



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

छठी मंजिल, बी विंग, लोकनायक भवन
खान मार्किट, नई दिल्ली - 110003
6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi - 110003

Dated
4th August, 2017

File No. AKD/2/2017/SGWB/DEOTH/RU-III

To

Chief Secretaries,
All States/UTs

Subject: To stop exploitation of Scheduled Tribes persons working as domestic worker/servant/driver/gardener/ attendants etc.-voluntary disclosure for engagements.

Sir,

The National Commission for Scheduled Tribes (NCST) has been constituted under Article 338A of the Constitution of India with effect from 19th February, 2004 which, inter-alia, enjoins upon the Commission to oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution or under any other law for time being in force or under any other order of the Government and to evaluate the working of such safeguards.

2. Migration of the Scheduled Tribes persons seeking jobs for financial and social mobility is unavoidable. However, some protective mechanism needs to be placed by the originating and host State, so as to reduce the instances of exploitation of these Scheduled Tribes women and children at the hands of the private placement agencies and at the premises of those who employ them. It may not be out of line, if some registration mechanism for these Scheduled Tribes moving from their native place (scheduled /backward areas) to towns, in dire need of employment, can be evolved in your State along with registration of these private placement agencies which would be of great benefit to the Scheduled Tribes of your State.

3. Number of unscrupulous private placement agencies are bringing these women and children from far flung remote tribal/backward areas, specially from States of Chhattisgarh, Odisha, Jharkhand and West Bengal etc. and placing them with some residence/family as domestic help in towns across the nation without any

formal contract and thus these women and children end up being exploited physically, mentally and financially by private placement agencies and employers. It has been also observed that often placement agencies do not pay and do not ensure payment to the persons as was promised to the parents/relatives of the tribal people they employ. No statement of accounts are kept. Details of whereabouts of persons including minors are not being provided. There are instances of them being even harassed and sexually assaulted. Working as domestic worker/gardener/helper etc. amounts to slavery for tribal persons if the conditions are not fair and healthy and this can be deemed abhorrent under the Indian Constitution.

4. NCST requests all States/UTs for formulation of Rules/Regulation to prevent the exploitation of Scheduled Tribes, those working as domestic servant/driver/guard/helper/gardener etc., a copy of the D.O letter No. BBA/2015/RU-I dated 27.5.2015 of the then Hon'ble Chairperson of NCST addressed to All Chief Ministers/Administrator is enclosed.

5. The issue of exploitation of Scheduled Tribes domestic workers was discussed in 97th meeting of NCST held on 5.7.2017 under the Chairmanship of Hon'ble Chairperson, NCST. In the meeting it was decided that States/UTs may be advised to make it mandatory for households employing STs person as domestic helps to register their details with their local police station or labour office to prevent trafficking of Scheduled Tribes and their exploitation. Nobody should employ the Scheduled Tribes boy & girl who is under age of 18 and those who employ people belonging to Scheduled Tribes should make a full disclosure to the local Police Station or Labour Office about the emoluments and facilities being paid the them, so that it will be clear that there is no intention of exploitation. A voluntary disclosure for employer/agencies engaging Scheduled Tribes person as domestic servant/worker/driver/gardener etc. is annexed for your guidance.

7. It is requested to give a focused attention to this matter and you may please advise the Police Department and Labour Department to follow the above instructions for suitable registration at the Police Station and Labour Department. It is also suggested that the State/UT may please take initiative to amend the Act / regulation or formulate local law to control and regulate the menace of exploitation of the Scheduled Tribes by private placement agencies/employer or otherwise. Action taken in this regard may please be sent to the Commission at the earliest.

Your faithfully,

Enclose: As above


(S.K Ratho)
04.08.17

Joint Secretary to the Government of India
Ph. No. 24603669

डॉ. रामेश्वर उराँव

अध्यक्ष

(भूतपूर्व सांसद-लोकसभा)

(पूर्व जनजातीय कार्य राज्यमन्त्री)

Dr. RAMESHWAR ORAON

Chairperson

(Ex Member Parliament-LS)

(Former Minister of State for Tribal Affairs)



सत्यमेव जयते

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राष्ट्रीय अनुसूचित जनजाति आयोग

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Government of India

National Commission for Scheduled Tribes

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D.O.No.BBA/2015/RU-I

Date : 27/05/2015

Recently, many cases relating to women, children trafficking and their exploitation as maid servants, house servants have come to the notice of this Commission, as the issue of exploitation of women and children working as domestic help, maids and servants has been brought into cognizance by many non-governmental organizations.

2. During the examination of these cases, it has been identified by the Commission that a number of unscrupulous Private Placement Agencies are bringing these women, children from the far flung remote tribal areas, specially Chhattisgarh, Orissa, Jharkhand etc. and placing them with some residence/family as domestic help in Metros across the nation without any formal contract and thus these women and children are being exploited by these Private Placement Agencies and final employers, physically, mentally and financially.

3. I would like to bring to your kind notice in this regard that the Hon'ble Court in WP (Crl.) 82/2009 titled "Bachpan Bachao Aandoian v/s Union of India and others" directed the Govt. of Delhi, inter-alia, for the regulation of Private Placement Agencies providing domestic workers and for preventing the exploitation of such domestic workers. The Govt. of Delhi, NCR recently, have issued an Executive Order No. Addl. LC/Misc (2)/12/Lab/Part file/1938 dated 25/09/2014 to comply with the directives of Hon'ble Court. However, this Commission has insisted the Govt. of Delhi, NCR to make an Act to regulate the matter.

4. Meanwhile, it has come to the notice of the Commission that the Govt. of Chhattisgarh has already passed an Act to tackle this trafficking problem and the menace of Private Placement Agencies, (Copy of the Act enclosed).

5. Migration of the tribals seeking jobs for financial and social mobility is unavoidable. However, some protective mechanism needs to be placed in the originating State so as to reduce the instances of exploitation of these tribals women and children in the hands of the Private Placement Agencies and by the residence who employ them. It may not be out of line if some registration mechanism for these tribals moving from their scheduled areas to Metropolis, in dire need of employment, can be evolved in your State alongwith registration of these Private Placement Agencies which would be of great benefit to the tribals of your State.

6. I, therefore, request you to give a focused attention on the matter and take initiative to make an Act to control and regulate the menace of exploitation of the tribals by these Private Placement Agencies.

Encl: As above.

2906-35
28/5/15

ISSUED

Yours Sincerely,

Rameshwar Oraon
(Dr. Rameshwar Oraon)

To,

The All Chief Minister/Administrator of Tribal States,
Government of

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ANNEXURE

VOLUNTARY DISCLOSURE FOR ENGAGING SCHEDULED TRIBE PERSON AS DOMESTIC SERVANT/WORKER/DRIVER/GARDENER/ATTENDANT ETC.

(A copy of this declaration should be retained by the employer with dated acknowledgement of either local Police Station or Labour Department)

This is to declare that the following person (s) belonging to Scheduled Tribe category have been engaged by the undersigned on monthly/daily/contract basis (full time) as domestic servant/worker/driver/gardener/attendant as per following details;

Sl. No.	Name and Age	Father & Mother's name with complete postal/permanent address	Category of occupation and date from which engaged.	Remuneration paid per month/per day	Remarks (other facilities provided like accommodation, food/clothes and amount for visiting native place)
1					
2					
3					

This declaration is made to local police at..... P.S., District or Labour Department i.e.,.....of Government of.....on this day i.e.,.....

(Signature with Date)

Employer's Name.....

Mobile No.....

Address: