

**REPORT Dated the 8<sup>th</sup> November 2000 ON THE COMPLAINT MADE**  
**BY Smt. P. THENMOZHI TO THE**  
**NATIONAL HUMAN RIGHTS COMMISSION, NEW DELHI.**

**CASE NO. 3729/96-97/NHRC**

My interim report in this case dated 30<sup>th</sup> August 2000 may be seen, enclosed to this final report. As mentioned therein, in continuation of my visit to Salem on the 27<sup>th</sup> August 2000, I had requested Shri P.W.C. Davidar, I.A.S., Special Officer for Bonded Labour Abolition, Government of Tamil Nadu to secure the files related to this case from the District Collectors of Salem and Erode. He accordingly had written to these two Collectors. The Collector, Salem has forwarded the file of the office of the Revenue Divisional Officer (Sub Divisional Magistrate), Salem stating that the file of his own office could not be traced and that the same would be sent “as soon as it is traced”. The Collector, Erode has reported that a case has now been registered against the owners of Saravana Tex, S/Shri Nallusamy and Duraisamy in Crime No. 424/2000 at the Perundurai Police Station of Erode District on 15-10-2000 under Sections 294 B, 313, 315, 323, 342, 347, 365 and 374 of the IPC. The copies of the letters of the Collectors, Salem and Erode and the entire file of the office of the Revenue Divisional Officer, Salem are enclosed to this Report.

Having discussed further the facts related to this case with Shri P.W.C. Davidar on the 16<sup>th</sup> October 2000 at Chennai where I had gone in connection with the People’s Watch case and having secured the file of the Office of the Revenue Divisional Officer, Salem I proceeded to Erode on the 29<sup>th</sup> October 2000 and examined Smt. Thenmozhi, the complainant, Smt. Madheswari, her aunt, Shri Duraisamy, proprietor Saravana Tex, Karandipalayam, Erode District and his brother Shri Nallusamy, joint owner of Saravana Tex, Karandipalayam, Erode District. Their statements were recorded by me in the office of the Collector and District Magistrate, Erode between 11.00 A.M. and 5.45 P.M. on the 29<sup>th</sup> October, 2000. Copies of the statements made by these persons before me are enclosed to this Report. The statement recorded from the brothers Nallusamy and Duraisamy is a joint statement as both of them adopted the statement made by Shri. Duraisamy, who was examined first. Each of the four persons was examined separately. Since the two ladies examined always referred to the

two brothers not by their names but as the elder brother and younger brother, there was an occasional confusion but that made no material difference to the Inquiry itself. The one link I would have liked to have added to this Inquiry is the records of the Government Headquarters Hospital, Salem pertaining to Smt. Thenmozhi's admission there but that again does not make a material difference to the outcome of this Inquiry. I am not even certain that at this distance of time those records would actually be available. I have, nevertheless, requested Shri. P.W.C. Davidar IAS, Special Officer, Bonded Labour Abolition, Government of Tamil Nadu to secure these records. In any case, that would be a necessary job of the Police when they gather all relevant material in the successful prosecution of the cases now registered by the Erode police.

In securing the presence of all these four persons as well as the file of the office of the Revenue Divisional Officer, Salem and the cooperation of the Collector, Erode and his officers in the conduct of my Inquiry at Erode, I have received commendable help and assistance from Shri P.W.C. Davidar IAS, Special Officer, Bonded Labour Abolition, Government of Tamil Nadu. Shri Davidar was also kind enough to come down personally to Erode from Chennai to assist me in this Inquiry. He was present with me at Erode throughout this Inquiry. The Collector of Erode Shri Karuthiah Pandian, I.A.S. called on me at Coimbatore on the evening of the 28<sup>th</sup> October 2000 to inform me that he had initiated action against the masters of the bonded labourers i.e., the power loom owners S/Shri Nallusamy and Doraisamy as mentioned at para 1. He sought permission to leave that evening for Chennai on some important work and placed at my disposal the services of the District Revenue Officer, Erode Shri Manicka Vasagam, I.A.S. The latter was present at Erode throughout the period I conducted the Inquiry at Erode and rendered me all required assistance.

Based on the statements recorded by me and the records secured by me, I have the following observations to make:

The main actors in this case are Smt. Madheswari, Smt. Thenmozhi, their husbands respectively S/Shri. Paramasivam and Palanichami and their employers S/Shri. Duraisami and Nallusami, brothers and joint owners of the power loom Saravana Tex at Karandipalyam in Erode district, Tamil Nadu. The main points emerging from their statements are:

## 1. Madheswari

Unemployment made her migrate in search of employment from Salem to Karandipalayam in Erode District. It is customary for power loom owners to give advance to workers taking advantage of the inability of the migrant workers even to buy their essential needs and the migrants' need for money to shift their establishment. This combination makes the employer the arbiter of the migrant's destiny as the migrant cannot question the wages paid and the arbitrary deductions made from the wages on non-existing grounds of performance in terms of quality and quantity. With advance taken, the migrant worker loses freedom to move out of the employer's factory to seek employment elsewhere and thus the bondage is complete. Any freedom is illusory for it can come only for a temporary period from one enslaving employer to another for it is only by taking another "advance" from the latter can the bonded labourer of the former secure release by paying him back the advance taken from him with an added interest amount calculated at 240%. Often, to find another employer who would give an advance with which this temporary release can be bought, the bonded labourer has to migrate to some other place, with the permission of the employer, in search of bonded employment. Thus, the bonded labourer is constantly on the move and migrating. If there is any delay in the finding of a new employer as it happened in the case of Madheswari and her husband, the original employer lets loose his muscle men, "captures" the bonded labourer wherever she may have gone, brings her back by force with her husband and children and confines the husband and physically tortures him as a punishment for not having returned his advance and having wanted to change his employer and even more specially as a warning against contemplating future freedom of movement. The specious justification for all these unlawful activities is the false and arbitrary accounting built up by the employer the details of which are not ever explained to the bonded labourer. Thus, an advance of Rs. 5000 taken from Palanivel by Madheswari becomes Rs. 7000 within a year, the interest calculated at a mind-boggling 240 percent. So she changes her master but the new masters Duraisamy and Nallusamy provide her this amount in two separate parts- one, an interest free "advance" of Rs.5000 and another an interest bearing "loan" of Rs.2000 at 240% per annum. The bonded labour woman gets paid during this period lower wages than promised when she joined the employ of her masters at Rs. 1.15 per meter of woven cloth against the Rs. 1.35 per meter

promised. The under payment of wages per day for her on account of this is Rs.6 while it is Rs.12 per day for a male worker. We should remember here that the under payment of daily wages itself is the consequence of the bonded labourer having accepted the advance. There is a clear link between the two. To cap it all, there are other kinds of alleged harassment as well. Because of this she decides to abandon her livelihood and embarks upon a second migration with her husband. When she and her husband reveal their intention to quit his employment, the master retaliates by declaring that they now owe him Rs.20, 000 against the Rs.7, 000 taken from him earlier and that they could leave his loom only after repaying that amount of Rs. 20,000. Otherwise, they should find another employer who would pay this amount of Rs. 20,000 to him in exchange of their bondage to him. While they went in search of another employer they would have to leave Thenmozhi and Madheswari's daughters as hostages to him, pending their return with the money. To do all this, ironically, Madheswari had to go back to the very same tormentor-employer for a paltry Rs. 200 for bus charges and other expenses to reach her new destination in search of employment! This princely amount of Rs. 200 she gets, again, in return for her signature on a blank paper which her tormentor-employer would use at a future date to blackmail her against leaving his employment again and forcing her and her entire family back to bonded labour in his establishment. This is further accompanied by brutal violence against her husband. So she lands up back in bondage to the same oppressor from whose financial clutches she had tried to escape!

That is the story of Madheswari.

## **2. Thenmozhi**

The story of Thenmozhi, a young girl in her teens is even worse. She gets married while only 17 and migrates to Karandipalayam in Erode District from Salem with her husband because her aunt Madheswari, who had earlier migrated from Salem to Karandipalayam would get her and her husband work in the same power loom where she was a bonded labour. She needs an advance because she is a migrant and has to move herself, her husband and such personal possessions that she has to Karandipalayam from Salem. The powerloom owner, just as in the case of Madheswari, for his own benefit of having a captive labourer, readily offers the advance, the responsibility for its repayment resting with the families of both Madheswari and Thenmozhi. The advance being Rs. 5000, a large amount by the standards of a poor

migrant labourer, tempts her to buy a silver bracelet for the daughter of her aunt (who had helped her secure employment). Thus both the families of Madheswari and Thenmozhi get entangled in bondage to Duraisamy and Nallusamy, the proprietors of the power loom. It emerges from Thenmozhi's statement that all her fellow workers had taken advances and many of them had taken advances larger than the amount taken by herself, often running up to Rs. 15,000. While the master himself had not mentioned to her anything about the interest payable on the advance given to her, she comes to know that it is 240 percent from her fellow workers. This usurious rate of interest is what deters her from accepting a larger advance from her employer, though the latter, for obvious reasons, is quite willing to offer her a larger advance. From the wages paid to her every week, deductions were being made towards the repayment of her advance at the rate of Rs.100 per week but no accounts were being given to her showing what balances were outstanding against her name. Thus, she and her husband are kept completely in the dark about their liabilities till one day, six months after she had joined the power loom, one of the two brothers who are the masters and proprietors of the loom calls her husband Palanichami and tells him that a huge amount of Rs. 22000 was outstanding against his name as against a mere Rs. 5000 taken by him as advance six months earlier. When Thenmozhi's husband Palanichami dares to question the correctness of this figure, one of the two masters turns violent and assaults Palanichami. In particular, the master makes it clear to Palanichami that he does not relish any discussion or argument in regard to the amounts determined by him as the repayment due from the worker. Palanichami is, thereafter, taken to the owner's garden nearby and confined in a small house and kept detained there for ten days and beaten up. This leads to the young pregnant woman's aunt going in search of Palnichami back to Salem as his (the confined man's) whereabouts are not even disclosed by the masters. The protectionless young pregnant woman worker is herself forced to continue to work under threats of violence by her masters and such is the force used against her that an abortion results. Now, Thenmozhi has alleged in her statement before me that she was held down and force-fed an unripe papaya fruit by her master Nallusamy and his wife. It is a widely held belief in Tamil Nadu among the common people that papaya induces abortion. Thenmozhi had earlier complained of extreme exhaustion to her masters because she was pregnant and therefore unable to work. Yet she was forced by them to come to the loom and made to work and under the pretext of restoring strength to her, she was forcibly made to eat raw papaya. While there is no medical support to the widely held belief in Tamil Nadu amongst the common people that raw papaya induces abortion, there is little doubt in my mind that the violence and force used against Thenmozhi by her masters and the wife of

one of them and the resulting acute distress could have cause her abortion. I have no reason whatsoever to disbelieve the statement of Thenmozhi that she was subjected to violence, that she had a miscarriage and that she was admitted in the Government Headquarters hospital, Salem where a D&C was done on her. This is corroborated by the statement made to me by her aunt Madheswari also. It is also significant that after she started having a heavy discharge of blood on the morning after she was violently treated, Nallusamy insisted that she resume work at once and through his wife's help administered to her a pill. We do not know what the pill was but it did not help young Thenmozhi. The entire traumatic episode made the girl flee the place to the safety of her father's home back in Salem after pledging the bracelet of one of the children of Madheswari to secure the money required for her travel expenses. That night she had a heavy discharge of blood and was admitted the next morning into the Government Headquarters hospital where she had to stay for the next fifteen days. The lady doctor who attended on her determined that Thenmozhi had had an abortion and performed a D&C on her as she felt that otherwise her life could be in danger. Thenmozhi had to be given blood as well, her husband donating the same to her. Despite all this, her master Duraisamy comes to Salem and tries to take away Madheswari and her husband Paramasivam back to forced work in Karandipalayam. He leaves Salem after extracting a promise from Thenmozhi's father that the advance of Rs. 5, 000 would be repaid within three months. However, he returns to Salem within a month and demands that all the four- Thenmozhi, her husband Palanichami, Madheswari and her husband Paramasivam- return to work at Karandipalayam.

It is at this stage when every possible atrocity had been suffered by these women and men that they complain to the District Collector, Salem. The Collector, reasonably enough, gets an enquiry conducted by the Revenue Divisional Officer, Salem. The Revenue Divisional Officer, Salem as seen from the file of his office conducted an enquiry in his office, took the statements of Thenmozhi, Nallusamy and Duraisamy and communicated the following conclusions in his report dated 14.06.1997 to the Collector, Salem :

- a) That Nallusamy and Duraisamy had given advances to Madheswari and Madheswari's husband Paramasivam.

- b) That though Nallusamy and Duraisamy had many legal avenues through which they could have recovered those advances, they had tried to recover the advances by harassing Paramasivam, Madheswari, Thenmozhi and Thenmozhi's husband.
- c) That since, however, Thenmozhi, her husband and her relations had managed to free themselves from Nallusamy and Duraisamy about a year earlier, the question of releasing them now did not arise and
- d) That the police authorities of Erode district might be requested to take appropriate action against Nallusamy and Duraisamy for harassing Thenmozhi and the members of her family.

However, on the basis of the papers made available by the District Collector, Salem it does not appear that any action has been taken by the District Collector, Salem to take up the matter with the authorities of Erode for the prosecution of Nallusamy and Duraisamy. The most distressing and in fact an eloquent testimony of inaction on the part of the Collector, Salem is seen in the letter of the Collector, Salem addressed to the Special Officer for Bonded Labour Rehabilitation on 21-10-2000 after I took up this Inquiry. In this letter the Collector, Salem states that "the Collectorate file (on the subject) could not be traced out in spite of best efforts taken." He, however, promised to send a copy of his file "as soon as the Collectorate file is traced out".

**(3) & (4) . Duraisamy and Nallusamy:**

These two owners of the power loom Saravana Tex, Karanddipalayam, Erode District admitted before me that they knew Madheswari and Thenmozhi, when these ladies appeared before me along with them in the Collector's office, Erode on the 29<sup>th</sup> October 2000. That they had given advances to Madheswari and her husband Paramasivam is admitted by these two men. From their statement it comes out clearly that they were giving similar advances to practically every other worker in order to keep all such workers firmly bound to their own power loom. This practice of giving advance by them continues even today, according to their own statement. They also affirm that the practice of giving advances in their area in the power loom sector is a universal one. In addition, there is also the practice of giving the

workers “loans” required by them, as distinct from the “advances” given to them. They claim in their statement that they do not charge an interest on account of either, though they themselves borrow their capital from the Tamil Nadu Industrial Investment Corporation (TIIC) and private finance companies at rates ranging from 18% to 36%. **They stated that they collect back the entire advance and loan amount from their workers in about 2 to 3 years, with 90% of the workers being able to repay only by taking an advance from other future employers.** This arrangement by which the workers repaid their employers by taking advances from their future employers is known to all employers of the area. The employers discussed these matters among themselves and they had no objection to this arrangement. In short, these employers had established and institutionalized a practice of bonded labour based on advances to the needy workers- a bondage that never ended for 90% of them since 90% of them had to exchange the bondage of the current employer to a bondage to the future employer. This is permanent, institutionalized slavery. This is admitted in so many words by owners Duraisamy and Nallusamy in the context of Madheswari and Paramasivam because the owners had bought off the services of these two persons from one Palanivel, an uncle of the owners, whose original advance could not be repaid by Madheswari and Paramasivam. The permanence of their slavery was to continue as they could not repay the advance taken from Doraisamy and Nallusamy and therefore had to plan to migrate to another place in search of a future employer who would make an advance to them to pay off their current employer in return for which they would serve him in bondage. This exchange of bondage was to be done with the knowledge and approval of the current masters in whose words “unless the advance taken is repaid, the question of any worker being allowed to seek employment else where does not arise”. Consistent with that position, the bonded labour master goes all the way to Manali, the place of migration of his bonded labour to collect back the advance given by him. Unable to pay back his Rs.18, 000 the bonded labourers return to him to work for him “of their own accord”! The effort is repeated once again to recover the advance at Salem, the native place of the fleeing bonded labourers. **All these facts and the circumstances go to show that this is a classic case of bonded labour.** I regret to record that I am unable to believe any part of the statement made before me by the masters of the bonded labourers S/Shri Duraisamy and Nallusamy denying the ill treatment and violence inflicted on Thenmozhi and her relatives by them. They also repeatedly denied that they charged any interest at all on the advances given to Madheswari and Paramasivam or to the other workers. I am unable to believe that S/Sri. Duraisamy and Nallusamy, having advanced by their own admission substantial amounts to their workers, were not deducting any amount

from the workers' wages towards repayment of the advances taken by them. I do not believe that the wages earned by these women amounted to Rs. 100 per day. Nor am I able to believe that they were giving loans, as distinct from the advance, to their workers without stipulating a rate of interest. Even the most charitable philanthropist will not and cannot do this, considering that these power loom owners themselves were borrowing their capital at 18% from the Tamil Nadu Industrial Investment Corporation and at 24% to 36% from private Finance Companies. **This single claim that they were not deducting anything from their wages against the advances they had given to their workers or were not adding interest to the loans taken and outstanding shows that S/Shri Duraisamy and Nallusamy are just simply lying.** They perhaps did not reveal initially that they would charge an interest on the advance given by them. That is a well known ruse adopted by the masters to trap the bonded labourers in the first instance to be made up later by short payment of wages and cooking up false accounts of outstanding amounts and then making permanent the bondage by the sheer impossibility of the repayment of the combination of the burgeoning outstanding advance and the accumulating loans with usurious interests.

**The truth clearly is that S/Shri. Nallusamy and Duraisamy are masters employing bonded labourers. The Thenmozhi case – case No.3729/ 96-97/NHRC - is clearly a bonded labour case in terms of the provisions of the Bonded Labour System (Abolition) Act, 1976.**

From the statements made by Madheswari and Tehnmozhi, which I believe to be true and which I have no reasons to disbelieve, it is clear that the masters Duraisamy and Nallusamy let loose terror and violence against these two hapless bonded labour women, especially Thenmozhi and also their bonded labour husbands. **This is thus a clear case of two employers of bonded labourers not only practising bonded labour but also letting loose violence and terror against those bonded to keep them in permanent bondage.** This violence has also resulted in Thenmozhi suffering an abortion. While I have requested the Special Officer for Bonded Labour Shri PWC Davidar to obtain and check the records of the Government Headquarters Hospital, Salem I do not think that for the purpose of this enquiry the availability of those records are decisive in believing the version of Thenmozhi. **It is also clear that Duraisamy's attitude towards Madheswari was the immediate cause for Madheswari and her husband to leave the employment of Duraisamy and Nallusamy and to migrate yet again in search of employment elsewhere, even though such employment**

elsewhere also would mean bondage, for only by bonding herself to a new advance giving employer would Madheswari be able to buy her freedom from the current sexual oppressor. That there could only be an exchange of bondage from one employer to another and not permanent freedom for a worker and that this was indeed the universal practice in the area as confirmed before me by Duraisamy and Nallusamy themselves in their statement made before me, shows that the cruelest form of bonded labour has been practised in this case. It also shows that this cruel form of bonded labour prevails in the Erode and Salem District areas of Tamil Nadu.

It is against these facts that we have to examine the action taken by the Superintendents of Police, Salem and Erode to whom the matter was referred in the years 1996 and 1999 respectively.

We can see from the D.O. Lr. of the Superintendent of Police, Salem dated 24-7-1996 to the Joint Secretary in the Home Department, Government of Tamil Nadu that a detailed Inquiry was indeed got done into this case and even statements were recorded. A large number of facts relevant to the case, though not the most crucial ones, were indeed collected. However, the Superintendent of Police failed to understand that this was a clear case of bonded labour and treated all the deplorable incidents of the repeated flights of the bonded labour victims from the clutches of their masters as a case of non-performance of a contract arising from moneys received by workers from their masters. His entire letter makes the whole thing look like one of a few cheats having taken money from honest employers, ran away with out repaying it to their innocent and trusting masters. His conclusion, therefore, is that whatever Nallusamy and Duraisamy were doing to get them “either to return their advance or to come and work (again) in their factories” was perfectly legitimate. This ignorance of law on the part of the Head of the Salem District Police, to say the least, is tragic especially considering that his lower staff had gathered quite a few facts of the case well.

This ignorance of law should worry all of us about what is going on around us, most particularly in the Government of Tamil Nadu and in all those institutions that train All India Service officers - from the National Academy of Administration in Mussoorie to the National Police Academy at Hyderabad, not to mention the training institutions at the State level.

Not only is the ignorance of law worrisome. What is even more worrisome is the dismissive attitude of the head of the District Police towards the father of the petitioner Thenmozhi in this case. The father of a young woman bonded labourer brutally treated makes a petition for justice but the Superintendent of Police of the District calls it an “instigation.... to avoid repayment of the advance money received from the power loom owners”. This conclusion that this is an instigation made by a trouble maker- and not the outraged parent of a young woman abused and ill treated - is obviously prompted by Thenmozhi’s father Muthusami being a member of the Communist Party of India (CPI). The reference to the membership of the victim’s father in the CPI in this context in the report of the Superintendent is totally unwarranted and highly objectionable and reveals a warped mind set. This obsession with the Communists as being some sort of trouble makers still seems to be a part of the psyche of some of the officers of the police, regardless of the merits of the case they might represent. Not a great tribute to the sense of objectivity of the Superintendent of Police, Salem in this case.

This is a case of a combination of ignorance of law, unawareness of field realities and prejudiced attitudes.

The Superintendent of Police, Erode goes one step further. Replying to the pointed queries of the National Human Rights Commission of India (NHRC), he states categorically that “no bonded labour exists in the power looms of Periyar (Erode) District and hence no action was taken to stop the menace.” He is equally categorical that “petitioner Mrs. Thenmozhi and her relatives were not held in confinement by their employer.” For the later conclusion, he depends on the enquiry report of a sub inspector. Surely, when the NHRC itself seeks confirmation on the victims’ confinement as had been indicated by an earlier report of the police themselves, the Superintendent of Police should have checked the information at his own level rather than casually rely on a report of a sub inspector. Little surprise then that he failed to register a case against the employers. It is a great failure of duty on the part of the head of the Erode District Police. Probably, like the Superintendent of Police, Salem he is also ignorant of the law relating to bonded labour and the reality of field conditions for otherwise he would not have hastened so readily to certify the non-existence of bonded labour in his district.

To crown it all, the Director General of Police, Tamil Nadu had done no more than to forward the report of the Superintendent of Police, Salem to the NHRC in 1996.

If we add all these actions - or should we say inactions? - of the Police Department of Tamil Nadu to the conclusions of the Inquiry conducted by the Revenue Divisional Officer (RDO), Salem in 1997 the emerging picture of irresponsibility is total. The R.D.O. Salem gets hold of the facts, finds that the employers had indeed indulged in the practice of giving “advances” to the petitioner and her relatives but he, either because of his ignorance of the law on bonded labour or deliberately, thinks that these “advances” should have indeed been recovered through “legal avenues”. That an Executive Sub Divisional Magistrate should state this is an atrocity by itself. That he did not deem it necessary to recommend action under the Bonded Labour System Abolition Act, 1976 through the Executive Magistracy but passed the buck by recommending that the matter be referred to the Erode Police for action against the employers for “harassment” of Thenmozhi and her family, shows that his ignorance of law was matched only by his insensitivity to the suffering of the victims.

Our outrage does not stop there. The Collector and District Magistrate of Salem tells us that he is unable to trace out his own file on the subject! Surely, the victims in this case are all from the District of Salem. The Collector and District Magistrate, Salem carried the prime responsibility in this case to get to the bottom of the truth and bring all the perpetrators of the outrageous acts committed against hapless women and men bonded labourers by pursuing action with his colleague the Collector of Erode. There is no evidence, however, that he did this.

The only silver lining in this otherwise massive dark cloud is the registration of the crime now by the Collector, Erode on 15-10-2000 after we in the NHRC took up the Inquiry in to this matter. Shri PWC Davidar IAS, Special Officer, Bonded Labour, Government of Tamil Nadu, Chennai and Shri. Karuthiah Pandian IAS, Collector, Erode deserve appreciation for their action in this regard.

### **Conclusion.**

**The Thenmozhi case is a clear case of bonded labour and all the officers concerned as discussed above showed a frightening amount of ignorance of law, indifference to the**

**reality of field conditions and insensitivity,- a negative combination that ensured a dismal failure to deliver justice to the victims, especially young Smt. Thenmozhi.**

**Recommendations.**

**I recommend the following based on the facts and the conclusion in this case:**

- (1) That this Report be sent to the Chief Secretary to the Government of Tamil Nadu for his information and with a request that this be placed before the Honourable Chief Minister of Tamil Nadu so that necessary political awareness of the position obtaining in regard to bonded labour in the State is generated at the highest level.
- (2) That the Chief Secretary send this Report to the Director General of Police, Tamil Nadu for appropriate action against the police officers concerned and for future guidance of his Department.
- (3) That the Chief Secretary investigate in detail the action taken by the Collectors of Salem from 1996 till now in this case and take appropriate action against them.
- (4) That the Government of Tamil Nadu make arrangements for the conduct of a Two-day Consultation to reorient the senior officers of the Government of Tamil Nadu in regard to the abolition of the bonded labour system in Tamil Nadu, in consultation with the Special Rapporteur, NHRC, Hyderabad as done in Karnataka recently.
- (5) That Smt. Thenmozhi be paid a compensation of Rs.2 lakhs by the Government of Tamil Nadu, the reason for making the Government responsible being that its officers displayed ignorance of law, ignorance of field realities and insensitivity in dealing with her case and failed to render her justice.
- (6) That the owners S/Shri. Nallusami and Duraisami be prosecuted under all relevant laws including the Bonded Labour System (Abolition) Act, 1976 and
- (7) That the Chief Secretary be requested to report to the Honourable Chairperson, NHRC the action taken on the points (1) to (6) within a month from the date of receipt of this Report.

**K.R.VENUGOPAL.**

**Note: 1. In this case the Government of Tamil Nadu provided a compensation of Rs.1 lakh to Tmt. Thenmozhi and she has been properly rehabilitated.**

2. The Revenue Divisional Officer, Erode convicted the two employers under Section 16 of the Bonded Labour System (Abolition) Act, 1976 to I year imprisonment and a fine of Rs. 2, 000.

3. The R.D.O.'s order was stayed by the District and Sessions Court, Erode which subsequently acquitted the two employers.

4. The Government of Tamil Nadu went in appeal and the Honourable High Court of Madras upheld the orders of the District Sessions Court, Erode.

10<sup>th</sup> April 2004

Dear Thiru Selvam,

Sub: BONDED LABOUR – NATIONAL HUMAN RIGHTS COMMISSION – Complaint from Smt. Thenmozhi, Bonded Labourer, Salem District – details of the action taken by the Collectors of Salem/Erode Districts from 1996 till now–further action– Reg.

- Ref: 1. Case No. 22/212/96- LD (FC) National Human Rights Commission (LAW DIVISION – IV) – Letter dated 4/12/2003 of Shri G. Pradhan, Assistant Registrar (Law).  
2. DO Letter No.1461/ADW.8/2004 dated 12.02.2004 from Shri P Selvam IAS, Secretary, Adi Dravidar Welfare Department, Government of Tamil Nadu.  
3. Ref No. 22/212/96- LD (FC) of the National Human Rights Commission (LAW DEVISION – IV) – dated 1<sup>st</sup> April 2004.

I am forwarding herewith a copy of the letter 3<sup>rd</sup> cited for favour of information. In particular I draw your kind attention to the appreciation that the NHRC has desired me to convey to the Tamil Nadu Government in regard to the State Government's decision in this case.

I am fully aware that this is a case in which you had taken keen, personal interest to ensure that appropriate justice was done to Tmt. Tenmozhi in continuation of my discussions with you. The Chief Secretary had also taken great interest in responding to the observations of the Honourable Commission in the reference 1<sup>st</sup> cited and in helping you render justice and bringing relief to this victim of bonded violence. All this is of a piece with the earnest manner in which the Government of Tamil Nadu has approached the work relating to the abolition of Bonded Labour practices in the State. May I add my own sense of appreciation to that communicated by the Honourable National Human Rights Commission, New Delhi to your good self?

Yours sincerely,

K R VENUGOPAL

Thiru P Selvam IAS  
Secretary, Adi Dravidar Welfare Department  
Government of Tamil Nadu  
Fort St.George  
Chennai-9.

**Copy to Thiru Ashok Dongre IAS, Commissioner, Adi Dravidar Welfare, Government of  
Tamil Nadu, Ezhilagam, Chennai 600 005**

17<sup>th</sup> October 2002

Dear Shri Sen,

Kindly find enclosed a copy of the Order G.O.Ms. No.79 dated 17<sup>th</sup> September 2002 of the Adi Dravidar and Tribal Welfare (ADDW-8) Department of Tamil Nadu constituting a new High Level Monitoring Committed headed by the Chief Secretary to the Government of Tamil Nadu and District Level Committees to expedite action in releasing and rehabilitating bonded labourers in the state of Tamil Nadu.

This order has come based on the representation I have been making to the various Chief Secretaries for constitution of such Committees in the Southern States.

It may kindly be seen that I would be a special invitee to this Committee.

I shall be grateful if this order could be placed before the Honourable Chairperson for his kind information and also of the Commission.

Yours sincerely,

K R VENUGOPAL

**Shri P C Sen IAS**

Secretary General  
National Human Rights Commission  
Sardar Patel Bhawan  
Sansad Marg  
New Delhi 110 001.

*Copy to Ms. S Jalaja, IAS, Joint Secretary, National Human Rights Commission, Sardar Patel Bhawan, Sansad Marg, New Delhi 110 001*

GOVERNMENT OF TAMIL NADU

ABSTRACT

Bonded Labourers – Release and Rehabilitation – constitution of High Level Monitoring Committee headed by Chief Secretary and District Level Committee – Orders issued.

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Adi Dravidar and Tribal Welfare (ADW-8) Department

G.O.(MS) No.79

Dated.17.9.2002.

Read:

G.O.MS.No.122, Adi Dravidar and Tribal Welfare Department,  
Dated.20.6.1997.

ORDER:

For the eradication of bonded labourers system at national level, Bonded Labour System (Abolition) Act has been enacted in the year 1976. This Act is being implemented in this State since its inception in 1976. To relieve persons who were held in bondage both in Tamil Nadu and in other States are to provide rehabilitation measures action were taken by this Government.

2. The expenditure for implementation of this scheme is borne both by the Central and State Government on 50:50 ratio basis. Each bonded labourer who have been released from the clutches of Bonded Labour System is provided with Rs.1000/- in cash as immediate relief measures and afterwards they will be provided Rs.19,000 by way of supply milch animals, quarry stone cutting machines etc. (Total Rs.1000+19,000) powers have been delegated to District Collectors for implementing rehabilitation measures in a effective manner.

3. During 1997 the work of conducting survey of number of Bonded Labourers in this State was entrusted to Non-Governmental Organisations. As per their report, the Bonded Labourers in this State is 25,005. Among them now 13,107 have been released.

4. For the speedy action in releasing and rehabilitating bonded labourers this portfolio is coming under the control of Minister (ADW). To speed up this work a senior I.A.S. officer has also been appointed as Special officer for rehabilitation of bonded labourers.

5. To ensure the effective implementation of Bonded Labour system (Abolition) Act in the Districts, Sub-collectors/Revenue Divisional Officers are fixed with personal responsibility. However to speed up the progress of this scheme a new District Level Committee headed by District Collectors with District Revenue Officers, as Member Secretary and Revenue Divisional Officers/Block Development Officers as members is constituted. The Committee has been instructed to convene a meeting every month to review the progress of Bonded Labour Abolition act and send a report to Government. However to monitor and issue of suitable instructions at State Level, this Government cancelled the orders issued in G.O.(MS) No.122, Adi Dravidar Welfare and Tribal Welfare Department dated.20.6.97 and constitute a new High Level Monitoring Committee headed by Chief Secretary with the following members:-

- |     |   |     |                  |
|-----|---|-----|------------------|
| 1.  | Chief Secretary   | ... | Chairman         |
| 2.  | Secretary, Adi Dravidar and Tribal Welfare Department.              | ... | Member           |
| 3.  | Secretary, Public Department  | ... | Member           |
| 4.  | Secretary, Revenue Department                                       | ... | Member           |
| 5.  | Secretary, Labour & Employment Department                           | ... | Member           |
| 6.  | Secretary, Rural Development Department                             | ... | Member           |
| 7.  | Secretary, Social Welfare & Noon-Meal Programme Department          | ... | Member           |
| 8.  | Secretary, School Education Department,                             | ... | Member           |
| 9.  | Secretary, Health & Family Welfare Department                       | ... | Member           |
| 10. | Secretary, Planning & Development Department                        | ... | Member           |
| 11. | Commissioner, Adi Dravidar Welfare                                  | ... | Member Secretary |
| 12. | Director, Tribal Welfare  | ... | Member           |
| 13. | Special Officer (Bonded Labour Abolition)                           | ... | Member           |
| 14. | Collectors (2 District Collectors on rotation basis)                | ... | Member           |
| 15. | K.R. Venugopal Special Rapporteur, National Human Rights Commission | ... | Special invitee  |

The above committee will meet once in three months and discuss and decide about the various rehabilitation measures implemented in various departments for the released bonded labourers especially Housing facilities (Group housing scheme, Rural Development Department) issue of pattas (Revenue/Adi Dravidar and Tribal Welfare Department, milch animals/plough

bull). Further this Committee will review on the progress of the following issues:-

- 1) Release of persons from bondage
- 2) To constitute Committees of released bonded labourers.
- 3) To provide rehabilitation assistance to the released persons and to provide Jobs for coming regular income.
- 4) To provide education to the children of released persons.
- 5) To provide ways and means for creation of small savings among the released to meet out expenditures incurred in their families for marriage, ceremonies and medical expenses.
- 6) To provide necessary medical facilities.
- 7) To impart necessary awareness through propogandas for release from Bondage.
- 8) To provide legal assistance and services in legal matters to those released.
- 9) To initiate legal action against those kept them under bondage.
- 10) To review progress on the implementation of rehabilitation measures.
- 11) To take concrete steps to prevent released to go back to bondage.
- 12) Hearing the complaints and grievances received from Public and to review the progress of action taken on all levels.
- 13) To re-examine the dropped cases and release them and to provide rehabilitation assistance to them.

5. The member-Secretary is directed to make necessary arrangements to convene the above meeting once in three months and to prepare the Agenda for the meeting.

(BY ORDER OF THE GOVERNOR)

P. SELVAM,  
SECRETARY TO GOVERNMENT.

To  
The Private Secretary to Chief Secretary to Government, Chenna-9.  
The Secretary, Public Department, Chennai-9.

The Secretary, Revenue Department, Chennai-9.  
The Secretary, Labour & Employment Department, Chennai-9.  
The Secretary, Rural Development Department, Chennai-9.  
The Secretary, Social Welfare & Noo-Meal Programme Department, Chennai-9.  
The Secretary, School Education Department. Chennai-9.  
The Secretary, Health & Family Welfare Department, Chennai-9.  
The Secretary, Planning & Development Department, Chennai-9.  
The Commissioner, Adi Dravidar Welfare, Chennai-5.  
The Director, Tribal Welfare, Chennai-5.  
The Special Officer, (Bonded Labour Abollition), Chennai-85.  
All Collectors,  
✓ K.R. Venugopal, Special Rapporteur, National Human Rights Commission .

/Forwarded by Order/

*S. Chandrasekhar*  
Section Officer *S. Chandrasekhar*  
MS