



ABSTRACT

New
Amendment-

Labour and Employment Department - Bonded Labour – State Action Plan for Release, Rescue and Rehabilitation of Bonded Labour and implementation of Bonded Labour System (Abolition) Act, 1976 – ~~Amendment~~ - Orders – Issued.

Labour and Employment (U1) Department

G.O. (Ms) No.17

Dated : 05.02.2018
ஹேவிளம்பி, தை 23,
திருவள்ளூர் ஆண்டு 2049.

Read :-

1. G.O.(Ms) No.163, Labour and Employment (U1) Department, dated 21.09.2017.
2. From the Commissioner of Labour, Chennai-600 006, Letter No.T2/ 7113/ 2017, dated 15.12.2017.

ORDER:

In the Government Order first read above, the Government have approved the State Action Plan for Release, Rescue and Rehabilitation of Bonded Labour and implementation of Bonded Labour System (Abolition) Act, 1976.

2. The Commissioner of Labour in his letter second read above has stated that certain paragraphs of the original copy of the State Action Plan have been omitted to be printed in the printed copy and he has requested the Government to issue amendment to the State Action Plan with the proposed corrections/modifications as suggested by him.

3. The Government after careful examination have decided to accept the request of the Commissioner of Labour and approve the amendment of State Action Plan for Bonded Labour annexed to this Government Order.

4. The Departments noted in address entry are requested to follow the State Action Plan for Bonded Labour with amendments immediately and extend the fullest co-operation to the Collectors and the Commissioner of Labour for the successful implementation of the State Action Plan.

(By Order of the Governor)

**Mangat Ram Sharma,
Principal Secretary to Government**

To
All Secretaries to Government, Chennai-600 009.
The Commissioner of Labour, Chennai-600 006.

.P.T.O.

The State Level Officer (Bonded Labour) /Additional Secretary to Government, Labour and Employment Department, Chennai-600 009.

The Director of Industrial Safety and Health, Chennai-600 032.

All Collectors.

The Director of Employment and Training, Chennai-600 032.

The Director General of Police, Chennai-600 004.

The Commissioner of Revenue Administration, Chennai-600 005.

The Director, Adi Dravidar Welfare, Chennai-600 005.

All Departments.

All Head of the Departments.

The Registrar of High Court of Madras, Chennai-600 104.

All Sections in Labour and Employment Department, Chennai-600 009.

Copy to

The Principal Secretary –III to Hon'ble Chief Minister, Chennai-600 009.

The Special Personal Assistant to Deputy Chief Minister, Chennai-600 009.

The Special Personal Assistant to Minister of Labour, Chennai-600 009.

The Private Secretary to Chief Secretary, Chennai-600 009.

The Private Secretary to Principal Secretary to Government,
Labour and Employment Department, Chennai-600 009.

The Finance (L&E) / (BG1) Department, Chennai-600 009.

Stock file / Spare copies.

//Forwarded by Order//

சி.வி.சு.
7/2/11
Section Officer.

ANNEXURE

G.O (Ms) No.163, Labour and Employment (U1) Department,
Dated 21.09.2017.

G.O (Ms) No.17, Labour and Employment (U1) Department,
Dated 05.02.2018.

Sl. No.	Existing details in the State Action Plan	Amendments
1.	Page no. 4 - Indian Penal Code- Section 370-Buying or disposing of any person as slave.	Shall be corrected as "Section 370- Trafficking of person"
2.	Page no 4 - Indian Penal Code- Section 370-A-Employing of trafficked person.	Shall be corrected as "Section 370- A- Exploitation of a trafficked person"
3.	Page no. 4 - Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act. 1989 Section 3(1) (vi): Compels a member of a Scheduled Caste or a Scheduled Tribe to do 'beggar' or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government.	Shall be corrected as "Section 3(1) (h):" instead of Section 3(1)(vi):
4.	Page no. 18- Para 7.1.4- Prosecution and Trial The Revenue Divisional Officer concerned shall initiate the police investigation to start the criminal prosecution case as soon as the bonded labour inquiry is completed. The police officer in charge of the police station files an FIR under section 154 of Criminal Procedure Code and sets the motion for prosecution. The judicial Magistrate shall conduct the trial under Section 21 of the Bonded Labour System (Abolition) Act, 1976.	7.1.4- Prosecution and Trial Section 21 of the Bonded Labour System (Abolition) Act, 1976 empowers the State Government to confer the powers of judicialMagistrate of the first class or of the second class on an Executive Magistrate, for the trial of offences under this Act and such Executive Magistrate shall deemed to be a judicial Magistrate of the first class, or of the second class, as the case may be for the purpose of the Code of Criminal Procedure, 1973 (2 of 1974). In this regard, the Government have issued orders in G.O.MS.No.1188,Social Welfare Department, dated 17.7.1987 conferring powers upon all Revenue Divisional Officers in the State, the powers of the judicial Magistrate of first class and on all Tahsildars in independent charge of taluks in the State, the powers of a judicial Magistrate of the second class, for the trail of offences under the Bonded Labour (Abolition) Act, 1976. The above said Government order was quashed by the Hon'ble High Court of Madras in W.P.No.7650/ 2013, dated 3.6.2014 with a direction to the Jurisdictional Revenue Divisional Officers to transfer the criminal cases, along with the relevant records, instituted under the said Act to the file of the respective Chief Judicial Magistrate and they in-turn, are directed to transfer the cases to the respective jurisdictional Magistrate and on such transfer, the respective Jurisdictional Magistrates shall make every endeavor and dispose of the cases as expeditiously as possible.

5. In the printed copy of the State Action Plan, Para 5.6 has been omitted to be printed and para 5.7 has been partially omitted and printed from the word "displacement allowance".

Accordingly Government in GO (D) No. 44, Adi Dravidar and Tribal Welfare (ADW-6) Department, dated 23.02.2015 have issued orders duly complying with the above direction of the High Court of Madras.

The Revenue Divisional Officer concerned shall adhere to the above instructions and file the prosecutions before the respective Jurisdictional Magistrate and ensure that the prosecutions are ended in conviction.

5.6 Rehabilitation

Comprehensive rehabilitation schemes are crucial to successfully re-integrate freed labourers from bondage back into society. A complete rehabilitation programme to be drawn to include long term and short term needs of the individual. It is pertinent that psychological rehabilitation also to be provided along with social and economic rehabilitation.

A Comprehensive convergence plan to priorities welfare schemes for released bonded labourer.

Distribution of house sites (under Revenue and Disaster Management and Adi Dravidar and Tribal Welfare Departments).

Construction of houses under IAY(Rural Development and Panchayat Raj Department).

Distribution of waste land (Revenue and Disaster Management) State Development Programme (Adi Dravidar and Tribal Welfare and Labour and Employment Departments).

Self Employment Schemes through Bank loans.

Provision of any necessary medical facilities (Health and Family Welfare Department).

Provision of assistance under various schemes of the Welfare Boards like Marriage grants/Old Age Pension/ Maternity grants/ Scholarship etc.,

5.7 Special Procedure for Interstate

Migrant Labourers

The interstate migrant labourer could be a bonded labourer. During the inquiry process, if the District Magistrate or Sub-Divisional Magistrate notices a violation of the Interstate Migrant Workmen Act, 1979, the District Magistrate or Sub-Divisional Magistrate shall ensure that wages, displacement allowance, Journey allowances and other entitlements which are due under various legislations are paid before departing them. This should be done irrespective of the findings of the District Magistrate or Sub-Divisional Magistrate or the dismissal of the bonded labour case.

6. 14. Implementation of the action Plan

14.1 At District level

The National Child Labour Project Societies are functioning in 15 Districts namely Chennai, Coimbatore, Dharmapuri, Dindigul, Erode, Kanchipuram, Krishnagiri, Namakkal, Salem, Trichy, Thoothukudi, Thirunelveli, Thiruvannamalai, Vellore and Virudhunagar. District Societies will be formed comprising of concerned departmental officers under the Chairmanship of the District Collector in non- National Child Labour Project Districts. These societies will be responsible for implementing the action plan for eradication of bonded labour system at the district level including elimination of child labour system.

14.2 At State level

The State Child Labour Rehabilitation cum Welfare Society which is functioning under the Chairmanship of the Commissioner of Labour will lead the State Action Plan for eradication of bonded labour system.

The Additional Commissioner of Labour in the Office of the Commissioner of Labour will act as nodal person to monitor the activities relating to eradication of bonded labour system in Tamil Nadu.

14. Implementation of the action Plan

14.1 At District level

The District Collector will be responsible for implementing the action plan for eradication of bonded labour system at the district level including elimination of child labour.

14.2 At State level

The Commissioner of Labour will lead the State Action Plan for abolition of bonded labour system.

The Additional Commissioner of Labour in the Office of the Commissioner of Labour will act as nodal person to monitor the activities relating to eradication of bonded labour system in Tamil Nadu.

**Mangat Ram Sharma,
Principal Secretary to Government.**

