

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

India - 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult?
[10.1]

Yes

92. To which employers organizations was the report sent?
[12] Please provide the list

1.
All India Organisation of Employers (AIOE)
2.
SCOPE, Council of Indian Employers
3.
Employers Federation of India (EFI)
4.
All India Manufacturers' Organisation (AIMO)
5.
All India Association of Industries (AIAI),
6.
Federation of Association of Small Industries of India (FASII)
7.
Indian Council of Small Industries (ICSI)
8.
Laghu Udyog Bharati (LUB)

	9. The Associated Chambers of Commerce & Industry of India (ASSOCHAM) 10. Confederation of Indian Industry (CII) 11. Federation of Indian Chamber of Commerce & Industry (FICCI) 12. The President
93. To which workers organizations was the report sent? [13] Please provide the list	1. Bharatiya Mazdoor Sangh, Central Office, Dattopant Thengadi Bhawan 2. All India Trade Union Congress 3. Hind Mazdoor Sabha 4. Centre of Indian Trade Unions 5. All India United Trade Union Centre (AIUTUC) 6. Trade Union Coordination Centre (TUCC) 7. Self Employed Women's Association (SEWA) 8. All India Central Council of Trade Union (AICCTU) 9. Labour Progressive Federation (LPF) 10. United Trade Union Congress, 11. National Front of Indian Trade Unions (Dhanbad)
94. Please describe the consultation process(es). [10.2]	Comments were requested from the aforesaid workers/employers organisations.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
83.1. Please specify	Multi stakeholders consultations are always held with Trade unions, Employers, State Governments and experts of labour sector while formulation and implementation of policies and legislation affecting labour, including elimination of bonded labour. The composition of vigilance committees shows active participation of various stakeholders for action towards elimination of bonded labour in the country.
84. Please provide details and provide any relevant URL(s) [6.2]	NA
95. Did employers organizations comment on the report? [11a]	Not received as yet.
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	NA

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
83.1. Please specify	Multi stakeholders consultations are always held with Trade unions, Employers, State Governments and experts of labour sector while formulation and implementation of policies and legislation affecting labour, including elimination of bonded labour. For instance, as per section 13 of the Bonded Labour System (Abolition) Act, 1976, it is required that the State Government constitute vigilance committees in every district of the country to take action against bonded labour. The composition of vigilance committees shows active participation of various stakeholders for action towards elimination of bonded labour in the country.
84. Please provide details and provide any relevant URL(s) [6.2]	NA
96. Did workers organizations comment on the report? [11b]	Not received as yet.

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	NA
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	
Ratification	
Ratification intention	
61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	NA
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	NA
Existence of a policy and or plan of action for the suppression of forced or compulsory labour	
63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]	The Government of India has adopted a multi- pronged strategy for abolition of bonded labourers system, which includes effective and stringent legislation as well as implementation. A mix of legislative and on ground measures in the form of rehabilitation schemes are being implemented throughout the country leading to rescue and rehabilitation of thousands of bonded labourers. In order to assist the State Governments in the task of rehabilitation of identified and released bonded labourers, a Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour has been in operation since May, 1978. Further, the approval of the Competent Authority has been recently obtained for implementation of Central Sector Scheme for Rehabilitation of Bonded Labourer-2021 by the State Governments/UT Administrations through their District Magistrates/Collectors/Sub-Divisional Magistrates. For the purpose of eradication of Bonded Labour System more proficiently, an evaluation of the performance of the Scheme has been undertaken by the Ministry of Labour and Employment. On the basis of evaluation of the Scheme and consultations with Stakeholders, a draft scheme was prepared by the Ministry of Labour & Employment and circulated to all State/UT Governments, NHRC, and various concerned Ministries of Government.

	Based on the suggestions and inputs received from all quarters including Niti Aayog and other concerned Social Partners, the competent authority has approved the revamped Scheme for the financial year 2021-22 to 2025-26. The detailed features of the schemes and its provisions for rehabilitation are given in question no 64 below.
65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]	In India, multi stakeholders consultations are always held with Trade unions, Employers, State Governments and experts of labour sector while formulation and implementation of policies and legislation affecting labour, including elimination of bonded labour.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]	The components of the action plan has been elucidated in questions 56, 63 and 64 above.
67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]	NA
68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]	The components of the action plan has been elucidated in questions 56, 63 and 64 above.
69. Please describe these measures. [1.5]	The components of the action plan has been elucidated in questions 56, 63 and 64 above.
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	The requisite data is available at the following link- https://sansad.in/ls/questions/questions-and-answers https://sansad.in/getFile/loksabhaquestions/annex/1711/AU5290.pdf?source=pqals
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	Yes, data is being regularly assessed.
Measures taken or envisaged for systematic and coordinated action	
64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	The features, objectives, responsibilities and authorities that are implementing the revised Central Sector Scheme (as indicated in q 63 above) for tackling bonded labour in India are given below:

i. The State Governments shall not be required to pay any matching contribution for the purpose of cash rehabilitation assistance.

ii. The rehabilitation assistance shall be Rs. One lakh per adult male beneficiary. Beneficiary shall have the option to either deposit it in an annuity scheme or receive cash grant.

iii. For special category beneficiaries such as children including orphans or those rescued from organized and forced begging rings or other forms of forced child labour, and women, the amount of rehabilitation assistance shall be Rs. Two lakhs.

iv. In cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc. or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit, the rehabilitation assistance shall be Rs. Three lakhs.

v. In cases where, on the conclusion of the summary trial, the District Magistrate(DM)/Sub-Divisional Magistrate (SDM) concludes that the alleged bonded labourer is, in fact, not in a condition of bondage, but requires socioeconomic assistance, the DM/SDM, may provide state assistance under any other scheme administered by them.

vi. In cases where, the DM/SDM find that immediate assistance is necessary for care and protection of the rescued persons during the pendency of the summary trial, such assistance including fooding, lodging, medical assistance. legal aid, provisions for victim's or witness' protection, etc., shall be provided under any other law or scheme forthwith, notwithstanding the entitlements prescribed under this scheme.

vii. A Bonded Labour Rehabilitation Fund shall be created at the District level by each State with a permanent corpus of at least Rs. Ten lakhs at the disposal of the District Magistrate which would be renewable. This fund will be utilised for extending immediate financial assistance to the released bonded labourers. The entire penalties recovered from the perpetrators of the bonded labour upon conviction, may be deposited in the corpus.

viii. Immediate financial assistance upto Rs. 30,000/- (Rs. Thirty Thousand) shall 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.30,000/- (Rs. Thirty Thousand) he/she may disburse such higher amount as deemed fit, but limited to the maximum entitlement prescribed under this scheme. Any such advance amount shall be deducted from the Central rehabilitation assistance amount.

	ix. State Governments/UTs shall be required to concentrate their efforts on the following activities: a. The District Administration in a convergence approach shall undertake measures for providing safe and secure environment for the capacity building of child bonded labourers in coordination with all relevant Government departments. x. The benefits prescribed hereinbefore shall be, in addition to, other cash or noncash benefits which a beneficiary under this scheme is entitled to. by or under any other scheme or law applicable for the time being in force. The Ministry of Labour & Employment provided benefits amounting to Rs. 2.6 million (approx.) in April 2023 to December 2023.
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Measures taken or envisaged to prevent forms of forced labour

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Refer question 63 and 64 above.
75. If so, please indicate the type of measures, [2.2]	Refer question 63 and 64 above.

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]	Refer to question 63 and 64 above.
77. If so, please indicate the type of measures [3.2]	Refer to question 63 and 64 above.

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Refer to question 63 and 64 above.
79. If so, please indicate the type of measures, [4.2]	Refer to question 63 and 64 above.
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Article 23 of the Indian Constitution amended in 2014 includes the following provisions: Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. This article is also available to foreigners and not just citizens.

	Further, the 1976 Bonded Labour (Abolition) Act defines ‘bonded labour system’ as the system of forced labour under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by succession. On the commencement of this Act, the bonded labour system stands abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour. In addition, some important definitions are given below- “Bonded Debt” means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system. “Bonded Labour” means any labour or service rendered under the bonded labour system. This means that “Bonded labourer” means a labourer who incurs, or has, or is presumed to have, incurred a bonded debt.
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Non-prosecution of victims for unlawful acts that they would have been forced to carry out

79.g. Please provide a description of measures taken or envisaged:	Delete?
79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Delete?

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]	Yes
81.1. Please specify	India, being one of the founding members of the ILO has made provisions to eliminate bonded labour in both letter and spirit. India has accordingly cooperated with the ILO and ratified ILO’s fundamental conventions on the subject. India will continue to collaborate with international organization(s) like the ILO to continue to complete elimination of bonded labour.

82. Please briefly describe the modalities of this cooperation. [5.2]	NA
Promotional activities	
90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	NA
Special initiatives or Progress	
85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]	The details are available at the following link – https://sansad.in/getFile/loksabhaquestions/annex/1714/AU1247.pdf?source=pqals https://sansad.in/getFile/loksabhaquestions/annex/1714/AU105.pdf?source=pqals
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	
According to the social partners	
Employers' organizations	
86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	Addressing these obstacles requires a multifaceted approach that includes stronger legislation, law enforcement, victim support, and addressing the root causes of forced labor, such as poverty, informality and economic vulnerability.
86.a. Briefly describe the obstacle and the relevant forced labour practice.	Bonded labor, where individuals work to repay debts, is a complex challenge. Identifying and releasing individuals from such situations is challenging, and providing them with effective rehabilitation and support remains an obstacle.
86.b. Briefly describe the obstacle and the relevant forced labour practice.	Further, identifying victims of forced labor can be complex, as many are not aware of their rights or may be hidden within specific communities or regions. Improved methods for victim identification are necessary.
86.c. Briefly describe the obstacle and the relevant forced labour practice.	Mentioned above.
Workers' organizations	

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	Addressing these obstacles requires a multifaceted approach that includes stronger legislation, law enforcement, victim support, and addressing the root causes of forced labor, such as poverty, informality and economic vulnerability.
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86.c. Briefly describe the obstacle and the relevant forced labour practice.	Mentioned above.

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	Addressing these obstacles requires a multifaceted approach that includes stronger legislation, law enforcement, victim support, and addressing the root causes of forced labor, such as poverty, informality and economic vulnerability.
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86.b. Briefly describe the obstacle and the relevant forced labour practice.	Further, identifying victims of forced labor can be complex, as many are not aware of their rights or may be hidden within specific communities or regions. Improved methods for victim identification are necessary.
86.c. Briefly describe the obstacle and the relevant forced labour practice.	Mentioned above.

TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]	N/A
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	

89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.

N/A