10:00PM. During this period they were never paid a single rupee by the contractor but received a small sum of Rs. 500-600 for the entire group of 20 people from the farm owners each day.

The workers informed us that after working for 2.5 months they contacted Mr. Kalu to enquire about their salary and the amounts due to them. To their utter shock, they were informed that out of a total of Rs. 4 lakhs advance to the entire group, only half had been cleared and the workers were still under the debt of Rs. 2 lakhs. The workers were further informed that they would leave only after clearing this debt.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರ
ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಬೆಲಗಾವಿ
ಜಿಲ್ಲಾ ಮುಕ್ತಾಯ ಅಧಿಕಾರಿ

ಕೆ
28/01/22

When the workers reached out to a social activist in Madhya Pradesh, she apprised the Tahsildar there, who reached out to the Tehsildar of Nippani Taluk. The workers told us that the Tehsildar initially promised that they would be given transportation to their home. For this, he took the sign of Saidam, the leader of the group. However, soon after, the Tahsildar told Shri Saidam that a case had been lodged against him for forcing 3 of the underage girls in the group into forced labour. Due to this, the entire group was traumatised and put into even more fear. The workers are currently still in Belagavi and require transportation back to their village in Madhya Pradesh.

Reg. Bonded Labourers from Ramadurga Taluk

We were informed by the workers from Nippani Taluk that another group, who are also related to them were working in similar conditions of bonded labour. In their case, the Tahsildar had promised to send them back to their home town, and put them on a train. However, the train terminated at Solapur, and the workers were stuck without money or resources in a different state. It appears that the sole objective of the Tahsildar was to ensure that the workers in question were no longer within his territorial jurisdiction, with no consideration of their welfare whatsoever.

Reg. the Bonded Labour System

Sir, it is pertinent to note that the system described above is a textbook example of bonded labour. Bonded labour is prohibited as a form of forced labour under Article 23 of the Constitution of India. It also amounts to the violation of a fundamental right to live with dignity under Article 21 of the Constitution. More specifically, the system of bonded labour has been statutorily abolished by the Bonded Labour System (Abolition) Act, 1976. In terms of the said Act, the burden of implementation of the mandate of the law is upon the District Magistrate under Section 10. Importantly, under Section 12 of the Act, it is the duty of every District Magistrate to enquire whether any bonded labour is being enforced within their jurisdiction and take necessary action to eradicate this enforcement.

Significantly, Section 13 of the Act mandates the constitution of a Vigilance Committee in each district consisting of the District Magistrate who shall be the Chairman. The Vigilance Committee must also include 3 persons belonging to the SC/ST communities nominated by the District Magistrate, 2 social workers resident in the district nominated by the District Magistrate, etc. It is the obligatory function of the Vigilance Committee to provide for the economic and social rehabilitation of freed bonded labourers as also to conduct a survey as to whether there is any offence of bonded labour in the district.

It may also be remembered that the Central Sector Scheme for Rehabilitation of Bonded Labour 2016 mandated payment of rehabilitation package of Rs. 1 lakh per

adult male bonded labourer and Rs. 2 lakh per woman or child bonded labourers, in addition to

1. Allotment of house site and agricultural land
2. Land Development
3. Provision of low cost dwelling units
4. Animal husbandry, dairy, poultry, piggery etc.
5. Wage employment, enforcement of minimum wages etc
6. Collection and processing of minor forest products
7. Supply of essential commodities under targeted PDS, and
8. Education for children.

The said Scheme of 2016 also provides that a Bonded Labour Rehabilitation fund shall be created at the district level by each State with a permanent corpus of at least Rs. 10 Lakhs at the disposal of the District magistrate which should be renewable. The fund will be used for extending immediate help to the released bonded labourers.

During our meeting with you had informed us that the incident in question may not amount to bonded labour as informed to you by the Tehsildar of the district. We would like to remind you of Section 15 of the Bonded Labour Act that reverses the burden of proof onto the contractor to show that any debt is not bonded debt. Importantly, even the Honourable Supreme Court in the case of Bandhua Mukti Morcha vs Union of India said as follows –

"It would be cruel to insist that a bonded labourer in order to derive the benefits of this social welfare legislation should have to go through a formal process of trial with the normal procedure for recording of evidence. That would be a totally futile process because it is obvious that a bonded labourer can never stand up to the rigidity and formalism of legal processes due to his poverty, illiteracy and social and economic backwardness and if such a procedure were required to be followed, the State government might as well obliterate this Act from the Statute book. It is now statistically established that most of bonded labourers are members of Scheduled Caste and Scheduled Tribes or Other Backward Classes and ordinary course of human affairs would show, indeed judicial notice can be taken of it, that there would be no occasion for a labourer to be placed in a situation where he is required to supply forced labour for no wage or for nominal wage, unless he has received some advance or other economic consideration from the employer and under the pretext of not having returned such advance or other economic consideration, he is required to render service to the employer or he is deprived of his freedom of employment or of the right to move freely wherever he wants. Therefore, whenever it is shown that a labourer is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is therefore a bonded labourer. This presumption may be rebutted by the employer and also by the state government if it chooses but unless and until satisfactory material is

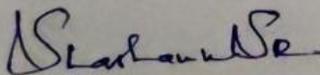
*produced for rebutting this presumption, the court must proceed on the basis that the labourer is a bonded labour entitled to the benefit of the provisions of the Act. **The State government cannot be permitted to repudiate its obligation to identify, release and rehabilitate the bonded labourers on the plea that though the concerned labourer may be providing forced labour, the State government does not owe any obligation to them unless and until they show in an appropriate legal proceeding conducted according to the rules of adversary system of justice, that they are bonded labourers.***"

We would like to remind you of your obligations under law to ensure the protections of fundamental rights of all people within your jurisdiction. The violation of rights of this group of persons from Madhya Pradesh is immense: in fact, they have seen violation of the Minimum Wages Act, 1948, the Payment of Wages Act, 1936; the Contract Labour (Regulation and Abolition) Act, 1970; The Inter-state Migrant Workman Act, 1979; the Child Labour (Prohibition and Regulation) Act, 1986 etc.

In view of the above context, we seek the following clarifications:

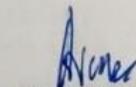
1. Has the Belagavi Vigilance committee been constituted under s. 13 of the Bonded Labour System (Abolition) Act, 1976? If so, has the survey of bonded labourers for the district been carried out? If so, when was the last such survey?
2. Have there been any bonded labourers identified in the district of Belagavi? What social and economic rehabilitation was provided to them? Were they provided the compensation mandated to be paid under the 2016 Central Scheme?

We demand that rehabilitation in regard to accordance with the Bonded Labour System (Abolition) Act, 1976 and the 2016 Central Sector Scheme be immediately ensured to all the bonded labourers. We also demand immediate initiation of action against Tahsildars of Ramadurga and Nippani district. We demand holistic implementation of the Bonded Labour System (Abolition) Act, 1979.



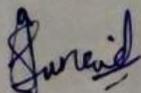
(Shashank SR)

People's Union of Civil Liberties



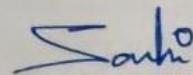
(Avani Chokshi)

Advocate



(Syed Junaid)

All India Students' Association



(Sachi)

All India Students' Association

Annexure I: Report dated 05.02.2022 of the Deputy Commissioner



GOVERNMENT OF KARNATAKA.
{Revenue Department}

OFFICE OF THE DISTRICT MAGISTRATE, BELAGAVI.

Phone-0831-2407275

e-mail:dmprotocol@gmail.com

No.DC/Bonded Labour/CR-04/2021-22

Dated: 05-02-2022

To,

- 1) Jagrit Adivasi Dalit Sangathan and Others, Madhya Pradesh.
- 2) Shri. Sudhir Katiyar Member, Prayas Centre for Labor Research And Action, Member, Core Group on Bonded Labourers NHRC, 285 Shankar Colony, Fatehpura, Udaipur - 313001, Rajasthan.
- 3) Shri. Shashank SR, People's Union for Civil Liberties.
- 4) Shri. Syed Junaid and Sachi, All India Students Association.
- 5) Shri. Avani Chokshi, Advocate.
- 6) Smt. V. Sushila, Director, Spandana Institute, Belagavi.

Sir,

Sub: Immediate rescue of Adivasi labourers from Madhya Pradesh forced to work as Bonded Labour in Belagavi, out of which 3 Adivasis have been kidnapped and wrongfully confined in a sugar factory.

Ref: 1. Your's letters and e-mail Dated:19.01.2022, 20.01.2022, 02.02.2022.

2. Asst. Commissioner and Sub Division, Magistrate, Bailhongal Sub Division, Bailhongal's letter No.MAG/BLA/CR-245/2021-22 Dated: 27.01.2022

3. Asst. Commissioner and Sub Division, Magistrate, and Sub Division, Magistrate, Chikkodi Sub Division, Chikkodi's letter No.MAG/BL/CR-01/2021-22 Dated: 02.02.2022.

4. Deputy Labour Commissioner, Belagavi Region, Belagavi's letter No.DLCB/Bakaka/2021-22 Dated: 03.02.2022.

With reference to above mentioned subject and references Jagrit Adivasi Dalit Sangathan, a people organization in Madhya Pradesh sent e-mail complaint alleging that a Contractor by name Shyam had taken Adivasi workers of Tehsil Pati, District Barwani to work as a labourers on sugarcane farms in Belagavi around three months ago and have since then they have been made to work continuously day and night. They began their work of cutting sugarcane till the evening and after 05.00 p.m. they are made to load the sugarcane that has been cut into trucks. Further alleged that they have not been paid their wages and they are being illegally detained on the farm and are being prevented from leaving the farm. They are kept in two locations (1) Village Kasanal, (Halsheetnaath), Nippani (around 20 adults and 6 Children) and (2) Village Halagatti in Ramdurg police station (around 16 adults and 13 Children). The workers when asked about their earnings they were not informed and 3 people accompany contractor to the factory 'Kulgeri Nirani' and when asked the owners of factory, they informed that the workers still owe the factory owners money that he had paid them in advance and thus they must work there as long as owners would tell them to, thus holding 3 people hostage in the factory itself. Further though the amount of advance given to workers had been adjusted to their wage, they are detained illegally and they performing work as bonded labourer. Therefore concerned Jagrit Adivasi Dalit Sangathan requested to intervene in the matter as per provisions of Bonded Labour System (Abolition) Act, 1976 and Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 to protect and safeguard the rights of these workers which have been violated by the Contractors from owners and management of the sugar factory.

On receipt of such e-mail complaint concerned Sub Divisional Magistrate were asked to look into the complaint and submit detail enquiry report vide letter of this office dated: 19.01.2022. Who have inturn asked the concerned Tahasildars to visit the place where the workers alleged to have been detained and the farm owners and Contractors treating them as Bonded Labourers.

It is submitted that the **Tahasildar, Ramdurg along with 1.District Labour Officer, Belagavi, 2.Project Director, NCLP, Belagavi, 3.Co-ordinator, Child Helpline 1098, 4.District Child Protection Officer, Belagavi 5.C.D.P.O. Ramdurg, 6.CPI, Ramdurg, 7.Labour Inspector, Ramdurg, 8.PDO, Halagatti, 9.Revenue Inspector, Mudakavi, 10.Village Accountant, Halagatti and 11.Smt. Sushila, Spandana NGO, Belagavi (representative on behalf of said labourers – complainant)** visited the place shown in the complaint on 20.01.2022 at 10.30 a.m. in all 18 adults and 14 Children were present on they being enquired they told that, the Contractor Shyam paid advance of Rs.20,000/- per adult to work in the farm for cutting sugarcane.

Further, they told that for the last 10 days they are working in the farm and they have no any problem nor filed any complaint to local Ramdurg police. During enquiry by the Tahasildar, the workers informed that they are not detained by anyone and they don't have any obstruction from anyone to purchase daily commodities for their livelihood and also they are free to move without any fear. Thus the workers who were brought by Contractor Shyam are doing sugarcane cutting in the farm and they are not coming under Bonded Labour Abolition Act as alleged as a Bonded Labourers.

Thus, as per the enquiry report of Tahasildar, Sub Divisional Magistrate, Bailhongal has submitted a detailed report to the undersigned District Magistrate, Belagavi on 27.01.2022 stating that the allegations made in the complaint are not correct.

Likewise, on 21.01.2022 & 24.02.2022 at 10.30 a.m. Tahasildar, Nippani also visited the place where the workers are allegededly detained along with **1.Asst. Labour Commissioner, Belagavi Divn, Belagavi, 2.Labour Officer Sub Divn-I, Belagavi, 3.Project Director, NCLP, Belagavi, 4.C.D.P.O. Nippani, 5.CPI, Sadalaga, 6.Labour Inspector, Sadalaga, 7.PDO, Manakapur, 8.Revenue Inspector, Nippani, 9.Village Accountant, Kasanal and 10.Smt. Sushila, Spandana NGO, Belagavi (representative on behalf of said labourers – complainant)** and enquired those workers on being enquired they told that, the **(1) Kalu Mukadam (2) Chandrakant Ginyandev Vani Contractors** have paid advance of Rs.20,000/- per adult to work in the farm for cutting sugarcane.

Further, they told that they are doing work without anybody's obstruction and they are being paid Rs.273/- per ton as cutting wage. Further, they have not filed any complaint either against Contractors or farm owner to the local police nor Panchayat Officer. The workers informed that they are not detained by anyone and they don't have any obstruction from anyone to purchase daily commodities for their livelihood and also they are free to move without any fear. Thus, the workers who were brought by **(1) Kalu Mukadam (2) Chandrakant Ginyandev Vani Contractors** are doing sugarcane cutting in the farm and they are not coming under Bonded Labour Abolition Act as alleged as a Bonded Labourers.

Thus, as per the enquiry report of Tahasildar, Nippani, Sub Divisional Magistrate, Chikkodi has submitted a detailed report to the undersigned District Magistrate, Belagavi on 02.02.2022 stating that the allegations made in the above referred complaint are not correct.

Further, both Sub Divisional Magistrates in their report clearly mentioned that the above labourers are not Bonded Labourers and their children are also not engaged to work in the farm (Reports are enclosed herewith).

Further, as per the report of Deputy Labour Commissioner, Belagavi Region the Minimum Wage of sugarcane cutting would be Rs.451/- per 8 hours. In case if they are engaged more than 8 hours they shall be paid over time as per Minimum Wages Act, 1948. It is further submitted in the report that Adivasi workers of Madhya Pradesh through their representative, submitted the application for payment of minimum wages as per Minimum Wages Act, 1948. In this regard on behalf of Deputy Labour Commissioner, Belagavi Region a joint meeting was conved on 03.02.2022 between labour representantive and contractor by labour officer, Sub Division-I, Belagavi and conciliation failed. Therefore, the request of Adivasi workers of Madhya Pradesh to be considered as their claim. Accordingly enquiry is being conducted under Section 20 of Minimum Wages Act, 1948 (Report is enclosed herewith).

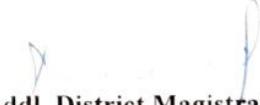
Therefore, question of rescue and free these Adivasi workers men, women and children from the sugarcane farms as well as sugar factory and providing them rehabilitation as per legal provisions of law does not arise.

Yours Faithfully,


**District Magistrate,
Belagavi District, Belagavi.**

Copy to:

- 1) Deputy Labour Commissioner, Belagavi Region, Belagavi
- 2) Asst. Commissioner and Sub Division, Magistrate, Bailhongal Sub Division, Bailhongal.
- 3) Asst. Commissioner and Sub Division, Magistrate, and Sub Division, Magistrate, Chikkodi Sub Division, Chikkodi.


**Addl. District Magistrate,
Belagavi District, Belagavi.**

Annexure J: Complaint dated 29.01.2022 to DLC

To,

The Deputy Labour Commissioner,
Belagavi District

SUB: Reg. Non-Payment of Wages and being stranded in Belagavi without means to return to Madhya Pradesh

Dear Sir,

We are adivasis from villages of Kandra and Ubadagad, Tehsil Pati, District Barwani, Madhya Pradesh. We were brought here to work by one Mr. Kalu and Mr Ashok Shinde. Mr Ashok Shinde paid an advance of Rs. 20000 each for 20 workers and said we would earn money here in the presence of Mr Kalu. Mr. Kalu took us to Beed from where Ashok Shinde brought us to Kasanal near Nipani. Ashok Shinde's relative, Chandrakant Vali used to make us work, on behalf of the factory. We are twenty workers (including women and children) and 6 young children, from the same family. We came here three days after Diwali festival. We worked from 7:00 am in the morning till 9:30 to 10:00 pm every night. We were not given any wages whatsoever for our work. We were only given some kharcha (around Rs. 500 between 20 of us), and a total of 16 kattas of grain (one katta = 50 kg) for the entire period we worked, which we divided up among ourselves.

After working for more than 2 months, on 15th or 16th January, we called Mr. Kalu and enquired about payment. He told us that we were still indebted to him and would either have to pay him or continue to work. We kept asking Chandrakant Vali for accounts of how much was due to us after adjusting the debt amount, but he refused to give us any accounts and said there was still a large sum due and we had to continue working.

We want our remaining wages and we want to return home, but have no money to do so. We 20 people have worked from 10th November for around 76 days. Our names are below:

Men:

1. Jetaram Salunke
2. Ishvar Mankar
3. Nanu T. Salunke
4. Saidam Salunke
5. Dheba



Women:

6. Dhema

7. Sayya

8. Ringu

9. Sunita

10. Ladki

11. Romti

Children:

12. Ilu

13. Indas

14. Nimu

15. Isal

16. Rinu

17. Sawan

18. Hinga

19. Banu

20. Riyani

The contact details of the accused are as under:

- 1) Chandrakant: 9821613822 2) Kalu: 7354261312 3) Ashok Shinde: 8975061001

We contacted activists of Jagrit Adivasi Dalit Sangathan in Barwani, since we have known them to be representing the interests of adivasis for many years. They involved the authorities and local social workers in our case.

We told the Tehsildar and other officials all this when they came to our work site. Tehsildar publicly told us he would arrange transport back home. He took one of our thumb-prints (Saidam's) for this on a piece of paper saying that it was to arrange transport back to Madhya Pradesh. Since we are all illiterate and because he is the Tahsildar, Saidam put his thumbprint without knowing what was written. However, he didn't arrange transport. Now we are facing threats that a criminal case will be lodged against us if we air our grievances.

We have not received wages for our work. We are poor Adivasis. Please ensure payment of wages to us and transportation back to our home.

We have met some activists from Bangalore who are helping us file this complaint with you.

- | | |
|---|---|
|  |  |
| 1. Jetaram Salunke | 1. Dhema |
|  |  |
| 2. Ishwar Mankar | 7. Sayya |
|  |  |
| 3. Nanu T. Solanke | 8. Ringu |
|  |  |
| 4. Saidam Salunke | 9. Sunita |
|  |  |
| 5. Dhebe | 10. Lalki |
| |  |
| | 11. Romti |

We can be contacted through Avani Chokshi (9449068530)
and Shashank SR (9663888718)

Annexure K: Complaint dated 02.02.2022 to DLSA

02.02.2022

To,

The Member Secretary
District Legal Services Authority
Belagavi District

Dear Sir,

Subject: Regarding incidents of bonded labour in Belagavi District

The instant representation is to bring to your attention two very serious incidents of bonded labour that occurred in Nippani Taluk and Ramadurga Taluk, Belagavi district. As per our discussion with you on 29.01.2022, please find attached our representation on the issue.

As you know, recently, reports of a serious incident with the members of the Adivasi community from Madhya Pradesh being held as bonded labourers at Belagavi district of Karnataka emerged. As it seemed at the outset that the statutory rights under various beneficial legislations of these labourers has been violated, a team consisting of Shashank SR (People's Union for Civil Liberties - Karnataka), Avani Chokshi (All India Lawyers' Association for Justice), Syed Junaid (All India Students' Association) and Sachi (All India Students' Association) was constituted to initiate a fact-finding into the issue. We are now issuing this representation to you seeking necessary action.

We were informed that two separate incidents of bonded labor had recently come to light in Belagavi district, in Ramadurga taluk and Nipani taluk. The workers from Ramadurga had, after a number of challenges, had made their way to Madhya Pradesh. However, the group from Nipani Taluk remain stranded in Belagavi till date.

From speaking with the workers who were still in Belagavi, the narrative that emerged was one of horrific violations of law at every level. The workers were lodged in the Urban Homeless Shelter for Men at Belagavi. There are 11 adult workers with 6 young children at the shelter. Apart from this, there were 9 teenagers in the custody of the child welfare committee, who were housed in girls' and boys' hostels separately.

We were informed that the workers belong to the villages of Kandra and Ubadagad, Tehsil Pati, District Barwani, Madhya Pradesh. They work as rural agriculturalists and belong to the Scheduled Tribe adivasi community. The entire series of incidents began

immediately after Diwali festival, when they were approached in their village by labour contractors Shri Kalu and Shri Ashok Sindhya. They were offered an advance of Rs. 20,000 to each person who came to work, and promised that they could return in three months, with their debt cleared and with considerably more earnings for their family. They were not told the rates of wages, or the details of repayment. Moreover, they were never informed of any interest accruing to the advance given to them.

Twenty people belonging to the same extended family had accepted this offer (of whom 11 are adults and 9 are adolescents). The family also brought their six young children along. The workers were taken from Madhya Pradesh three days after Deepavali festival to Maharashtra in a pick-up vehicle. From Maharashtra they were brought to Kasanal village near Nipani, in Belagavi District by Mr. Ashok Sindhya who drove the tractor they came in.

In Belagavi, they were made to live in tarpaulin shacks around the fields that they harvested. Each day, the group was able to harvest sugarcane from half to one acre of land which took from 7:00 AM to 6:00 PM. Thereafter, they loaded the same onto tractors and were free to rest only after 9:30-10:00 PM. During this period they were never paid a single rupee by the contractor but received a small sum of Rs. 500-600 for the entire group of 20 people from the farm owners each day. On two occasions, they received some grains. Ashok Shinde's relative, Chandrakant Vani used to make them work each day, on behalf of Halasidnath Sugar Factory. It was he who told the workers where to go each day. In fact, Mr. Kalu had returned back to Madhya Pradesh. The workers repeatedly asked Chandrakant Vani for accounts of how much was due to them after adjusting the advance amount, but he refused to give any accounts and only told them that a large sum was still due and they had to continue working.

The workers informed us that after working for 2.5 months, without even one day of holiday, they contacted Mr. Kalu to enquire about their salary and the amounts due to them. To their utter shock, they were informed that out of a total of Rs. 4 lakhs advance to the entire group, only half had been cleared and the workers were still under the debt of Rs. 2 lakhs. The workers were further informed that they would leave only after clearing this debt.

When the workers reached out to a social activist from Jagrit Adivasi Dalit Sanghatan in Madhya Pradesh, she apprised the Tahsildar there, who got in touch with local authorities, following which spot inspection was conducted. However the officers stated that since the workers were not physically restrained, and possessed mobile phones, they could not be considered bonded labourers.

The workers told us that the Tehsildar initially promised that they would be given transportation to their home. For this, he took the sign of Saidam, the leader of the group. However, soon after, the Tahsildar told Shri Saidam that a case had been lodged against

him for forcing 3 of the underage girls in the group into forced labour. Due to this, the entire group was traumatised and put into even more fear.

The workers are currently still in Belagavi and require transportation back to their village in Madhya Pradesh. 9 children are in the custody of the CWC and will have to be released to their parents after completion of formalities. Of these nine children, there are children under 14 years old, whose employment was a violation of the Child Labour (Prohibition and Regulation) Act, 1986

In respect of the spot visit into the Ramadurga incident, Smt. Susheela, the Director of Spandana NGO stated that she had joined the Tahsildar, district Labour Officer, Taluk Labour Inspector, District Child Labour Project Director, Child Development Project Officer and a police official in the spot visit. However, despite the clear testimony of the workers, all officials stated that there had been no violation of law. Finally, authorities arranged for transportation for the workers. In another massive blunder, the workers were put onto a train that terminated at Solapur, and were left stranded without money there. Finally after the efforts of various groups, they managed to reach Madhya Pradesh.

To the shock of the team, it was found that the Tahsildar without detailed enquiry, and on the basis of the spot enquiry, has prepared a report declaring that there was no bonded labour, no child labour and no violation of law in respect of the workers. This was on the basis of statements of farmers that some amounts had been paid, and statements of officials of various departments that no complaints had been received from the workers. The report also found that since the labourers were neither forcibly detained nor were their movement restricted, the case would not fall under the Bonded Labour System (Abolition) Act, 1976. It was also held that the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 would not be attracted. Importantly, annexed to the Report, was a Statement of dues calculated in a wholly illegal manner, contrary to the Minimum Wages Act, 1948 and various other laws. Copies of the Tahsildar reports are annexed for your perusal.

Moreover, an affidavit filed by Mr. Chandrakant Vali is on file regarding compliance of Minimum Wages Act, 1948 is on file in the labour department but the team was unable to obtain a copy of the same. This authority may kindly call for this affidavit.

Sir, it is pertinent to note that the system described above is a textbook example of bonded labour. Bonded labour is prohibited as a form of forced labour under Article 23 of the Constitution of India. It also amounts to the violation of a fundamental right to live with dignity under Article 21 of the Constitution. More specifically, the system of bonded labour has been statutorily abolished by the Bonded Labour System (Abolition) Act, 1976. In terms of the said Act, the burden of implementation of the mandate of the law is upon the District Magistrate under Section 10. Importantly, under Section 12 of the Act, it is the

duty of every District Magistrate to enquire whether any bonded labour is being enforced within their jurisdiction and take necessary action to eradicate this enforcement.

Significantly, Section 13 of the Act mandates the constitution of a Vigilance Committee in each district consisting of the District Magistrate who shall be the Chairman. The Vigilance Committee must also include 3 persons belonging to the SC/ST communities nominated by the District Magistrate, 2 social workers resident in the district nominated by the District Magistrate, etc. It is the obligatory function of the Vigilance Committee to provide for the economic and social rehabilitation of freed bonded labourers as also to conduct a survey as to whether there is any offence of bonded labour in the district.

It may also be remembered that the Central Sector Scheme for Rehabilitation of Bonded Labour 2016 mandated payment of rehabilitation package of Rs. 1 lakh per adult male bonded labourer and Rs. 2 lakh per woman or child bonded labourers, in addition to

1. Allotment of house site and agricultural land
2. Land Development
3. Provision of low cost dwelling units
4. Animal husbandry, dairy, poultry, piggery etc.
5. Wage employment, enforcement of minimum wages etc
6. Collection and processing of minor forest products
7. Supply of essential commodities under targeted PDS, and
8. Education for children.

The said Scheme of 2016 also provides that a Bonded Labour Rehabilitation fund shall be created at the district level by each State with a permanent corpus of at least Rs. 10 Lakhs at the disposal of the District magistrate which should be renewable. The fund will be used for extending immediate help to the released bonded labourers.

In view of official reports that bonded labour is not attracted here, it would be important to remember Section 15 of the Bonded Labour Act, that reverses the burden of proof onto the contractor to show that any debt is not bonded debt. Importantly, even the Honourable Supreme Court in the case of *Bandhua Mukti Morcha vs Union of India* said as follows –

"It would be cruel to insist that a bonded labourer in order to derive the benefits of this social welfare legislation should have to go through a formal process of trial with the normal procedure for recording of evidence. That would be a totally futile

*process because it is obvious that a bonded labourer can never stand up to the rigidity and formalism of legal processes due to his poverty, illiteracy and social and economic backwardness and if such a procedure were required to be followed, the State government might as well obliterate this Act from the Statute book. It is now statistically established that most of bonded labourers are members of Scheduled Caste and Scheduled Tribes or Other Backward Classes and ordinary course of human affairs would show, indeed judicial notice can be taken of it, that there would be no occasion for a labourer to be placed in a situation where he is required to supply forced labour for no wage or for nominal wage, unless he has received some advance or other economic consideration from the employer and under the pretext of not having returned such advance or other economic consideration, he is required to render service to the employer or he is deprived of his freedom of employment or of the right to move freely wherever he wants. Therefore, whenever it is shown that a labourer is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is therefore a bonded labourer. This presumption may be rebutted by the employer and also by the state government if it chooses but unless and until satisfactory material is produced for rebutting this presumption, the court must proceed on the basis that the labourer is a bonded labourer entitled to the benefit of the provisions of the Act. **The State government cannot be permitted to repudiate its obligation to identify, release and rehabilitate the bonded labourers on the plea that though the concerned labourer may be providing forced labour, the State government does not owe any obligation to them unless and until they show in an appropriate legal proceeding conducted according to the rules of adversary system of justice, that they are bonded labourers.**"*

• a violation of rights of this group of persons from Madhya Pradesh is immense. The constitutional violations relate to Articles 23 and 21 of the Constitution of India, violations under the below laws, schemes and advisories is also seen

- Bonded Labour System (Prohibition) Act, 1976
- Child Labour (Prohibition and Regulation) Act, 1986
- The Minimum Wages Act, 1948
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which prohibits the compulsion or enticement of a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour

- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- Central Sector Scheme for Rehabilitation of Bonded Labourers – 2016
- NHRC Advisories to Identify, Release and Rehabilitate Bonded Labourers

In view of the gravity and nature of the crimes against these workers, we request you to take cognisance of the issue, extend necessary support, and issue necessary directions in the interest of justice and equity.



(Shashank SR)
People's Union of Civil Liberties
Ph: 9663888718

(Avani Chokshi)
All India Lawyers' Association for Justice
Ph: 9449068530

(Syed Junaid)
All India Students' Association

(Sachi)
All India Students' Association

Annexure L: NHRC Advisory dated 31.05.2021



राष्ट्रीय मानव अधिकार आयोग National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex,
INA, New Delhi-110 023 INDIA
Fax : +91-011-24663311, 24663312
E-mail : nhrcga@nic.in
Website : www.nhrc.nic.in

File No. R-12/1/2021-PRPP (RU-4)

May 31, 2021

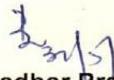
Subject: Advisory to identify, release and rehabilitate bonded labourers during Covid-19 pandemic

As you are aware that the National Human Rights Commission (NHRC) is mandated by the Protection of Human Rights Act, 1993 to promote and protect the human rights of all in the country. Towards fulfillment of its mandate, the Commission is deeply concerned about the rights of the vulnerable and marginalized sections of the society which have been disproportionately impacted by the COVID-19 pandemic and the resultant lockdowns.

2. The Commission, pursuant to the orders of the Hon'ble Supreme Court in Writ Petition (Civil) 503/2020 issued guidelines for protection, release and rehabilitation of bonded labourers during Covid-19 pandemic on 9th December 2020 vide D.O.No L-19/113/2020-Law. The guidelines were sent through post to all the Chief Secretaries/ Administrators of States/ UTs for necessary action.

3. Further, keeping in view the challenges posed by the second wave of Covid-19, the Commission now issues the '**Advisory to identify, release and rehabilitate bonded labourers during Covid-19**' (Annexure), which has been prepared in consultation with Civil Society Organizations and other stakeholders covering the aspects of prevention, identification, rescue, as well as rehabilitation of the bonded labourers.

4. May I request you to direct the concerned authorities to ensure that prompt actions are taken to protect the vulnerable from being exploited and to implement the recommendations made in the advisory. You are also requested to please submit the action taken report within four weeks for information of the Commission.


(Bimbadhar Pradhan)
Secretary General

Encl: Advisory

1. **The Secretary to the Government of India**
Ministry of Labour and Employment
Shram Shakti Bhawan, New Delhi
2. **Chief Secretary (all States)/Administrators (all UTs)**



NATIONAL HUMAN RIGHTS COMMISSION

Advisory to identify, release and rehabilitate bonded labourers during Covid-19 pandemic

The impact of Covid-19 pandemic has a disproportionate adverse impact on the socio-economically disadvantaged segments in the country. The impoverished indigenous and marginalized population groups face multiple disadvantages in life that can exacerbate social exclusion and discrimination. The second wave has also deepened the existing problems of bonded labourers with a huge number of them being unorganised and migrant workers who are on the fringes or outside the socio-economic security umbrella, which makes them more vulnerable and easy target for human trafficking. Bonded labourers are prone to severe medical problems which can add to the existing threat of the second wave of the Covid-19. Thus, it is important that governance at all levels must be prepared in ensuring that medical resources are provided to the bonded labour community in this existing pandemic that has already claimed so many lives.

On December 2020, the National Human Rights Commission under the directions of the Honourable Supreme Court issued a '*Comprehensive Guidelines for All States/ UTs for Identification, Release and Rehabilitation of Bonded Labourers during COVID-19 Situation*'.

Further, keeping in view the challenges posed by the second wave, the NHRC issues this advisory which covers the aspects of prevention, identification, rescue, as well as rehabilitation of the bonded labourers in the prevailing COVID pandemic and ensure that prompt actions are taken by the government authorities to protect the vulnerable from being exploited.

I. Prevention

1. Panchayats may be asked to maintain a record of information about persons living in the village and those migrated to towns/cities for work. The register will maintain details of the labourers, middlemen, location of the workplace and track the movement of labourers.
2. The District Administration should coordinate with the railway authorities in the district to monitor any such conditions where there is enough reason to suspect the trafficking of labourers and should immediately investigate if it involves children.
3. The District Administration should sensitize and direct the relevant authorities to monitor and interfere any suspicious activity/ movement of people in bus stations, bus stops, inter-district/ inter-state check posts etc. where there is a possible element of bonded labour.
4. State Government should consider creating dedicated funds for providing free ration and healthcare to the vulnerable and daily wagers who lost jobs due to Covid-19 pandemic. The state should direct the district administrations to identify households in extreme vulnerable conditions and provide essential social security cover. This will prevent trafficking for bonded labour.

Handwritten signature/initials

NHRC Advisory: To identify, release and rehabilitate bonded labourers during COVID-19 pandemic



5. The State Government through its labour department should spread awareness on MGNREGA provisions in villages so that mass movement of vulnerable people to cities/ towns in search for employment are avoided. This will also help people to stay and work in their own villages and prevent any form of bondage.
6. The District Administration can consider coordinating with local NGOs working on labour issues to provide information on illegal migration.

II. Identification

7. The Panchayat should take steps immediate to monitor and inform the District Magistrate if they have identified or receive any complaints from family members on child/ bonded labour conditions in the workplace of the labourer.
8. The District Magistrate should constitute/ activate the Vigilance Committee as per the Bonded Labour System (Abolition) Act, 1976. The Committee as per its mandate should conduct survey of any offence of which cognizance ought to be taken under this Act.
9. Further, the District Magistrate should constitute teams with relevant department officials to inspect industries/ brick kiln/ other workplaces and identify if labourers are working under bonded labour conditions. The team should carry out inspections atleast twice in a month.

III. Rescue

10. The District Magistrate/Sub-Divisional Magistrate should investigate within 24 hours upon receiving a complaint of bonded labour system. And if found a case of bonded labour during investigation, the procedures for rescue during Covid-19 issued by NHRC or the Standard Operating Procedures of the Centre/ State should be initiated immediately.
11. Due to the current pandemic, the DM/SDM must ensure that the rescue team is trained on COVID-19 precautions and a thermal screening of the team is mandatory before conducting a rescue /spot inquiry. The team member with signs and symptoms of COVID-19 should be avoided in order to reduce the exposure of the infection.
12. During the process of rescue, the rescue team should ensure that the face masks and sanitizers are provided to the labourers and physical distance is adequately maintained among the labourers.
13. Upon rescue, the DM or SDM should ensure and arrange for basic health screening and Covid tests of rescued bonded labourers to avoid the spread of virus. Basic awareness should be provided on health & hygiene during Covid-19 like the practice of physical distancing, respiratory hygiene, cough etiquette, hand hygiene etc. to the rescued labourers.
14. If any rescued labourer is suspected for COVID-19, arrangements should be made to immediately escort the labourer to the nearest health facility to access free testing and treatment. Released Bonded Labourers should be vaccinated and if possible vaccination should cover all age groups.



15. The DM/SDM should enquire and verify upon the relevant evidences indicating bonded labour conditions as per the SOPs issued by the Centre/ State Government. Efforts should be made by the officials to recover unpaid wages of the labourers on the spot as delay in payment of wages can make the victims vulnerable to re-bondage.
16. The DM/ SDM should ensure that the rescued labourers are provided with Release Certificates on priority and within 24 hours of the rescue. Transport facilities should be arranged if the workers are willing to return to their home.

IV. Rehabilitation & Repatriation

17. Immediate cash assistance upto Rs. 20, 000/- as prescribed in the Central Sector Scheme 2016 shall be provided immediately by the District Administration to the rescued person out of the District Bonded Labour Rehabilitation Fund at the disposal of the District Magistrate.
18. Considering the adverse effect of Covid-19 on the marginalized society, the District Administration must ensure that additional cash and non-cash benefits other than the provisions in the CSS-2016 scheme be made available for the rescued labourers as part of social security cover to avoid the possibilities of re-bondage.
19. The labour officials should initiate the immediate procedures to open bank accounts, application for procuring ID cards, enrolment to health care and employment generation schemes for benefit of the released bonded labourers.
20. The District Administration should undertake all the measures to provide a safe and healthy environment for children of rescued bonded labourers/ child labourers in coordination with relevant Government departments. Health screening, psycho social counselling and education shall be an integral component of the rehabilitation package.
21. The District Administration should bear the expenses of providing safe transportation facilities to the released labourers. The process must be in compliance with the travel norms and health care instructions issued by the government.
22. The DM/ SDM or the assigned officer shall coordinate with both rehabilitation and rescue location's police and district administration for quick and safe transfer.
23. It must also be ensured that the labourers are received properly by the district administration and Covid-19 protocols are implemented such as isolation or quarantine.
24. The State Governments should ensure that the food security packages provided in the state to the vulnerable are also extended to the released bonded labourers for a considerable period of time.
25. The Panchayats should educate and spread awareness among people in the village about the existing livelihood opportunities amidst the Covid-19 effect. The Schemes include the Pradhan Manthri Garib Kalyan Rojgar Abhiyaan (employment-cum-rural public works campaign), MG National Rural Employment Guarantee Act and other state government initiatives. Enrolment of released labourers in these initiatives will prevent re-bondage.
26. In cases where the rescued bonded labourers are not willing to go back to their native place, proper protocols should be followed in places of their work and they must be ensured access to basic benefits.



V. Legal-Aid

27. For offences under laws other than Bonded Labour System (Abolition) Act, 1976, where statements under Section 161 CrPC are required to be recorded, the DM or SDM shall ensure that the same is done at the earliest, prior to repatriation and with appropriate Covid guidelines.
28. Given the risks involved in travel during the ongoing COVID-19 pandemic, the DM/SDM along with the police authorities shall make efforts to ensure that the testimony of the released bonded labour is recorded by the concerned court through video conferencing.
29. Public Prosecutors should follow the guidelines issued by the courts for conducting trial through video conference.
30. In the wave of Covid-19, where a person released from bondage has been repatriated, but if later physically summoned by the Magistrate for evidence in trial, should be provided with adequate safety and the proper health care norms be followed during and post-trial.
31. Public Prosecutors shall be given adequate virtual training on bonded labour system to ensure awareness on the issue, need for speedy trial and justice.
32. The district administration should involve the State/District legal services authority to provide legal awareness and counselling to the victims of bonded labour through virtual platform.

In all the above actions, the district administration/ state government should direct its officials to treat the bonded labourers with dignity and respect.

Recommendations for the Central and State Governments

- i. The Principal Secretary, Labour Department, to appoint a State Nodal Officer not below the rank of Under Secretary to coordinate with the Ministry of Labour and Employment for status on submitted proposals and reimbursement of cash assistance under various components of Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016.
- ii. The district administration should ensure that the district bonded labour rehabilitation fund with a permanent corpus mentioned in the Scheme is available for immediate cash and travel assistance to released bonded labourers, post rescue.
- ii. The State Labour Department shall create a helpline number connected with the labour officials in the district, to provide immediate help to labourers in distress at workplaces.
- v. The State Government should arrange virtual trainings for the State/ District officials working on bonded labour issues. The trainings should be conducted at least twice in a calendar year on following: Bonded Labour System (Abolition) Act, 1976, Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 and Standard Operating Procedures to identify, rescue, release and rehabilitate bonded labourers.

NHRC Advisory: To identify, release and rehabilitate bonded labourers during COVID-19 pandemic



- v. The State Government should maintain a database of bonded labour rescues and rehabilitation. It should also mention the number of survey/inspection conducted by the authorities to identify bonded labour.
- vi. The Chief Secretary may issue directions to the concerned department to prepare a State Action Plan for preventing and rehabilitating victims of bonded labour and labour trafficking during the Covid-19 pandemic.
- vii. The Union Labour Ministry and State Labour Departments should update their websites regularly and ensure that data is properly managed with updated information.
- viii. The Chief Secretary of the State to issue letters to all DMs/DCs and get an updated list of the Functional Vigilance Committees at District/Sub-Divisional level.
- ix. The district administration, as far as possible, should try to avoid procedural delay in issuing cash and non-cash benefits for released bonded labourers during Covid-19. These packages will ensure effective and better rehabilitation of the labourers.
- x. The Ministry of Labour & Employment should consider immediate disbursement of fund if the procedures are duly followed by the state governments. Any undue delay in disbursement of funds would delay the process of rehabilitation assistance to the bonded labourers.
- xi. Efforts should be made by the District Administration to work closely with the Education Department to encourage enrolment of children into schools, to minimize the number of children falling out of education system and into child labour.

3/1/19

Annexure M: NHRC Advisory dated 31.05.2021

बिम्बाधर प्रधान, भा.प्र.से.
महासचिव
Bimbadhar Pradhan, IAS
Secretary General



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NATIONAL HUMAN RIGHTS COMMISSION
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File No. R-12/1/2021-PRPP (RU-4)

08th December, 2021

Sub: Advisory 2.0 to Identify, Release and Rehabilitate Bonded Labourers.

This is in continuation with Advisory on Bonded Labourers issued on 31.05.2021 in view of COVID-19 Pandemic (copy enclosed). As you are aware that the National Human Rights Commission is mandated by the Protection of Human Rights Act, 1993 to promote and protect the Human Rights of all in the country. During the COVID-19 pandemic, the Commission decided to issue an Advisory on Bonded Labourers to protect the rights of the vulnerable/marginalised section of society. ATRs on the earlier Advisory issued by the Commission shows that some implementation issues are being faced at the field level.

2. These issues have been enumerated in this Advisory 2.0 which covers the essential components of the mechanism to identify, release and rehabilitate the bonded labourers for necessary implementation and timely compliance.
3. The Advisory 2.0 on bonded labourers is enclosed herewith for reference.
4. This is to request that the concerned authorities may be directed to implement the requisite provisions for better outcomes on this issue.
5. Further, Action Taken Reports on implementation of the recommendations contained in both the Advisories may be furnished to the Commission within 90 days for its perusal (Email: sro-nhrc@nic.in).

28/12/21
(Bimbadhar Pradhan)

Encl: Advisory

1. The Secretary to the Government of India
Ministry of Labour and Employment
Shram Shakti Bhawan, New Delhi
2. The Chief Secretary (all States)/Administrators (all UTs)



NATIONAL HUMAN RIGHTS COMMISSION

Advisory 2.0 to Identify, Release and Rehabilitate Bonded Labourers

The National Human Rights Commission had circulated an Advisory dated 31.05.2021 to identify, release and rehabilitate the bonded labourers during Covid-19 pandemic. The Commission has further considered the issue of identification, release and rehabilitation of the Bonded Labourers and is issuing the Advisory for compliance by the stakeholders. This Advisory be read and implemented in conjunction with the earlier Advisory.

I. Prevention

1. State Government should provide free ration, healthcare and other social security cover to the vulnerable and the marginalised communities and also direct the district administrations to identify households in extreme vulnerable conditions so as to prevent any instance of bonded labour.
2. The District Magistrate should ensure maintaining a database of the brick kilns or other industries, including informal work sectors, where there are possibilities of prevalence of bonded labour within his District. He shall ensure that all the workers working in brick kilns etc. are registered in the e-Shram portal. The data available on e-Shram portal may be effectively utilized for tracking of rescued bonded labour for the purpose of rehabilitation too.
3. The District Magistrates should identify the locations within their Districts where the prevalence of cases of bonded labour is high. He should conduct mandatory meeting at the District level, every six months, to review the status of bonded labourers in the particular areas.
4. Vigilance Committees be operationalized, made functional in all States/UTs and their constitution be reflected on State Labour department website. Data and other relevant information related to Vigilance Committees be uploaded to enable to review the status and functioning of the Committees in every District. The DM should ensure the meetings of Vigilance Committees once in every three months.
5. The proposed National Portal on Bonded Labour should, inter-alia, include Rehabilitation Data, details of visit and functioning of Vigilance Committees, data obtained from the State labour departments, data relating to surveys, data on advancement of cash and non-cash benefits to

Bonded Labour, pending criminal cases and date of initiation and outcome and features of case management.

II. Identification

6. Survey teams may be constituted with the Central Assistance, as mentioned in Central Sector Scheme for Rehabilitation of Bonded Labourer-2016 (hereinafter be read as CSS-2016) and it should focus on bonded labour prone areas/districts.
7. Periodic surveys for identification of bonded labour should be done as mandated under the CSS-2016.
8. The focus of the State and District level functionaries, as regards the prevalence of bonded labour, should not only be limited to brick kilns alone but also in domains where bonded labour system has manifested itself in newer forms like in Construction Industry, Shopping Malls, Call Centres, Massage Parlour, etc. The newer forms of bonded labour need to be identified for providing relief to them as per the existing Act and Scheme.

III. Rescue

9. The District Magistrate/Sub-Divisional Magistrate should investigate as soon as possible within 24 hours upon receiving a complaint of bonded labour system. In case the process for rescue is not initiated as per the Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender-2017 (hereinafter be read as SOP-2017) the concerned public servant be held accountable.
10. The DM/ SDM should ensure that the Release Certificates be issued within 24 hours of the rescue and efforts should be made to issue Release Certificates in digital form also.
11. As mandated under SOP-2017, the rescue team shall be multi-disciplinary. A member of Civil Society Organizations or Social Workers be included for rescued labourer support including counselling and other roles.

IV. Repatriation & Rehabilitation

12. The District Magistrates shall ensure that adequate funds are always available in the District Corpus Fund so that immediate cash assistance upto Rs. 20, 000/- as prescribed in the CSS-2016 is provided immediately to the rescued person. Corpus Fund under the CSS - 2016 be created with immediate effect in the Districts where it has not been created.
13. There is an inordinate delay in release of the cash and non-cash component to the released bonded labourer as the release of the Rehabilitation Package has been linked with the conviction in which the rescued labourer has no control nor is associated in the trial. Efforts be made to delink dependency

of Rehabilitation Package to Bonded Labour under the schemes on conviction in criminal cases. Once bonded labour is freed, he should be compensated and rehabilitated.

14. As mandated in SOP-2017, the Summary Trial should be initiated within 24 hours of the identification or rescue, whichever is later and the designated Magistrate should conclude the Summary Trials within 3 months. In case the Summary Trial is not initiated and completed as per the SOP-2017, where the SOP is operational, the concerned public servant be held accountable.
15. The District Administration should bear the expenses of providing food and safe transportation facilities to the released labourers. The process must be in compliance with the travel norms and health care instructions issued by the government.
16. In context of Non-Cash Assistance, the District Magistrate to ensure that the benefits available under CSS -2016 such as allotment of house-site and agricultural land, land development, provision of low cost dwelling units, animal husbandry, dairy, poultry, piggery, etc., wage employment, enforcement of minimum wages etc., collection and processing of minor forest products, supply of essential commodities under Targeted Public Distribution System and education to children, should be given to the families of released bonded labourers.
17. There is a need to provide timely compensation from the earmarked funds to the affected bonded labourer belonging to SC/ST communities in accordance with the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the associated rules thereof. Benefits under the Act shall be independent of other benefits under the existing schemes and programmes for that particular group.

In all the above actions, the District Administration/ State Government should direct its officials to treat the bonded labourers with dignity and respect.

Recommendations for the Central and State Governments

- a. The Ministry of Labour and Employment, Government of India to ensure that the proposals for reimbursement of cash assistance be cleared immediately after receipt of the proposal by the State and also ensure that the format for submission for Utilization Certificates (UCs) and other reports be simplified and standardized.
- b. The Ministry of Labour and Employment, Government of India to sensitize the Police and District Authorities for ensuring invocation of requisite provisions of SC/ST (PoA) Act, 1989 wherever the victims belong to the

SC/ST communities and further steps thereon for relief be extended as mandated under the Prevention of Atrocities Act and Rules made thereunder.

- c. The Ministry of Labour and Employment, Government of India, to ensure that the process of registration at the e-Shram portal be simplified as per the requirements for enrolment for Aadhar or making of Electoral Photo Identity Card (EPIC) so as to enable timely registration of the informal workers specifically the rescued bonded labourers.
- d. The Ministry of Labour and Employment, Government of India may take steps to simplify the processes for creation of Corpus Funds and recoupment thereof and to ensure creation of funds at the State/District level.
- e. The State and District authorities to ensure that the Cash and Non- Cash benefits are extended to the released bonded labourers expeditiously.
- f. The State and District authorities should utilise the funds allocated for identification, rescue and rehabilitation of bonded labour.
