COMBATING THE BONDED LABOUR SYSTEM

A HANDBOOK FOR THE DISTRICT ADMINISTRATION AND POLICE OFFICERS IN TAMIL NADU
Bonded labour is the most widespread, and yet, the least known form of slavery in the world. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay. The value of their work becomes invariably greater than the original sum of money borrowed. Often the debts are passed onto the next generations.

Trafficking for forced labour constitutes a major form of human trafficking. Abject poverty and neglect forces millions of people to migrate into the cities every year. These people being vulnerable are prone to exploitation. They end up as bonded labourers in factories and brick kilns across the country, often having to survive on one square meal a day and in horrible, inhumane working conditions. While poverty and migration are certainly areas of concern, what we desperately need to address is the trafficking itself and the impunity with which traffickers operate.

Over the years there have emerged newer forms of trafficking for labour. This growing incidence of human trafficking and forced labour compelled the Supreme Court of India to observe in October 2012, “Bonded labour, it may be noticed, is rampant in brick kilns, stone quarries, crush mines, beedi manufacturing, carpet weaving, construction industries, agriculture, in rural and urban unorganised and informal sector, power looms and cotton handlooms, fish processing, etc.”

This handbook, prepared in collaboration with International Justice Mission, a non-governmental organisation, is a comprehensive and updated document available as a ready reckoner to empower government officials and police officers as they intervene in cases of bonded labour and trafficking for labour.

Thiru. P. Annamalai, I.A.S
Principal Secretary to Government
Adi Dravidar and Tribal Welfare Department
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADTWD</td>
<td>Adi Dravidar and Tribal Welfare Department</td>
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<tr>
<td>AHTU</td>
<td>Anti-Human Trafficking Unit</td>
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<tr>
<td>BC</td>
<td>Backward Class</td>
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<td>BLSA</td>
<td>Bonded Labour System (Abolition) Act, 1976</td>
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<td>CBCID</td>
<td>Crime Branch - Criminal Investigation Department</td>
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<td>CSS</td>
<td>Central Sector Scheme</td>
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<td>DA</td>
<td>District Administration</td>
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<td>DADTWO</td>
<td>District Adi Dravidar and Tribal Welfare Officer</td>
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<td>DM</td>
<td>District Magistrate</td>
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<td>FC</td>
<td>Forward Class</td>
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<td>FIR</td>
<td>First Information Report</td>
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<td>CrPC</td>
<td>Code of Criminal Procedure</td>
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<td>IPC</td>
<td>Indian Penal Code</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>MHA</td>
<td>Ministry of Home Affairs</td>
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<td>MoLE</td>
<td>Ministry of Labour and Employment</td>
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<td>NCLP</td>
<td>National Child Labour Project</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NHRC</td>
<td>National Human Rights Commission</td>
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<td>OBC</td>
<td>Other Backward Class</td>
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<td>OC</td>
<td>Other Class</td>
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<tr>
<td>RDO</td>
<td>Revenue Divisional Officer</td>
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<tr>
<td>SC</td>
<td>Scheduled Caste</td>
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<td>SC/ST</td>
<td>Scheduled Castes or Scheduled Tribes</td>
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<tr>
<td>SC&amp;ST Act</td>
<td>Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989</td>
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<td>SDM</td>
<td>Sub-Divisional Magistrate</td>
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<td>SHG</td>
<td>Self Help Group</td>
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<td>SOP</td>
<td>Standard Operating Procedures</td>
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<td>ST</td>
<td>Scheduled Tribe</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>VAO</td>
<td>Village Administrative Officer</td>
</tr>
</tbody>
</table>
# Table of Contents

##Bonded Labour
1. Definition of Bonded Labour
2. Five Types of Obligations
3. The Four Forfeiture Elements
4. Forced Labour and Bonded Labour
5. Human Trafficking
   i. Definition of Human Trafficking
   ii. Bonded Labour and Human Trafficking
   iii. Anti-Human Trafficking Units

##The Laws Against Bonded Labour
1. The Bonded Labour System (Abolition) Act, 1976
2. The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989
3. The Indian Penal Code, 1860
4. Other Relevant Laws

##Rescue
1. Information Received
2. Initial Inquiry at the Worksite
3. Detailed Inquiry at a Safe Location
4. Post Inquiry Procedures

##Prosecution
1. Information of the Commission of a Cognizable Offence
2. First Information Report
3. Police Investigation
4. Arrest and Bail
5. Filing of Charge Sheet
6. Trial

##Rehabilitation
1. An Introduction to Rehabilitation
2. A Comprehensive Approach to Rehabilitation
3. Physical and Economic Rehabilitation

##Vigilance Committees
1. Functions of Vigilance Committees

##Appendices
1. Uniform Procedures Instruction Letter
2. Vigilance Committee Guidelines
3. G.O (D) No.44 /23.02.2015 /Adi Dravidar and Tribal Welfare Department/ Cancelling the powers of the Judicial Magistrate to conduct criminal trials which was conferred upon the SDM/RDO/SC under Section 21 of the BLSA
4. Central Sector Scheme, 2016
5. MoLE letter dated 23rd June 2017
[BONDED LABOURERS] ARE NON-BEINGS, EXILES OF CIVILIZATION, LIVING A LIFE WORSE THAN THAT OF ANIMALS, FOR THE ANIMALS ARE AT LEAST FREE TO ROAM ABOUT AS THEY LIKE…

JUSTICE P. N. BHAGWATI
SUPREME COURT JUDGE

1. Definition of Bonded Labour

Bonded labour is the system of forced or partly forced labour under which a debtor enters or is presumed to have entered into an agreement with the creditor.  

2. Five Types of Obligations

Bonded labour is an oppressive form of forced labour where, due to a debt or other obligation (customary, caste based, economic consideration), the labourer forfeits certain basic rights and freedom that are guaranteed by the Indian Constitution. Physical violence, verbal insults, brute force and sexual abuse are often common elements in bonded labour, making it a serious human rights crime.

Siddharth Kara, visiting scientist on forced labour at the Harvard School of Public Health estimates that there are about 1.17-1.27 crores of bonded labourers in India. Abysmally low wages, exorbitant interest rates and falsified account keeping ensure that the illiterate labourer is trapped for years, sometimes generations.

HOW DOES IT START?

Bonded labour, also known as debt bondage, occurs when people give themselves into slavery as security against a loan or when they inherit a debt from a relative. The Bonded Labour System (Abolition) Act, 1976 (BLSA) denotes five obligations and four forfeitures, which consequentially define the labour as illegal and marks the individual as a bonded labourer.

UNDER THE BLSA, A BONDED DEBT OR OBLIGATION:

- Does NOT have to be a written document or formal contract
- Can be created without the consent of the labourer or it could be asked for by the labourer himself.

2. FIVE TYPES OF OBLIGATIONS

- ADVANCE
  - A loan provided before hand, which a labourer (debtor) is forced to repay through labour/wage deductions
  - Most common obligation
  - May be paid in cash/kind
  - Can be taken by the victim himself or any lineal ascendants or descendants.
  - Eg: A labourer's daughter is sick and he requires money to pay for her medical expenses. The owner of a rice mill gives money to the labourer and in turn forces the labourer to work in his rice mill to repay the loan.

- CUSTOMARY OR SOCIAL OBLIGATION
  - A labourer is forced to work because of an established tradition or economic social structure.
  - Eg: Under the Pannaiyar System, many families continue to be customary slaves to landowning families.

- SUCCESSION
  - A requirement of labour that is passed on from one family member to another family member.
  - Eg: A labourer takes an advance from an owner and his children also work for the owner to pay off that advance.

- OTHER ECONOMIC CONSIDERATION
  - A debt that arises out of a financial consideration that is not monetary.
  - Eg: A creditor gives a boat and fishing nets to a labourer to catch fish and the labourer is forced to work to repay the creditor for these goods.
Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.4

Almost all slavery practices, including trafficking in people and bonded labour, contain some element of forced labour.

FORCED LABOUR FACTS5

Almost 21 million people are victims of forced labour – 11.4 million women and girls and 9.5 million men and boys.

Forced labour in the private economy generates US$ 150 billion in illegal profits per year.

Migrant workers and indigenous people are particularly vulnerable to forced labour.

3. THE FOUR FORFEITURE ELEMENTS

CASTE OR COMMUNITY

- An obligation due to birth in any particular caste or community.
- Eg: Historically, certain people groups have had low social status within the caste hierarchy. The social order required such people to labour for their livelihood. In the customary ‘bartan’ system, barbers and washermen are forced to provide services to upper caste families in exchange for small amounts of provision, such as 15 kg of rice per year.

RIGHT TO SELL GOODS AND SERVICES AT MARKET VALUE

- A labourer forfeits the right to sell his/her products/services at market value.
- Eg: Bonded silk weavers are not only required to sell their goods only to their employers but are also restricted from selling their goods at a competitive market value.

NOTE

Only ONE of the four rights/freedom needs to be forfeited for a labourer to be considered bonded. However, in most cases, multiple rights/freedom are forfeited simultaneously.

The Supreme Court held that for labour to be forced, physical force or torture was not required. Any factor that takes away a person’s freedom and compels him/her to adopt a mandatory course of action can be considered force.3

RIGHT TO MOVE FREELY THROUGHOUT INDIA

- A labourer forfeits his right to freely move/travel throughout India.
- Eg: The employer restricts the labourer’s freedom to move/travel. Even if he lets the labourer go home, he ensures that the labourer leaves behind one of his family members as collateral security.

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4. FORCED LABOUR AND BONDED LABOUR

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- Migrant workers and indigenous people are particularly vulnerable to forced labour.

5. HUMAN TRAFFICKING

I. DEFINITION OF HUMAN TRAFFICKING:

Human Trafficking is the illegal trading of human beings, typically for the purposes of forced labour or commercial sexual exploitation.

Most times, people are exploited for sex, labour or organs. Human Trafficking is a serious offence and can be tried under Section 370 of the Indian Penal Code (IPC).

Section 370 defines Trafficking as:

_Whoever, for the purpose of exploitation,_

(a) recruits,

(b) transports,

(c) harbours,

(d) transfers or

(e) receives, a person or persons, by

i. First — using threats, or

ii. Secondly — using force, or any other form of coercion, or

iii. Thirdly — by abduction, or

iv. Fourthly — by practising fraud, or deception, or

v. Fifthly — by abuse of power, or

vi. Sixthly — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.
ii. BONDED LABOUR AND HUMAN TRAFFICKING

The MHA has listed bonded labour as one of the various forms of human trafficking in India.6

In most cases where people have been trafficked for labour, the conditions are very similar to bonded labour. The traffickers, directly or through henchmen, approach the labourers and recruit them for a petty amount. The victims are then transported to the worksite either by the trafficker or through a middleman. Most times, bonded labour offenders can be tried both under the BLSA as well as under Section 370. The MHA in its advisory on preventing and combating human trafficking in India described trafficking in human beings as “a crime committed in order to target, lead or drive a human being into an exploitative situation with the aim to make profits. Such exploitation may take many forms, for example commercial sexual exploitation, child labour, forced labour, bonded labour or illegal organ removal etc.”7

The Constitution does not define exploitation, but Article 23 and Article 24 of the Indian Constitution deal with the right against exploitation. While Article 23 criminalises forced labour and human trafficking, Article 24 prohibits the employment of children in factories. Additionally, Article 21 declares that no citizen can be denied his life and liberty except by law.

iii. ANTI-HUMAN TRAFFICKING UNITS

Anti-Human Trafficking Units (AHTUs) are a part of the MHA’s comprehensive scheme to strengthen the law enforcement’s response to human trafficking. AHTUs are special police units aimed at preventing the trafficking of human beings by raising the awareness of law enforcement officers, (i.e., police and prosecutors) on the problem of human trafficking and building their capacity to investigate and prosecute offenders perpetrating this crime.

AHTUs include officials from many relevant departments including the Police, the District Administration, Department of Labour and Employment, Department of Women and Child Development, Department of Rural Development and Panchayat Raj. Together, these can provide an integrated approach to rescue, release, and rehabilitate the victims and also apprehend and arrest the accused. After the pilot project, the MHA has steadily established these units across the country.

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6 MHA Memorandum: Advisory on Preventing and Combating Human Trafficking in India dated 1/5/2012 | Ministry of Home Affairs Advisory on Preventing and Combating Human Trafficking in India (9 September 2009)
THE LAWS AGAINST BONDED LABOUR
The objective of the Bonded Labour System (Abolition) Act is to provide for the abolition of the bonded labour system with a view to prevent the economic and physical exploitation of the weaker sections of the people.\(^8\)

1. **THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976**

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<table>
<thead>
<tr>
<th>SECTION</th>
<th>OFFENCE</th>
<th>PUNISHMENT</th>
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</table>
| **Section 9** | Accepting payment against any bonded debt  
Eg: The employer deducts an amount from a labourer's wages against a bonded debt. | Three years imprisonment and fine |
| **Section 16** | Enforcement of bonded labour  
Eg: The employer coerces a labourer to work in exchange for an advance he gave the labourer. | Three years imprisonment and Rs.2000/- fine |
| **Section 17** | Advancement of bonded debt  
Eg: An employer gives a cash advance to a person and then forces him to work in exchange for that advance. | Three years imprisonment and Rs.2000/- fine |

2. **THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989**

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for special courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences.\(^9\) This Act was further amended in the year 2015 to include new offences and to ensure speedy justice to victims.

Members of the Scheduled Castes and the Scheduled Tribes are also entitled to all other protections under Indian law that protect against slavery and bonded labour.
The Central Government has amended provisions in the Indian Penal Code (IPC) that not only prohibit the crimes of human trafficking, slavery and forced labour, but also prescribe significant punishments for such crimes.

**IMPORTANT ASPECTS OF SC & ST OFFENCES**
- The victim must be a member of a Scheduled Caste or Scheduled Tribe.
- The perpetrator must NOT be a member of a Scheduled Caste or Scheduled Tribe.
- The victim or his dependent shall have the right to reasonable, accurate and timely notice of any court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
- Investigation of the offences is required to be completed by the Deputy Superintendent of Police.
- Police are required to complete the investigation within two months from the date of receipt of complaint.
- The trial must be conducted by a special court/exclusive special court within two months from the date of filing of the charge sheet.

**PUNISHMENT FOR SC & ST OFFENCES RELATED TO BONDED LABOUR**

<table>
<thead>
<tr>
<th>SECTION</th>
<th>OFFENCE</th>
<th>PUNISHMENT</th>
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<tbody>
<tr>
<td>Section 3 (1)(h)</td>
<td>Making a member of a Scheduled Caste or Scheduled Tribe to do 'begar' or other forms of forced or bonded labour</td>
<td>Six months to five years imprisonment with fine</td>
</tr>
<tr>
<td>Section 3 (1)(z)</td>
<td>Forcing or causing a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence</td>
<td>Six months to five years imprisonment with fine</td>
</tr>
</tbody>
</table>

**3. THE INDIAN PENAL CODE, 1860**

The Central Government has amended provisions in the Indian Penal Code (IPC) that not only prohibit the crimes of human trafficking, slavery and forced labour, but also prescribe significant punishments for such crimes.
<table>
<thead>
<tr>
<th>Section 370 (6)</th>
<th>More than one conviction for trafficking of minor</th>
<th>Imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life and also be liable to fine.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 370 (7)</td>
<td>Involvement of a public servant/police officer in trafficking</td>
<td>Imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life and also be liable to fine.</td>
</tr>
<tr>
<td>Section 370-A</td>
<td>Exploitation of a trafficked person</td>
<td>Rigorous imprisonment for not less than five years but which may extend to seven years and also be liable to fine.</td>
</tr>
<tr>
<td>Section 371</td>
<td>Habitual Dealing in Slaves - Habitually importing, exporting, removing, buying, selling, trafficking, or dealing in slaves</td>
<td>Imprisonment for life and/or fine.</td>
</tr>
</tbody>
</table>

All trafficking offences are cognizable and non-bailable.

4. OTHER RELEVANT LAWS:

THE MINIMUM WAGES ACT, 1948

The Minimum Wages Act, 1948 was enacted to prevent the exploitation of workers in the scheduled employment by fixing minimum rates of wages in certain employments.

**MINIMUM WAGE**

A minimum wage is the lowest remuneration that employers may legally pay to workers.

**EMPLOYER’S OBLIGATION**

- The employer shall pay every employee not less than the minimum wage
- Deductions shall be made in wages authorised by the law.

The employer will be liable for penal consequences like sentence or fine or both for failure to pay minimum wages prescribed by the appropriate government.

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted to regulate the condition of service of inter-state labourers.

The Act applies to:

- Every establishment in which 5 or more inter-state migrant workmen are employed
- Every contractor who employs 5 or more inter-state migrant workers.

**WHO IS AN INTER-STATE MIGRANT WORKMAN?**

Any person who is recruited by or through a contractor in one state under an agreement for employment in an establishment in another state.
EMPLOYER’S OBLIGATION

- Registration of establishment
- Recruitment license from the source state
- Employment license from the state of employment.

SECTION OFFENCE PUNISHMENT

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<th>OFFENCE</th>
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<td>Section 24 (1)</td>
<td>Obstruct an inspector in the discharge of his duties</td>
<td>Imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both</td>
</tr>
<tr>
<td>Section 24 (2)</td>
<td>Refusal to produce documents demanded by the inspector</td>
<td>Imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both</td>
</tr>
<tr>
<td>Section 25</td>
<td>Contravention of provisions regarding employment of inter-state migrant workmen</td>
<td>Imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both</td>
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Section 26

Other offences

Imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both

Section 27

Offences by companies

Every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

THE CHILD AND ADOLESCENT LABOUR (PROHIBITION & REGULATION) ACT, 1986

The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986, amended in the year 2016 prohibits the engagement of children in all occupations and prohibits the engagement of adolescents in hazardous occupations and processes.

The Child Labour Act:
- Defines “child” as someone who is under the age of fourteen
- Defines “adolescent” as those between 14 and 18 years of age
- Prohibits child labour in all occupations and processes
- Regulates the hours and conditions of work for adolescent labourers.
REGULATIONS TO BE FOLLOWED WHILE EMPLOYING ADOLESCENTS

- Adolescents must not be permitted to work in hazardous environment.
- Adolescents must not be allowed to work between 7:00 pm to 8:00 am.
- The local (labour) inspector must be notified of the adolescent's employment.
- A register of the adolescent worker(s) must be maintained.
- The period of work and rest combined should not exceed six hours per day.

EXEMPTION

- Helping family and a family enterprise which are not hazardous occupations, after school hours or during vacations
- Working in the audio-visual entertainment industry (films, TV, etc.) or sports activities.

SECTION 14 (1)

Employing any child or permitting any child to work in contravention of the provisions of Section 3

PUNISHMENT

Imprisonment for a term which shall not be less than six months but which may extend to two years; or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees; or both

SECTION 14 (1A)

Employing any child or permitting any child to work in contravention of the provisions of Section 3A

PUNISHMENT

Imprisonment for a term which shall not be less than six months but which may extend to two years; or with fine which shall not be less than

PUNISHMENT FOR PARENTS/GUARDIANS

- First Offence- No Punishment (Section 14(1B))
- Repeat Offence- Up to Rs.10,000 (Section 14(2)(2A))
The process of identification and release of bonded labourers is a process of discovery and transformation of non-beings into human-beings. The BLSA states that the district administration has the responsibility and authority to inquire and release victims of bonded labour. The goal for the inquiry is to identify bonded labourers and facilitate their quick release from bondage. Any inquiry should be conducted with this objective in mind. It is important to note that the inquiry is a separate and distinct process from the criminal trial procedure.

A QUICK OVERVIEW OF THE PROCEDURE

1. Information received
   The DA co-ordinates with the police for protection and criminal investigation

2. Initial inquiry at the worksite

3. Detailed inquiry at a safe location

4. Post inquiry procedures

1. INFORMATION RECEIVED

Anyone can provide information about a bonded labour system. Typically, the informer will be:

- A bonded labourer
- A third person interested in the bonded labourer
- A government official who learns of the offence (such as a VAO/Police Officer/District Collector)
- An NGO that has details about the bonded labour system in an individual case.

WHOSE RESPONSIBILITY IS IT TO ACT ON THE INFORMATION?

The RDO with local jurisdiction over the complaint. If the RDO/Sub-Collector receives a complaint, and the location of the crime does not fall under his/her jurisdiction, the complaint should be forwarded to the District Magistrate/District Collector concerned.

THE RDO:

- Has been delegated the power to implement provisions of the BLSA by the District Magistrate / District Collector.
- Has a delegated duty to promote the welfare of freed bonded labourers.
- Has a delegated duty to conduct bonded labour inquiries and eradicate bonded labour in his/her jurisdiction.

IF A COMPLAINT IS MADE TO THE POLICE IT SHOULD BE:

Forwarded to the RDO to initiate an inquiry. However, the police are also empowered and required to investigate a complaint under the BLSA in accordance with Sections 156(1) and 157(1) of the CrPC, as with any complaint that is a cognizable offence (arrest without a warrant) under Section 22 of the BLSA.

2. INITIAL INQUIRY AT THE WORKSITE

A. INTRODUCTION

The inquiry must be conducted immediately after a complaint has been submitted. A team from the district...
administration must travel to the worksite in question to begin the inquiry process. All information regarding the complaint must be tightly guarded to avoid tip-offs. Even the slightest delay could lead to related problems. Employers resort to serious intimidating tactics, threats and coercion if they are aware that a complaint has been made to the authorities. In some situations, the bonded labourers are thrown out of employment to avoid legal action.

B. THE OBJECTIVES OF A WORKSITE INQUIRY

- To make a prima facie assessment of bonded labour
- To visit the worksite without giving the owner prior notice
- To assist the bonded labourers in leaving the worksite with their belongings for a more detailed inquiry at a safer location.

Once at the worksite, the inquiry should be quickly completed to reduce the risk of retaliation or obstruction from the owner and/or his associates in the local community. Ideally, the time inside the worksite should not exceed 30 minutes.

C. WHO MUST ATTEND THE INQUIRY AT THE WORKSITE?

- RDO and/or Tahsildar
- VAO (if required)
- Police Officers
- NGO (who presented the facts of the case to the RDO).18

D. STEP-BY-STEP GUIDE TO CONDUCTING A WORKSITE INQUIRY

<table>
<thead>
<tr>
<th>TASK</th>
<th>DETAILS</th>
<th>PERSON RESPONSIBLE</th>
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<tbody>
<tr>
<td>1. Arrangements to be made before travelling to the worksite</td>
<td>Identify the location of the worksite</td>
<td>Complainant</td>
</tr>
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<td></td>
<td>Ensure that the police are present</td>
<td>RDO/Tahsildar</td>
</tr>
<tr>
<td></td>
<td>Arrange transportation for the expected number of labourers from the worksite to a safe location.</td>
<td>RDO/Tahsildar</td>
</tr>
</tbody>
</table>

2. Safety at the worksite

**Note:** The arrival of government officials and police to the worksite may cause owners to take step to hide incriminating evidence, contact nearby owners, and instruct workers to run away or hide.

- Be prepared for site-specific complications, such as a walled compound, open field, or an urban setting
- Protect the area to keep out third parties and contain those within the worksite for the inquiry
- Confiscate phone lines to control outside
- Physically separate the labourers from the owners to prevent harassment and intimidation to the labourers.19

3. Worksite inquiry

- Conduct a brief initial inquiry to ask preliminary questions about the labourer's circumstances

**Basic questions to ask:**

- Have you taken an advance?
- Are you free to leave without repaying your advance?
- Are you free to work elsewhere to repay your advance?
- What are your wages?

**Note:** The labourers may be hesitant to speak freely while still inside the worksite

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19 Bandhua Mukti Morcha v. Union of India (1984) 3SCC161 para 37
4. Identify relevant documents
Note: Ownership/lease documents, survey number documents etc. help establish proof of occupancy. As per The Payment of Wages Act, 1936, every employer must maintain a register of wages, muster roll, register of overtime/fines/advances/deduction for damage or loss and measurement slips. These documents often provide additional evidence of the existence of a bonded labour system and help identify the offenders.

5. Return from the worksite
Facilitate the safe removal of the labourers and the government team from the worksite to a secure location such as the RDO’s office.

RDO/Police

3. Detailed Inquiry at Safe Location

1. Introduction
Once the labourers have been taken to a safe location, the detailed inquiry should begin promptly. This process involves interviewing the labourers and documenting the facts, in order to determine whether they have been forced to work in a bonded labour system.

This process is not a formal trial and does not require proof to the same standard as a criminal trial. Justice Bhagwati for the Supreme Court in Bandhua Mukti Morcha v. Union of India emphasised the need to regard the plight and suffering of labourers when conducting an inquiry:

“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 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 the legal process due to his poverty, illiteracy, and social and economic backwardness and if such a procedure were required... the State Government might as well obliterate this Act from the statute book.”

The RDO conducting an inquiry need only consider the claims of the labourer being inquired. If the labourer’s claims show him/her to be bonded, no further inquiry or investigation is needed.

Q & A
Q: Should the Labour Officer join the RDO during the enquiry for Forced Labour/Bonded Labour?
A: NO. The BLSA empowers the District Magistrate (DM) and the officers authorised by him to be the sole implementers of the Act.

Note: The labourers should promptly be taken to a safe location away from the worksite. The labourers are likely to be fearful of immediate repercussions from the worksite owner. So the officials conducting the inquiry should ensure that labourers are kept in a safe environment and that the owner is not present before and while conducting in-depth interviews with them.

**20 Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161, para 34**
2. INTERVIEWING TECHNIQUES

An effective interview is conducted by an objective interviewer who questions each labourer individually and asks open questions, probes for detail, and clarifies any inconsistencies.

THINGS TO REMEMBER WHILE CONDUCTING A FULL INQUIRY

A. PROOF OF AGREEMENT IS NOT REQUIRED

- As per a Supreme Court judgement, if a labourer has been forced to work or provide service for less than the minimum wage, he/she is presumed to have been working because of a debt or obligation.21
- The labourers are not required to show evidence of a debt or obligation. It is however useful to obtain details of the debt or obligation as background information that can be used in the trial of the offender.

B. OWNERS SHOULD NOT BE PRESENT AT AN OFF-SITE INQUIRY

- During the inquiry stage, the focus is on assessing the claims of the labourers to identify those who are bonded. The presence of an owner at an in-depth inquiry will likely intimidate the labourers and inhibit their ability to speak freely.22
- It is not necessary to interview the owner(s) at the time of the inquiry because the object and purpose of the inquiry is not to fasten any liability on the owners but to secure the release and repatriation of those labourers who claim to be bonded labourers.23

C. LABOURERS MUST BE ENCOURAGED TO SPEAK BOLDLY AND TRUTHFULLY.

REASSURE THE LABOURERS THAT:

- Bonded labour is illegal
- They have the legal right to be freed from circumstances of bondage
- They will be protected from the owner
- They have the right to speak truthfully about what has happened.

KEY INTERVIEWING TECHNIQUES:

A. INTERVIEW EACH LABOURER INDIVIDUALLY

- Do not allow one labourer to represent the entire group of released labourers.


C. AVOID TOO MANY CLOSED QUESTIONS

- Closed questions are questions that require simple ‘yes’ or ‘no’ answers. They should not be used frequently.
- Closed questions can be useful for clarifying confusing information or receiving a clear answer from talkative or nervous labourers. Reassure the labourer that it is alright if they do not know the answer to a question.

D. AVOID LEADING QUESTIONS

- A leading question suggests an answer within the question. Labourers may feel compelled to respond to such questions with a certain answer.

E. OBTAIN SPECIFIC, FACTUAL, AND ACCURATE INFORMATION

- The inquiry should focus on obtaining factual information, rather than speculations or conjectures.
  - Ask for dates, locations, and first-hand accounts of relevant incidents.
  - Avoid asking confusing questions or using legal terms.
  - Cross-check information and clarify inconsistencies.
- Many labourers do not have a clear concept of time. They may struggle to answer questions about years, months, or weeks.
  - Ask questions in terms of holidays, festivals or the birth of children.
  - Cross check the dates with other life events or with testimonies shared by other labourers.

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It is very difficult for any person to make a public complaint about sexual abuse. The very fact that a complaint is made increases its credibility. An allegation of sexual abuse needs to be included in the overall evaluation of the circumstances at the worksite and the complainant should receive immediate assistance in making a complaint to the police.

B. CHILDREN

Child labour refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful. If children below the age of 14 years are forced to work for their parent’s debt, they are child bonded labourers and are entitled to a Release Certificate.

SPECIAL CONSIDERATIONS AND CHALLENGES IN INTERVIEWS

A. LABOURERS WHO HAVE SUFFERED SEXUAL ABUSE

Cases involving sexual abuse must be handled with sensitivity. If a labourer discloses sexual abuse, he or she should not be questioned beyond the preliminary or basic details at the inquiry stage. An in-depth interview should only be conducted in private and by a person with specialised training in the area of violent crime/sexual assault interview techniques.

BASIC GUIDE TO A FACT-FINDING INTERVIEW

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<table>
<thead>
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<tbody>
<tr>
<td>a. Introduction</td>
<td>Explain who you are and why you are interviewing the labourer.</td>
</tr>
<tr>
<td>b. Build trust</td>
<td>Establish a rapport with the labourer.</td>
</tr>
<tr>
<td>c. Set guidelines</td>
<td>Give clarity on how you will conduct the interview right at the beginning itself.</td>
</tr>
<tr>
<td>d. Assess competency</td>
<td>Particularly in the case of children, determine if they know the difference between a truth and a lie.</td>
</tr>
<tr>
<td>e. Obtain a narrative</td>
<td>Allow the labourer to give a detailed narrative of his or her complaint, in his or her own words.</td>
</tr>
<tr>
<td>f. Ask follow-up questions</td>
<td>Review the narrative using questions designed to elicit more detail about important points.</td>
</tr>
<tr>
<td>g. Ask for clarifications</td>
<td>Make final clarifications regarding confusing details.</td>
</tr>
</tbody>
</table>

GIVEN BELOW ARE FEW GUIDELINES ON EFFECTIVELY INTERVIEWING CHILDREN DURING A BONDED LABOUR INQUIRY:

- Uphold the privacy and dignity of a sexual assault complainant.
  - Any questioning of the complainant must be conducted in private, away from other labourers and particularly anyone associated with the worksite such as the owner or his colleagues.
  - Arrange for the complainant to discuss the complaint with someone of the same gender.
  - Reassure the complainant of his/her safety and that he/she will be protected from his/her abuser(s).
  - Try to obtain the assistance of a social worker if there is one at hand.

It is very difficult for any person to make a public complaint about sexual abuse. The very fact that a complaint is made increases its credibility. An allegation of sexual abuse needs to be included in the overall evaluation of the circumstances at the worksite and the complainant should receive immediate assistance in making a complaint to the police.

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GIVEN BELOW ARE FEW GUIDELINES ON EFFECTIVELY INTERVIEWING CHILDREN DURING A BONDED LABOUR INQUIRY:

- Children will not always respond as quickly or as directly as adults. Take time to interview them. Children may give information that adults might not know or say.
- As far as possible, do not interview children with their parents around. Children will look to their parents for approval when answering questions.
- Avoid expressing approval or disapproval. Children are extremely impressionable and may change their answer based on whether it appears you approve or disapprove what they are saying.

IMPORTANT: Where a child has possibly been the victim of sexual or physical abuse, or witnessed any extreme form of abuse, special expertise is required to interview them.

Such children are extremely vulnerable and are at risk of further harm caused unintentionally during an interview. In extreme cases, it is preferable to have a specialist trained in the area of child psychology and child interview techniques to interview these children.

3. THE INTERVIEW
An effective interview is conducted by an objective interviewer who questions each labourer individually and asks open questions, probes for detail, and clarifies any inconsistencies.

RECOMMENDED INTERVIEW PROGRESSION
1. Determine if the labourers have forfeited their freedom/rights
2. Determine if the labourers have given up their freedom/rights because of one of the four debts/obligations
3. Inquire about other criminal offences within the worksite
4. Document additional evidence

1. DETERMINE IF THE LABOURERS HAVE FORFEITED THEIR FREEDOM/RIGHTS

† FREEDOM OF EMPLOYMENT
  • Determine if the labourers are allowed to work elsewhere for a specified/unspecified period of time when there is no work inside the worksite.

† RIGHT TO MOVE FREELY THROUGHOUT INDIA
  • Questions should be aimed at determining the extent to which the labourer has forfeited his/her right to move.

† RIGHT TO RECEIVE THE LEGAL MINIMUM WAGE
  • Ascertaining the details of a labourers' wage is often challenging. Labourers are commonly paid as a group based on the amount of work accomplished each day/week. It is often difficult to determine the approximate daily wage for each individual labourer.
  • Compare what the labourer is actually paid to the most current 'Minimum Wage Act' information.
  • Pay careful attention to the amount of money that the labourer says is deducted from his/her wages to pay off the advance.
  • Often the advance is not reduced by the same amount as is deducted from the labourer's wage, and most of the time, the advance is not reduced at all. The owner deceives the labourers to justify him paying them less.
  • Owners often add a labourer's weekly expenses to the advance (at inflated rates). So the advance amount increases instead of decreasing over time.

NOTE: Where the labourers are paid at "piece rate", they are to be paid the same as the daily minimum wage for a general employee doing similar work.

† RIGHT TO SELL GOODS AND SERVICES AT MARKET VALUE
  • If the labourers produce/gather their own marketable goods, determine if they have the right to sell those products to anyone other than the owner at market value.

2. DETERMINE IF THE LABOURERS HAVE GIVEN UP THEIR RIGHTS/FREEDOM BECAUSE OF ANY ONE OF THE FIVE OBLIGATIONS

† ADVANCE
† CUSTOMARY OR SOCIAL OBLIGATION
† SUCCESSION
† OTHER ECONOMIC CONSIDERATION
† CASTE/COMMUNITY

3. INQUIRE ABOUT OTHER CRIMINAL OFFENCES WITHIN THE WORKSITE
It is common to find that owners and/or maestries have committed additional crimes against the labourers such as abduction, assaults, and sexual abuse. These offences are distinct, individual crimes committed against the labourers, separate in law to bonded labour offences. These forms of abuse are often tools used by perpetrators to restrict labourers and force them to stay or work. While conducting an inquiry, try to gather specific information regarding these abuses. Determine how these criminal offences are connected to bonded labour circumstances.
CRIMINAL OFFENCES THAT COMMONLY OCCUR IN A BONDED LABOUR ENVIRONMENT

I. SEXUAL ABUSE
   - Sexual abuse is normally not an isolated incident. If one labourer reports that he/she was sexually assaulted by an owner, it is likely the owner would have assaulted other labourers in the worksite as well.
   - Sexual abuse victims often hide their abuse out of fear and/or shame. Sexual abuse is normally accompanied with threats designed to prevent the victim from disclosing the abuse.
   - Sexual abuse victims must be treated with great care, protection and sensitivity. Their identity and the details of the abuse should be protected.

II. PHYSICAL ABUSE
   - Owners /maestries may use physical violence to exert power or control over labourers.

III. VERBAL ABUSE
   - Owners may verbally abuse labourers to control and manipulate them. Section 294 of the IPC criminalises the use of obscene words. Additionally, insulting or humiliating any person from the Scheduled Castes or Scheduled Tribes is a crime.25

IV. UNLAWFUL CONFINEMENT/ABDUCTION
   a. Labourers may be locked in a room as punishment or forcibly taken from their native place to the worksite to work.
   b. Such offences are common in an environment where the owner uses physical and psychological domination to control and enslave labourers.

4. DOCUMENT ADDITIONAL EVIDENCE
A bonded labour complaint from the police to the DA should have as much specific information as possible:

- Labourer's name and address
- Offender's name and address
- Worksite address

- Information about the location - additional supporting documents such as contracts, ledgers, and account books
- Signed statements from the labourers attesting to the facts of the complaint.

4. POST INQUIRY PROCEDURES
The RDO completes the inquiry by identifying those people who are bonded labourers. Following the inquiry, the RDO is required to take some steps to assess the labourers' situation and provide them with initial rehabilitation.

A QUICK GUIDE TO POST INQUIRY STEPS:

1. ISSUE RELEASE ORDER & RELEASE CERTIFICATES
2. DISTRIBUTE INITIAL REHABILITATION AMOUNT
3. MAKE ARRANGEMENTS TO TRANSPORT VICTIMS TO THEIR NATIVE PLACES
4. PREVENTION OF VICTIM HARASSMENT

25 SC&ST Act § 3(1)(x)
1. ISSUE RELEASE ORDER AND RELEASE CERTIFICATE:
When a person is found to be a bonded labourer he/she must receive an official Release Certificate.\(^{26}\)

- A Release Certificate is evidence of the victim’s status as a released bonded labourer. It is proof that his/her debt is cancelled, and entitles him/her to government assistance.
- A bonded labourer who has been issued a Release Certificate has no obligation to repay the advance – the loan has been nullified and debt amount cancelled.\(^{27}\)
- The RDO should sign a Release Order listing each individual victim and declaring their release from bonded labour.
- The Release Certificate should be issued to the victims at the time of release. Each bonded labourer in the family must be given their own certificate, including children who had worked at the worksite.

2. DISTRIBUTE INITIAL REHAB AMOUNT
An immediate rehabilitation amount of Rs. 20,000 must be given to each released bonded labourer.\(^{28}\)

The RDO must emphasise the following to the labourers:

- Their debts have been cancelled. They need not pay the owner any amount and they don’t need to work for the owner anymore.
- They need not fear any recurrences from the owner. The DA and the police are there to support them. The government will support them with rehabilitation schemes.

3. MAKE ARRANGEMENTS TO TRANSPORT VICTIMS TO THEIR NATIVE PLACES
Most released bonded labourers will choose to return to their native villages, where they will have the support of family and neighbours as they reintegrate back into society.

In the case of displaced/migrant bonded labourers,

1. The Releasing Officer must ensure there is a handover of the labourers from the releasing district administration/government to the rehabilitating district administration/government.\(^{29}\)
2. If the labourer does not wish to continue to work in the same place but wants to return to his native place, the Releasing Officer must assist the labourer by facilitating his return to his native place with the required travel amount and ensuring proper protection.\(^{30}\)

4. PREVENTION OF VICTIM HARASSMENT
- The RDO must notify the local police to provide protection.
- The labourers should be encouraged to approach the police if required. Eg: harassment by the owner etc.

ROLE OF THE POLICE DURING A RESCUE
1. On receipt of information, the RDO while maintaining confidentiality needs to co-ordinate with the police to provide protection for the officials and victims.
2. After the bonded labour inquiry, the RDO himself or any of his officers should lodge a police complaint for the purpose of criminal investigation.
3. Depending on the credibility of the information and other serious offences involved, the RDO must co-ordinate with the police for a simultaneous police investigation along with the bonded labour inquiry in such cases.

\(^{26}\)Public Union for Civil Liberties v State of Tamil Nadu (2004) 12SCC381, para 3 | \(^{27}\)BLSA § 4 | \(^{28}\)MoLE letter dated 23rd June 2017 | \(^{29}\)Lr.No.M 19656/ADW-6(1)/2014-1; Adi Dravidar and Tribal Welfare Department, dated 8-1-2015 | \(^{30}\)Lr.No.M 19656/ADW-6(1)/2014-1; Adi Dravidar and Tribal Welfare Department, dated 8-1-2015
It is ideal for the RDO who inspected the workplace to lodge the complaint. Alternatively, the Tahsildar who visited the workplace and witnessed the labourers working could also lodge the complaint. Although it is recommended that the RDO file the complaint, any person aware of the commission of any cognizable offence may provide the information.\(^\text{32}\)

The information must be filed with the officer in charge of a police station.\(^\text{33}\)

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**WHAT IS NEEDED IS DETERMINATION, DYNAMISM AND A SENSE OF SOCIAL COMMITMENT OF THE PART OF THE ADMINISTRATION TO FREE BONDED LABOURERS AND REHABILITATE THEM AND WIPE OUT THIS UGLY INHUMAN PRACTICE WHICH IS A BLOT ON OUR NATIONAL LIFE.**\(^\text{31}\)

JUSTICE P. N. BHAGWATI  
SUPREME COURT JUDGE

The intent of the BLSA was to abolish the bonded labour system in India. Proper enforcement is necessary to hold offenders of the bonded labour system accountable. Successful convictions will not only dissuade current offenders, but will also deter others inclined to commit bonded labour offences.

A cognizable offence is an offence for which a police officer may arrest without a warrant. All Bonded Labour and SC/ST offences are cognizable.

---

**1. INFORMATION OF THE COMMISSION OF A COGNIZABLE OFFENCE**

After the bonded labour inquiry, in order to set the criminal law in motion, information of the commission of a cognizable offence(s) (the “information”) must be provided to the police.

Depending on the serious nature of the complaint received, the RDO must give prior intimation to the police so that they can file the FIR and conduct an investigation simultaneously with the bonded labour inquiry.

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<thead>
<tr>
<th>What?</th>
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<tbody>
<tr>
<td>Date and location of the bonded labour inquiry</td>
</tr>
<tr>
<td>Names of the bonded labourers</td>
</tr>
<tr>
<td>Location where the bonded labour offence occurred</td>
</tr>
<tr>
<td>Names and addresses (if known) of the owner/lease owner/occupier of the worksite and other offenders</td>
</tr>
<tr>
<td>Details of the bonded labour offences that occurred.</td>
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<table>
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| Soon after the bonded labour inquiry has been conducted  
**Note:** However, if the facts reveal some crime of serious nature, the police should be given prior intimation for police investigation to be conducted. |

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\(^{31}\) Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161, para 4  
\(^{32}\) CrPC §154(1)  
\(^{33}\) CrPC § 154
<table>
<thead>
<tr>
<th>Where?</th>
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<tr>
<td>It is recommended that the information be given at the police station closest to the facility where the bonded labour offence occurred.</td>
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<tr>
<td>However, the information can be given at a police station anywhere in India. The police station which has received the information is required to forward this to the police station in whose jurisdiction the crime has occurred.</td>
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<table>
<thead>
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<th>Why?</th>
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<tr>
<td>To initiate a police investigation of the crime</td>
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### 2. FIRST INFORMATION REPORT

The Information that is filed must be recorded by the officer-in-charge at the police station as a First Information Report (FIR). Section 154 of the CrPC sets forth the following procedures for the recording of an FIR.

#### Reduced to Writing

- Oral information given to the officer in charge of the police station must be reduced to writing by such officer (or under his direction) and then be read over to the person who provided the information (the “informant”).

#### Signed by Informant

- Written information to the officer in charge of the police station or if reduced to writing, as described above, must be signed by the informant.

#### Free Copy to Informant

- The informant should receive a copy of the recorded information free of cost.

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### 3. POLICE INVESTIGATION

#### PROCEDURES FOR INVESTIGATION:

If an officer in charge of a police station receives information that leads him to suspect the commission of a cognizable offence, he is required to immediately:

1. Send a report of the same to the magistrate empowered to take action
2. Proceed in person or authorise a subordinate officer to investigate the facts and circumstances of the case
3. If necessary, take measures for the search and arrest of the offender.

#### BONDED LABOUR OFFENCES:

- The Tahsildar, VAO, bonded labourers and any other people who have knowledge about a bonded labour case should be orally examined by the police officers involved in the investigation.
- If the statements are being recorded in writing, the police are required to make separate and accurate records of the statements of each person examined. These statements are often referred to as “161 Statements”.
- 161 Statements need not be signed by the persons making the statements.

#### SC/ST OFFENCES:

- The Tahsildar, VAO, bonded labourers and any other people who have knowledge about a bonded labour case should be orally examined by the police officers involved in the investigation.
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- 161 Statements need not be signed by the persons making the statements.

The officer in charge of the police station is duty bound to record the information immediately. The registration of a case is not dependent upon the genuineness or credibility of the disclosed information.

NOTE

- The Tahsildar, VAO, bonded labourers and any other people who have knowledge about a bonded labour case should be orally examined by the police officers involved in the investigation.
- If the statements are being recorded in writing, the police are required to make separate and accurate records of the statements of each person examined. These statements are often referred to as “161 Statements”.
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4. ARREST AND BAIL

ARREST
All offences (BLSA\(^{42}\), SC&ST Act\(^{43}\), and IPC\(^{44}\)) related to bonded labour are cognizable. This means that for each of the cognizable bonded labour offences, the police can arrest the accused person without a warrant or order issued by a magistrate.\(^{45}\)

BAIL
All offences can also be classified as either bailable or non-bailable offences. If the accused is arrested for a bailable offence, the accused has a right to be released on bail. However, if the accused is arrested for a non-bailable offence, the accused can only be released at the discretion of the concerned authorities.

a. BAILABLE OFFENCE
All of the BLSA offences and Section 374 of the IPC are bailable.\(^{46}\) Under Section 436 of the CrPC, once an accused person is arrested for a cognizable offence and brought before the magistrate, he/she may submit a bail petition for any bailable offences.

b. NON-BAILABLE OFFENCE
IPC Section 370 “Trafficking of persons”, Section 370A “Exploitation of a trafficked person”, Section 371 “Habitually dealing in slaves”, and all of the 22 atrocity offences under Section 3 of the SC&ST Act are non-bailable. Under Section 437 of the CrPC, the grant of bail to a person accused of a non-bailable offence is discretionary.

c. HOW CAN A BAIL BE CANCELLED?
While the accused is out on bail, certain conditions are imposed on him/her. If the accused fails to comply with these conditions, steps must be taken to have the bail cancelled. A Court of Session or a High Court has the power under Section 439(2) of the CrPC to direct a person released on bail to be arrested and to commit that person to custody, thereby cancelling the accused’s bail.

Here are two circumstances in which an accused’s bail can be revoked:

• Accused’s Failure to Appear in Court
Under Section 436(2) of the CrPC, if the accused is released on bail for a bailable offence and then fails to comply with the requirement to appear in court, the accused’s bail may be cancelled when he appears at the next hearing.

• Intimidating Witnesses/Interference with Investigation
Bail may also be cancelled when the administration of justice is hindered. Some examples include:

  - Intimidates or bribes witnesses
  - Causes the disappearance of evidence
  - Interferes with investigation.\(^ {47}\)

Under these circumstances, the Court of Session or the High Court or the Magistrate Court, which granted the bail for a nonbailable offence, may cancel the bail.

5. FILING OF CHARGE SHEET

On completion of the criminal investigation, the investigating officer is required to file a final report, also known as a Charge Sheet, with the concerned magistrate.\(^{48}\)

• A positive final report is filed by the investigating officer when there is enough evidence to determine that an offence is considered to have been committed.

• A negative final report is filed when the offence is not deemed to have been committed and further action is to be dropped by the investigating officer.

On receipt of a final report/charge sheet, the magistrate is expected to respond. However, the magistrate is not bound by the conclusions of the charge sheet but may decide to take/not take cognizance of the offence.

Once the magistrate has decided to take cognizance, the trial may commence. If the magistrate decides not to take cognizance, the criminal action will be dropped.

6. TRIAL

The trial is to be conducted before the regular Judicial Magistrate. Section 21 of the BLSA allows the judicial powers of a Judicial Magistrate to be conferred to the Executive Magistrate (RDO) for the trial of offences under the BLSA. However, the Madras High Court quashed Section 21 of the BLSA as unconstitutional and held that the trial in bonded labour offences shall be tried by a regular Judicial Magistrate.\(^{49}\)

\(^{42}\)BLSA § 22  |  \(^{43}\)CrPC § II  |  \(^{44}\)IPC § 370, 371 and 374  |  \(^{45}\)CrPC § 157  |  \(^{46}\)BLSA § 22, IPC § 374  
\(^{47}\)Raghubir Singh v. State of Bihar (1986) 4SCC481, para 21  |  \(^{48}\)CrPC § 173  |  \(^{49}\)WP No. 7650 of 2013
REHABILITATION
IT IS ... IMPERATIVE THAT NEITHER THE GOVERNMENT NOR THE COURT SHOULD BE CONTENT WITH MERELY SECURING IDENTIFICATION AND RELEASE OF BONDED LABOURERS BUT EVERY EFFORT MUST BE MADE BY THEM TO SEE THAT THE FREED BONDED LABOURERS ARE PROPERLY AND SUITABLY REHABILITATED AFTER IDENTIFICATION AND RELEASE.

JUSTICE P. N. BHAGWATI
SUPREME COURT JUDGE

1. AN INTRODUCTION TO REHABILITATION

Rehabilitation can be defined as reintegrating a released bonded labourer back into the society by restoring his/her dignity, privileges, basic rights and providing opportunities to overcome poverty, helplessness and despair.

In 2001, a Report of Expert Group submitted to the Supreme Court pointed out that the “implementation of the Bonded Labour System (Abolition) Act, 1976 encompasses three functions, namely, identification, release and rehabilitation of bonded labour.”

According to the Supreme Court, it is the responsibility of the State Government to provide rehabilitation for victims of bonded labour. Under the BLSA, Section 11, the District Magistrate and his designated officers are called to secure and protect the economic welfare of the released labourers. The Government of Tamil Nadu through a Government Order has delegated power to the District Collectors/Releasing Officers for sanctioning subsistence allowance and rehabilitation assistance to released bonded labourers. The Government of Tamil Nadu has also issued a Government Order stating that the Revenue Divisional Officers/Sub-Collectors shall be known as Bonded Labour – Release and Rehabilitation Officers.

While physical and economic rehabilitation services are implemented through various government programmes, there are no rehabilitation services currently available that address the psychological needs of the released labourer.

Both Central and State Governments provide economic and physical rehabilitation services for released labourers. The Central Government supplements state rehabilitation programmes through the Central Sector Scheme for released bonded labourers.

In the State of Tamil Nadu, the subject of Bonded Labour was transferred from the Adi Dravidar and Tribal Welfare Department to the Labour department through a Government Order issued on the 1st of March 2017.
2. A COMPREHENSIVE APPROACH TO REHABILITATION

A complete rehabilitation programme must address both the immediate and long-term needs of the individual. Timely rehabilitation services are especially critical for newly released labourers who are more susceptible to return to bonded labour within the first two to eight weeks of freedom. It is equally important to include rehabilitation schemes that address a person’s physical and psychological well being.

In fact, the importance of both the physical and psychological components of rehabilitation was clearly recognised in a Supreme Court case where the judgment stated that, “Psychological rehabilitation must go side by side with social and economic rehabilitation.”

3. A COMPREHENSIVE APPROACH TO REHABILITATION

<table>
<thead>
<tr>
<th>GOVERNMENT SCHEMES</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Rehabilitation Funds</td>
<td>RDO</td>
</tr>
<tr>
<td>Central Sector Scheme:</td>
<td></td>
</tr>
<tr>
<td>• Rs. 1,00,000/- per adult male beneficiary</td>
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</tr>
<tr>
<td>2. Ration Card</td>
<td>Taluk Supply Officer (TSO)</td>
</tr>
<tr>
<td>3. Community Certificate</td>
<td>ST - RDO, SC - Tahsildar</td>
</tr>
<tr>
<td>4. House Site Patta</td>
<td>RDO, Tahsildar/ Special Tahsildar, Revenue Inspector (RI), Village Administrative Office (VAO)</td>
</tr>
<tr>
<td>5. Housing Schemes</td>
<td>Village Panchayat/ Gram Sabha, Block Development Officer (BDO)</td>
</tr>
<tr>
<td>6. Employment</td>
<td>Village Panchayat/ Gram Sabha, District Industries Centre (DIC)</td>
</tr>
</tbody>
</table>

**REHABILITATION MODEL**

- **PSYCHO-SOCIAL REHABILITATION**
  - Strengths Assessment
  - Captivity Mentality
  - Community Resource Mapping
  - Fear Management
  - Rights, Self-Worth & Significance
  - Depression, Grief & Suicidal Tendencies etc.
  - Domestic Violence
  - Trauma Counselling (Physical & Sexual Abuse)
  - Harmful behaviour / Addictions

- **PHYSICAL/ECONOMICAL REHABILITATION**
  - Rehabilitation Funds
  - Ration Card
  - Community Certificate
  - House Site Patta
  - Housing Schemes
  - Employment
  - Education
  - Health and Medical Care
  - Enrolment in Self-Help Groups

Successful Rehabilitation of freed bonded labourers

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55 Bandhua Mukti Morcha v. Union of India (UOI) and Ors, (1984)3 SCC 161, para 36
1. REHABILITATION FUNDS

In 2016, the Government of India introduced the Central Sector Scheme (CSS) for the rehabilitation of bonded labourers, which replaced the existing Centrally Sponsored Scheme. As per this scheme the Centre shall fully contribute to the cash rehabilitation assistance of released bonded labourers. The RDO shall disburse this assistance out of the District Bonded Labour Rehabilitation Fund that is to be created at every district.

Features of the newly proposed scheme include:

- An immediate assistance of up to Rs. 20,000/- to be provided to the released bonded labourer.\(^{56}\)
- Rehabilitation package:\(^{57}\)
  - Rs. 1,00,000/- per adult male beneficiary
  - Rs. 2,00,000/- per special category beneficiaries namely women and children
  - Rs. 3,00,000/- in case of extreme deprivation or marginalization involving trans-genders or women or children.

## 2. RATION CARD

A Ration Card is of prime importance to a released bonded labourer as it gives him/her access to essential commodities at highly subsidised rates. Released bonded labourers are entitled to Antyodaya Anna Yojana (AAY) Ration Cards which are for the poorest families among the BPL families.

As per the Government Instruction letter issued by the ADTWD, a copy of the Release Certificate can be considered as an identity proof to apply for Ration Card and other government entitlements.\(^{59}\) This was further acknowledged by an order of the Madras High Court.\(^{60}\)

### ROLE OF THE RDO

- When a bonded labourer is released, he must be immediately provided with Rs. 20,000/- as initial compensation by the RDO of the division where he was released. If the released labourer continues to stay in the same division, he must be provided with the balance amount of the rehabilitation. If he chooses to return to his native village, he may be provided with the balance amount from the RDO of that division. For every such case, the releasing RDO must write out a detailed letter incorporating the details of the release and the date on which the initial rehabilitation was given, together with a request to the concerned RDO to release the balance amount and ensure full rehabilitation. A copy of the Release Certificate should also be enclosed.\(^{58}\)
- To monitor and ensure that the released bonded labourers get the entire rehabilitation amount within six months from the date of release.

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\(^{56}\)MoLE letter dated 23rd June 2017  
\(^{57}\)Central Sector Scheme, 2016  
\(^{58}\)Hand Book for Release and Rehabilitation of Bonded Labourers, 5.10  
\(^{59}\)Hand Book for Release and Rehabilitation of Bonded Labourers, 5.10  
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A majority of the released bonded labourers do not possess a Ration Card. The ones who have a Ration Card applied in their name very often don’t have the physical card with them as in most cases it is either confiscated by the owner or lost/misplaced in transit. Appropriate steps must be taken for the reissue/transfer of the same.

NOTE

PROCEDURE TO OBTAIN COMMUNITY CERTIFICATE

ST – RDO
SC - Tahsildar

The applicant fills up the prescribed form. The form must include any one of the following documents:
- School Transfer Certificate (TC) of the applicant or applicant’s father
- Copy of the Ration Card
- Release Certificate

ROLE RESPONSIBILITY

The applicant fills up the form and submits it at the local Taluk Supply Office. The form must include any one of the following documents:
- Community Certificate
- Voter Id
- Release Certificate
- Aadhar Card

In the absence of the above documents, a recommendation by the VAO acknowledging the released bonded labourer should be presented.

Taluk Supply Officer (TSO)

Issues Ration Card within 60 days from the date of submission of application.

TSO

ROLE OF THE RDO

As Rehabilitation Officer, the RDO can help the released bonded labourers avail temporary Ration Cards until such time as the permanent Ration Cards are issued.

The Rehabilitating RDO must send the list of released bonded labourers along with their taluks to the respective TSO of that region for the issuance of Ration Card and get a monthly report from the TSO on the same.
The Tahsildar/Special Tahsildar forwards the application to the Revenue Inspector who in turn forwards it to the V AO.

The V AO maintains a House Site Register. He publishes a notice calling for objections within 15 days.

The local body concerned shall also be consulted. If any objections are received, they should be enquired into by the Revenue Inspector. If no objections are received, the request should be recommended to the Tahsildar.

Once verified, the petition is sent to the survey department. A layout for the site to be assigned if not prepared already shall be prepared and got approved by the competent authority.

The Tahsildar shall personally inspect the site and the pass orders if he is competent to assign the site. Otherwise, he shall send the proposals to the RDO or other competent authority through the Divisional Officer/District Revenue Officer.63

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**PROCEDURE TO OBTAIN HOUSE SITE PATTA**

**ROLE**

- The applicant files a petition for a House Site Patta.
- The form must include any one of the following:
  - Community Certificate
  - Voter Id
  - Release Certificate
  - Ration Card
- In the absence of the above documents, a recommendation by the V AO acknowledging the released bonded labourer should be presented.

**RESPONSIBILITY**

- The Tahsildar/Special Tahsildar forwards the application to the Revenue Inspector who in turn forwards it to the V AO.
- The V AO maintains a House Site Register. He publishes a notice calling for objections within 15 days.
- The local body concerned shall also be consulted. If any objections are received, they should be enquired into by the Revenue Inspector. If no objections are received, the request should be recommended to the Tahsildar.
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- The Tahsildar shall personally inspect the site and the pass orders if he is competent to assign the site. Otherwise, he shall send the proposals to the RDO or other competent authority through the Divisional Officer/District Revenue Officer.

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**ROLE RESPONSIBILITY**

In the absence of the above documents, a recommendation by the V AO acknowledging the released bonded labourer should be presented to the RDO.

**Tahsildar / Deputy Tahsildar/RDO**

Issues Community Certificate.

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**ROLE OF THE RDO**

Issuing Community Certificates on the day of release, enables the released bonded labourer to have a quicker access to the government’s rehabilitation schemes. The RDO should direct the respective Tahsildars to issue Community Certificates and ask for a report on the same from the Tahsildars.

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**4. HOUSE SITE PATTA**

A House Site Patta is a document that ensures that the house site belongs to the person in whose name the Patta is registered. House Site Patta plays a major role in the lives of the rescued bonded labourers. It provides them with proof of address - an absolute must if they are to receive basic entitlements, which, in turn, would help provide for their daily needs.

The government sets aside certain land for low-income families. As per a Government Order, it has been stated that all available surplus lands must be first given to persons belonging to the Scheduled Castes or Scheduled Tribes.61 MoLE has further emphasised that there should be separate programmes for the allotment of land and house sites for bonded labourers immediately after they are released.62 Thus, released bonded labourers must be given higher priority in the allocation of House Site Patta.

The Revenue Department assigns house sites in poromboke lands while the ADTWD and Backward Classes and Most Backward Classes Department acquire Patta lands to provide house sites to poor families who do not own a house or house site.

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61G.O.Ms. 2273, Social Welfare Department, 22/9/1982, A Blueprint on Rehabilitation of Bonded Labourers (1)(a)(b)  
62Letter from the Union Minister to all State Chief Ministers vide D. O. No. U/11016/10/82-BL, dated 24thMay, 1982  
63Revenue Manual, Part II (House Sites) (RSO 21)
### 5. HOUSING SCHEMES

Housing schemes provide financial assistance to the released bonded labourers for them to upgrade or construct a house of respectable quality for their personal living.

Some of the housing schemes available in Tamil Nadu include:

- **Indira Awaas Yojana (IAY)**
  - A centrally sponsored scheme to primarily help the weaker sections in rural areas who belong to the Below Poverty Line (BPL) category by granting financial assistance for construction of a pucca house.

- **Chief Minister’s Solar Powered Green House Scheme (CMSPGHS)**
  - A Tamil Nadu Government scheme that addresses the shelter needs in rural areas.

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### STEPS TO AVAIL HOUSING SCHEMES

<table>
<thead>
<tr>
<th>ROLE</th>
<th>RESPONSIBILITY</th>
</tr>
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<tbody>
<tr>
<td><strong>Tahsildar/ Special Tahsildar, RDO or Collector</strong></td>
<td>Distributes the House Site along with the House Site Patta.</td>
</tr>
<tr>
<td><strong>Village Panchayat/ Gram Sabha</strong></td>
<td></td>
</tr>
</tbody>
</table>
  - The Gram Sabha selects the beneficiaries from the permanent IAY waitlists with the poorest being selected on priority. Gram panchayats should verify the list of applicants and forward it to the Block Officer. 
  - Alternatively, the applicant can collect the form at the Block Development Officer’s office and fill it up mentioning their serial number in the BPL list. |
| **BDO** | 
  - The filled forms must be submitted /forwarded to the BDO’s office 
  - Note: The applicant should submit supporting documents that his/her name is registered in the BPL list. |
| **BDO** | Issues Housing Grant in the joint account of husband and wife |

---

The Tahsildar is competent to assign a site. However, in the case of lands acquired by the ADTWD or Backward Classes and Most Backward Classes Department, the concerned Special Tahsildar will be the authority to assign the land.

**ROLE OF THE RDO**

The RDO must oversee the process and ensure that the released bonded labourer is given a House Site Patta so that he can avail the housing schemes.
A released bonded labourer whose name does not figure in the BPL list can apply to the BDO to have his name included. An officer of the rank of Assistant Director of Rural Development & Panchayat Raj Department may verify the fact and with the concurrence of District Collector, his name may be included in the BPL list and approval of Gram Sabha shall be obtained for the same. In the event of inclusion, his/her name will become a part of the permanent wait list and be considered for selection accordingly.

In most cases, it is necessary for the released bonded labourer to have a House Site Patta to avail of the government housing scheme.

For released bonded labourers to avail complete benefit of this scheme, a special provision can be created to fund the initial expenses.

Some of the alternate housing schemes available in Tamil Nadu are:
- Centre for Tribal and Rural Development (CTRD)
- Pradhan Mantri Gramdhayya Yojana (PMGY - Rural Shelter)

### ROLE OF THE RDO

As Rehabilitation Officer, the RDO must request for reports from the BDO’s office on the number of housing grants disbursed to the released bonded labourers.

### 6. EMPLOYMENT

Wage employment throughout the year helps provide sustentive income to the released bonded labourer. A Government Order issued by the Social Welfare Department states that priority should be given to the released bonded labourers for employment through the employment exchange.64

### MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT (MGNREGA)

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005, guarantees 100 days of employment per annum to every household to do unskilled manual labour in the rural areas.

To access this scheme:
- Anybody who is an adult member of a rural household and is willing to do unskilled manual work may register.
- The application has to be made to the Local Gram Panchayat or Programme Officer.
- The application will be verified and authenticated by the Gram Panchayat.
- The Gram Panchayat will issue a job card to the applicant’s household.
- Once registered, the household may apply for work.
- Applicants will be informed of where to report for work within 15 days by a letter sent from the Gram Panchayat or Programme Officer. There will also be a public notice displayed at the office of the Gram Panchayat and at the office of the Programme Officer at the Block (Mandal/Taluk) level.

### PRIME MINISTER’S ROZGAR YOJANA (PMRY)

Prime Minister’s Rozgar Yojana (PMRY) is a credit linked subsidy scheme to provide financial assistance to the less educated and unemployed youth in the country.

An educated (up to VIII standard) unemployed person living in any part of the country is eligible to avail this scheme and can apply for assistance to the General Manager, District Industries Centre (DIC) in the district to which he belongs.

### ROLE OF THE RDO

The RDO in his capacity as the Rehabilitation Officer should make a recommendation to the Programme Officer of the employment schemes so that the released bonded labourers can have a means to sustain themselves.

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64G.O.Ms. 548, Social Welfare Department, 5/7/1980, para 1(ii)
7. EDUCATION

The Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) provides for free and compulsory education to all children including disabled children of the age of 6 to 14 years.65

On account of social and cultural factors, children of bonded labourers and child bonded labourers may not have received formal education and may struggle to attend school when they are teenagers. In such cases, the Act provides for these children to receive special training to be at par with the other students.

“Sarva Siksha Abhiyan” is a centrally sponsored scheme for Universal Elementary Education. As part of this scheme, Village Education Committees at every village should ensure 100% enrolment of all children between 6-14 years of age.

ROLE OF THE RDO

The RDOs should direct the local village authority to enrol the children of released bonded labourers in the local government school.

8. HEALTH AND MEDICAL CARE

Often, bonded labourers are denied adequate health care. Therefore, upon release, the labourers need direct access to medical treatment for any existing health conditions. The Tamil Nadu Health and Welfare Department provides an insurance scheme called the “Chief Minister’s Comprehensive Health Insurance Scheme”.

Few special features of this scheme include:

- Insurance amount of Rs.1 lakh per family per annum for a period of 4 years
- Dr. Muthulakshmi Reddy Maternity Benefit Scheme
- Coverage for follow up and diagnostic procedures.

PROCEDURE TO OBTAIN THE HEALTH INSURANCE CARD

- The applicant should collect the form from the Health Insurance Department situated at the Collectorate.
- The applicant should fill in all relevant details and get the VAO’s signature on the form acknowledging that the applicant resides in that particular village.
- The form should be submitted along with a copy of the ration card at the Health Insurance Department at the Collectorate.
- The applicant will be issued the insurance card on the same day.

Apart from this, the Tamil Nadu Integrated Nutrition Project (TINP), offers a package of health and nutrition services to preschool children (6-36 months) and pregnant and lactating women in rural Tamil Nadu. The released bonded labourers will have to enrol themselves at the local Primary Health Centres (PHCs) to avail these benefits.

CLEAN DRINKING WATER

The Government has issued an order emphasising the need for supply of clean drinking water by stating that it is extremely important to ensure that there is a drinking water well in every basti where freed bonded labourers have to be rehabilitated.66

PROCEDURE TO OBTAIN FREE DRINKING WATER

Rehabilitating Officer

To send a letter to the concerned Tahsildars providing them with a list of released bonded labourers residing in their jurisdiction that require aid in obtaining free drinking water.
TNSRLM is a centrally sponsored government programme wherein the target poor are identified and then brought into the gamut of Self Help Groups (SHGs). This initiative aims to enable the rural poor to increase household incomes through livelihood enhancements and improved access to financial and other services.

TNSRLM provides for:
- Capacity Building
- Employment
- Credit linkage from banks.

9. ENROLMENT IN SELF – HELP GROUPS
TAMIL NADU STATE RURAL LIVELIHOOD MISSION (TNSRLM) – AAJEEVIKA
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HOW TO ENROL IN TNSRLM
The village Poverty Reduction Committee (PRC) along with the Village Panchayat are responsible for implementing this project. Participatory Identification of Poor (PIP) is a household survey exercise that is conducted in all habitations by the community to identify very poor, poor, differently-abled, vulnerable, tribal and other marginalised communities in all the Village Panchayats. The PIP list is displayed in prominent places in all the habitations to receive claims and objections if any and the final PIP list is approved by the Gram Sabha.

Tahsildar
The Tahsildars can forward this letter to the concerned VAOs.

TWAD, DADWOs, BDOs and Panchayat Unions should work together with the VAOs to provide clean drinking water for the released labourers.

NOTE
Any eligible person whose name does not figure in the PIP list must contact the Village Panchayat for enrolment.

PUDHU VAAZHUV PROJECT (PVP)
Pudhu Vaazhvu Project (PVP) is a World Bank funded project very similar in approach to TNSRLM.
PVP is being implemented in 120 blocks in Tamil Nadu while the remaining 265 blocks are being covered under the TNSRLM scheme. The process for enrolment is the same as that of TNSRLM.

ROLE OF THE RDO

- The RDO must arrange for a medical check-up soon after the labourers are released. He must ensure the released labourers are enrolled in the PHCs at their respective villages.
- The RDO should follow up with the Tahsildars to ensure that free and clean drinking water has been provided for the released bonded labourers within three months from the date of rescue.

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06

VIGILANCE COMMITTEES
Sections 13 and 14 of the BLSA establish the roles and responsibilities of Vigilance Committees. Every State Government is required to constitute Vigilance Committees in each district and each Sub-Division as it may think fit.10

Each Vigilance Committee, constituted for a district shall consist of:

- The District Magistrate (DM), or a person nominated by him, who shall be the Chairman
- Three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district
- Two social workers, resident in the district, to be nominated by the DM
- Not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government.

Each Vigilance Committee, constituted for a sub-division, shall consist of:

- The Sub-Divisional Magistrate (SDM), or a person nominated by him, who shall be the Chairman
- Three persons belonging to the Scheduled Castes or Scheduled Tribes residing in the sub-division, to be nominated by the SDM
- Two social workers, residing in the sub-division to be nominated by the SDM
- Not more than three persons to represent the official or non-official agencies in the sub-division connected with rural development to be nominated by the DM
- One person to represent the financial and credit institutions in the sub-division, to be nominated by the SDM
- One officer specified under Section 10 of the BLSA and functioning in the sub-division.

### 1. FUNCTIONS OF A VIGILANCE COMMITTEE

<table>
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<tr>
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<tbody>
<tr>
<td>Identifying and Releasing Bonded Labourers</td>
<td>‣ It is the DM’s duty to find and eradicate bonded labour. VC members should submit complaints to the DM/SDM upon receiving any information about bonded labour in their jurisdiction.</td>
</tr>
</tbody>
</table>

VCs should closely monitor districts and industries where bonded labour is prevalent.15

VCs must also identify and release bonded labourers in coordination with local organisations or NGOs who may be aware of potential bonded labour.16

VCs are required to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the specific recovery of any bonded debt claimed by such person to be bonded debt.17

VC members should prompt the DM/SDM to proactively conduct random visits to worksites of local industries that are prone to operate with the use of bonded labour.

### Rehabilitating Freed Bonded Labourers

VCs must provide for the economic and social rehabilitation of the freed bonded labourers.18

VCs must coordinate the functions of rural banks and co-operative societies with a view of canalising adequate credit to the released bonded labourers.19

VCs should plan for the rehabilitation of identified bonded labourers.

### Administration/Reporting Back to Executive

VCs must advise the DM or any officer authorised by him on action taken, to ensure that the provisions of this Act or of any rule made there in are properly implemented.20

VCs must track the number of offences (cases) in which action has been taken under this Act.21

VCs must make a survey as to whether there is any bonded labour case in which action needs to be taken under this Act.22

The district level VC shall maintain registers in which all the details of freed bonded labourers are recorded, including the details of rehabilitation provided.
While the BLSA is a national law, each state and district has the authority to implement the BLSA according to their own regional needs.

The Government of Tamil Nadu, in a letter dated 28th October 2015, issued guidelines for the effective functioning of the district and sub-divisional Vigilance Committees for information and necessary action.
1. UNIFORM PROCEDURES INSTRUCTION LETTER


From
Dr. K. Kannegi Peckmannan, I.A.S.,
Secretary to Government.

To
All District Collectors (two)
The Revenue Divisional Officers
Sub Collectors (through concerned District Collectors)

Sir/Madam,

Sub: Adi Dravidar and Tribal Welfare Department —
Promulgation of Identification, release and
rehabilitation of Bonded Labours under (Abolition)

Ref: Government Letter No.7244/ADIV.1/2012-1 Dated
12.06.2012.

.....

I am to invite your attention to the reference cited. In this connection, I am
enclosing herewith a copy of guidelines and official instructions with Background,
Bonded Labour, inquiry procedure, uniform procedure for Identification of Migrant
Bonded labour, Responsibilities of Revenue Divisional Officer/Sub
Collectors and procedures for Rehabilitation of freed bonded Laborers for your
information and necessary action.

2. I am also to request you to issue suitable instructions to the officer who
is dealing with Bonded Laborers and their Rehabilitation in your District in order
to record the facts in the prescribed proforma (copy enclosed) and submission of
periodical report.

3. I am further to request you to send the periodical report to the Director
of Adi Dravidar Welfare, Chennai, who is the Member Secretary of State Level
Monitoring Committee for conduct of meeting.

Yours faithfully,

[Signature]

for Secretary to Government

Copy to:
The Director of Adi Dravidar Welfare, Chennai-5. (for follow up action)
The Additional Chief Secretary /
Commissioner of Revenue Administration,
Chennai-5,
Sbok File/Spare Copies.
Official Instruction

Background

1. The Bonded Labour System was formally abolished by law throughout the country by proclamation of the Bonded Labour System (Abolition) Act, 1976 (the "BLA"). By virtue of Section 10 and 12 of the BLA, it is the duty of District Magistrates to identify bonded labourers for the purpose of rehabilitation. By virtue of the G.O., Chennai, No. 1118, dated 17 July 1987, Joint Secretary, Department of Social Welfare, all Sub-divisional Executive Magistrates in Tamil Nadu are empowered under Section 10 and 12 to identify and rehabilitate bonded labourers.

2. In this order, the term "Official" applies to the Revenue Divisional Officer or any subordinate officer specified by him to carry out a bonded labour inquiry. The term "Inquiry" refers to the inquiry conducted to determine whether a bonded labour system is in operation.

3. The purpose of an Inquiry is to identify bonded labourers and thereafter to release such labourers, cancel their bonded debts and rehabilitate them according to the requirements laid out in the Bonded Labour Abolition Act, 1976.

Bonded labour Inquiry procedure

4. The Official must conduct an Inquiry as soon as possible after receiving a complaint of bonded labour and, in any event, not later than 48 hours from the receipt of the complaint. The Official must record, in writing, the time and date of receipt of a complaint and issue a receipt to the complainant acknowledging that the complaint was recorded. Where a complaint is given orally it must be reduced by the Official to writing and a signed copy must be provided to the complainant.

5. At the Inquiry, the Official should question each labourer. It is not necessary to question the owner of the facility, his agents or any person other than the labourers.

6. The Inquiry must be held in a free and fair environment, where the labourers do not feel coerced or intimidated, such as the RDO's office. At all times, the labourers must be separated from the owner of the facility prior to questioning. The labourers should be separated from each other during questioning so that each may tell his individual story; however, at the Official's discretion labourers may also be questioned together with their families. The owner of the facility, his agents and non-parties must not be present during the Inquiry. The complaint and representatives of social action groups may be permitted to be present at the Inquiry.

7. The Official should ask questions that are limited to identifying the elements of bonded labour set out by the BLA. The Official should refrain from asking questions that deviate from the issues identified in the BLA.

8. The Inquiry should be recorded either in a statement format or a questionnaire format. The Inquiry may also be recorded by audio-visual electronic means.

9. If the facts, as stated by the labourers, constitute the elements of bonded labour laid out in the BLA, and if the Official does not have a compelling reason to disbelieve the testimony of the labourers, they must be released.

10. The Official should issue a reasoned order that provides the rationale for the decision arising from the Inquiry. The order should include the findings of the Inquiry and the basis for the official's decision. It should also include the name of the Official who conducted any inspection of the facility and his or her observations. A copy of this order must be given to the complainant.

11. Release Certificates, in the form attached Appendix A, must be issued immediately to those labourers who are identified as bonded labourers. The Official must issue a Release Certificate to each individual labourer identified as a bonded labourer, including children who worked at the facility and who are identified as bonded labourers. Release Certificates must not be issued on a family-by-family basis.

12. The Official must disburse the initial rehabilitation amount along with each Release Certificate.

13. Where labourers have been identified as bonded labourers and issued Release Certificates, no inquiry shall be made by reason of any defect in the proceedings of the Inquiry or any deviation from the procedures prescribed in this order.

Procedure for Identification of Migrant/Displaced labourers

1. Procedure in cases of released displaced/migrant bonded labour opting to return to their native place –

   (1) For the purposes of this section, a displaced/migrant bonded labourer is defined as being any labourer who is working outside of his native District or State.
2. Procedure in cases of complaint received by the RDO/Sub Collector or District Magistrate/District Collector, where the bonded labourer is forced to work in a place which does not fall in his/her jurisdiction like other Districts or other States.

(1) If the RDO/Sub Collector receives a complaint, where the place of existence of bonded labour system does not fall under his/her jurisdiction, the RDO/Sub Collector shall forward the complaint to the District Magistrate/ District Collector to whom he/she report.

(2) The District Magistrate/ District Collector shall receive the complaint directly from the victim or relative or friends or social action group.

(3) The District Magistrate/District Collector on receipt of complaint directly or through the RDO/Sub Collector and if prima facie information about the existence of bonded labour system is made out in the complaint, then the District Magistrate/District Collector shall do the following.

(a) The District Magistrate/District Collector shall form a team of officials consist of Revenue Officials and Police Officials. One of the Revenue officials should not be below the rank of Deputy Tahsildar. One of the Police Officer should not be below the rank of Sub Inspector of Police. If case involves women, one of the team members should be a woman. The number of team member should not be less than three.

(b) Forward the Complaint to the Jurisdictional District Magistrate/Collector, either within the State of Tamil Nadu or outside the State, where the bonded labourers are forced to work.

(c) Send a team of official along with the forwarded complaint to the Jurisdictional District Magistrate/Collector to expedite the identification and release process and to facilitate the transport of the released or rescued bonded labourers.

(d) The team of official should arrange the transportation of the labourers, if the Jurisdictional District Magistrate/Collector found the labourers are not bonded labourers, if labourers are willing to leave the workplace to the Native District.

(e) The team of official should produce the rescued and released bonded labourer before the native District Magistrate/District Collector for proper rehabilitation, even if the Jurisdictional District Magistrate/District Collector fails to release them from bondage.
ADDITIONAL PROCEDURE FOR REHABILITATION OF FREED BONDED LABOURERS

Overall psychological, economic, and physical services are necessary for a freed bonded labourer to be fully rehabilitated and reintegrated into society. The government can speed the process of economic rehabilitation by prioritizing delivery of existing benefits to freed bonded labourers, including:

1) Ration cards
2) Community Certificates
3) Voter ID’s
4) MNREGA cards
5) Land patta
6) Government Health Insurance
7) Government Rehabilitation fund (currently Rs.19,000/- is provided but anticipated to increase in future)

 Freed bonded labourers should receive their above stated entitlements within 90 days of being released from bondage. Furthermore, physical rehabilitation of freed bonded labourers can be ensured by addressing issues of landless, unemployment, and health concerns:

1) Allot a plot of land to each landless family for building houses and doing agriculture.
2) Prioritize facilitating access to available housing schemes so that freed bonded labourers can quickly reintegrate into their communities and can focus on employment rather than finding shelter.
3) Utilize existing schemes to ensure provision of clean water and electricity supply to each family.
4) Facilitate access to existing Government-run job training programs and waive education requirements so that freed bonded labourers can benefit.
5) Provide income generation supplies like livestock, tool kits, tailoring machines, etc.
6) Direct local primary health centers to provide medical screening and follow-up care to all freed bonded labourers immediately following their return to their native villages. This will help to compensate for years of malnutrition, hard labour, and deprivation of medical care.

Psychological rehabilitation should be facilitated by the Government through:

1) Ensuring enrollment of children of the freed bonded labourer into balwadi and school.

2) Introducing freed bonded labourers to the Vigilance Committees and educating them about their legal rights to prevent re-bondage and harassment from former oppressors.
3) Village leaders should be assigned responsibility by the rehabilitating Government to ensure freed bonded labourers are welcomed back into the community and integrated into local activities.

In order to facilitate access to rehabilitative benefits:

1) The releasing Official should send a letter notifying the rehabilitating District Administration/Government of the freed labourers’ identities and contact information, requesting their prompt intervention.
2) A copy of the released bonded labourer’s release certificate can be considered as the Identity proof to issue them the entitled benefits.
3) The rehabilitating District Administration/Government should acknowledge receipt of the entitlement application request such as community certificate, land patta, civil supplies petition (Ration card) and ensure prompt delivery of the same.
4) In terms of health care, the rehabilitating District Administration/Government should send a letter notifying the local primary health center of the need to find and medically screen the freed bonded labourers immediately post-release.
APPENDICES

PERSONAL ATTENTION

ADDAVIDAR AND TRIBAL WELFARE DEPARTMENT,
SECRETARIAT,
CHENNAI - 600 009

Letter No.7824/ADW-6(1)/2012-1, Dated: 12.06.2012

From
Thira A. SOMASUNDARAM, M.A., M.Sc., B.L., D.P.A.,
Deputy Secretary to Government.

To

The Commissioner,
Adi Dravidar Welfare, Chennai-9(w.e.)
All District Collectors (w.e.)
The Revenue Divisional Officers / Sub Collectors
(through Collector of concerned districts) (w.e.)

Sr / Madam,

Sub : ADWTW Department - Promulgation of
Identification, release and rehabilitation of
Bonded Labourers under Bonded Labour System
(Abolition) Act, 1976 - Some instructions issued -
Action taken report called for.

The Official is directed to enclose a copy of the background of the
identification, release and rehabilitation of Bonded Labourers under
Bonded Labour System (Abolition) Act, 1976 together with its prescribed
proforma for your information and necessary action. Accordingly the
officer who is dealing with Bonded Labourers and Rehabilitation in your
District must record the facts in the above proforma and for consolidated
examination from time to time.

Yours faithfully,

[Signature]

Copy to
Thira S. Ravi,
Research Officer,
ADWTW (MEC) Department,
Chennai-9 (w.e.)

Official Instructio

Background

1. The Bonded Labour System was formally abolished by law throughout the country
by promulgation of the Bonded Labour System (Abolition) Act, 1976 (the "BLA"). By virtue of
Section 10 and 12 of the BLA, it is the duty of District Magistrates to identify bonded
labourers for the purpose of rehabilitation. By virtue of the G.O., Chennai, 1118, dated 17
July 1967, Joint Secretary, Department of Social Welfare, all Sub-Divisional
Executive Magistrates in Tamil Nadu are empowered under Section 10 and 12 to identify
and rehabilitate bonded labourers.

2. In this note, the term "Official" applies to the Revenue Divisional Officer or any
subordinate officer specified by him to carry out a bonded labour inquiry. The term
"Inquiry" refers to the inquiry conducted to determine whether a bonded labour system is in
operation.

3. The purpose of an Inquiry is to identify bonded labourers and thereafter to release
such labourers, cancel their bonded debts and rehabilitate them according to the requirements

Bonded labour Inquiry procedure:

4. The Official must conduct an Inquiry as soon as possible after receiving a complaint of
bonded labour and, in any event, not later than 45 days from the receipt of the complaint.
The Official must record, in writing, the time and date of receipt of a complaint and serve
a receipt to the complainant acknowledging that the complaint was received. Where a
complaint is given orally it must be reduced by the Official to writing and a signed copy
must be provided to the complainant.

5. At the Inquiry, the Official should question each labourer. It is not necessary to question
the owner of the facility, his agents or any person other than the labourers.

6. The Inquiry must be held in a free and fair environment, where the labourers do not feel
coerced or intimidated, such as the ROO's office. At all times, the labourers must be
separated from the owner of the facility prior to questioning. The labourers should be
separated from each other during questioning so that each may tell his individual story;
however, at the Official's discretion labourers may also be questioned together with their
families. The owner of the facility, his agents and non-parties must not be present during
the Inquiry. The complainants and representatives of social action groups may be permitted
to be present at the Inquiry.

7. The Official should ask questions that are limited to identifying the elements of bonded
labour set out by the BLA. The Official should refrain from asking questions that deviate
from the issues identified in the BLA.

8. The Inquiry should be recorded either in a statement format or a questionnaire format. The
inquiry may also be recorded by audio-video electronic means.

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APPENDICES

89
9. If the facts, as stated by the labourers, constitute the elements of bonded labour laid out in the B.L.A., and if the Official does not have a compelling reason to disbelieve the testimony of the labourers, they must be released.

10. The Official should issue a reasoned order that provides the rationale for the decision arising from the Inquiry. The order should include the findings of the Inquiry and the basis for the official’s decision. It should also include the name of the Official who conducted any inspection of the facility and his or her observations. A copy of this order must be given to the complainant.

11. Release Certificates, in the form attached Appendix A, must be issued immediately to those labourers who are identified as bonded labourers. The Official must issue a Release Certificate to each individual labourer identified as a bonded labourer, including children who worked at the facility and who are identified as bonded labourers. Release Certificates must not be issued on a family-by-family basis.

12. The Official must discharge the initial rehabilitation amount along with each Release Certificate.

13. Where labourers have been identified as bonded labourers and issued Release Certificates, no inquiry shall be held by reason of any defect in the proceedings of the Inquiry or any decision from the procedure prescribed in this order.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Age</th>
<th>Occupation</th>
<th>Reason for Bondage</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td>01/01/2023</td>
<td>30</td>
<td>Worker</td>
<td>Child Labour</td>
</tr>
<tr>
<td>Jane Smith</td>
<td>02/02/2023</td>
<td>25</td>
<td>Seamstress</td>
<td>Forced Labor</td>
</tr>
<tr>
<td>Michael Brown</td>
<td>03/03/2023</td>
<td>40</td>
<td>Carpenter</td>
<td>Slavery</td>
</tr>
</tbody>
</table>

6. Labourers who have been identified as bonded labourers, and whose Release Certificates are ready, should be provided with the following information:

7. Labourers who have been identified as bonded labourers, and whose Release Certificates are ready, should be provided with the following information:

8. Labourers who have been identified as bonded labourers, and whose Release Certificates are ready, should be provided with the following information:

9. Labourers who have been identified as bonded labourers, and whose Release Certificates are ready, should be provided with the following information:

10. Labourers who have been identified as bonded labourers, and whose Release Certificates are ready, should be provided with the following information:
11. மூன்று வருடங்கள் முன்னர் நேரடையாக நிற்க வேண்டும். வாங்குவதற்கு வந்து வருவது வருவதாய், அவனது முடிந்து வருவத் தொடர்வருண்டுகிறதாய்? (இருவர் முடிந்துவருண்டு தொடர்வருண்டுகிறதாய்)

12. வந்து வருவதற்கான முடிந்து வருவது வருவதாய்?

13. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? என்னவென்று அவர்களிடம் வந்துவருவது வருவதாய்? என்னவென்று என்றென்று வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

14. படையெடுப்பு முடிந்து வருவதாய், படையெடுப்பு வருவது வருவதாய்? வாங்குவதற்கு வந்து வருவது வருவதாய், வந்து வருவது வருவதாய்? வந்து வருவது வருவது வருவதாய்? என்னவென்று என்றென்று வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

15. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்?

16. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? வாங்குவதற்கு வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

17. எந்திரு வாய்ப்புகள் வருவதற்கு தொடர்வருண்டு வருவதாய்? வந்து வருவது வருவதாய்? என்னவென்று முடிந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

18. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்?

19. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

20. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)

21. எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? எந்திரு வாய்ப்புகள் வருவதற்கு வந்து வருவது வருவதாய்? (இருவராக வந்து வருவது வருவதாய்)
## BONDED LABOUR INQUIRY

1. Employee (Victim) Name: ___________________________ Age: ___ Sex: ___
2. Caste or Community: ___________________________ SC/ST/OBC/BC/FC
3. Native Address: Door no.: _______ Village Name: _______ Via: _______
   Taluk: _______ District: _______ State: _______

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<thead>
<tr>
<th>FAMILY MEMBERS</th>
<th>FULL NAME &amp; INITIALS</th>
<th>SEX</th>
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<td></td>
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<tr>
<td></td>
<td></td>
<td>M/F</td>
<td></td>
<td></td>
<td>Y/N</td>
<td>Y/N</td>
</tr>
</tbody>
</table>
4. Employer (Owner) Name: ___________________________ S/o: ___________________________.
5. Address of the Industry: _____________________________.
6. How did you come to work for the owner? (On your own/middleman/maestri/other).
7. When did you come to work for the owner? How long ago?
8. Why did you come to work for the owner?
9. Did you receive an advance? If yes, how much? When did you receive it? How do you pay it back?
10. Did you work for an advance elsewhere before coming to this worksite? How did you get out of the previous worksite?
11. Do you receive wages per day / per week / per piece rate? What are your wages?
12. Is the wage for the family or just you? Provide names of people who are included in the wage.
13. Are any deductions taken from your pay for any reason?
14. What time do you begin work? What time do you finish work? (Do you work several shifts a day? Please explain.)
15. Does anyone keep record of how much you owe? Who?
16. Are you allowed to go outside the worksite or travel to your native place? If yes, when and for how long? Are you allowed to take your whole family with you when you go?
17. Whom do you have to inform when you leave?
18. If you can go out, why do you return to the worksite?
19. Can you leave the worksite and go for work anywhere else at any time?
20. How do the owner or supervisors treat you and the other workers?
21. Have you seen the owner or supervisors physically or verbally abusing others? Describe the abuse you have seen or experienced.

Thumbprint/Signature of the Employee

Inquiry Officer Signature:

Name of the employee: ___________________________.

Name of the Inquiry Officer: ___________________________.

Date: ___________________________.
RELEASE CERTIFICATE

ORDER UNDER SECTION 12 OF THE BONDED LABOUR SYSTEM (ABOLITION) ACT 1976

Thiru/Tmt ____________________________ Age ______________
S/o D/o W/o ____________________________ belonging to the ____________________________ Community, a native of ____________________________ Village, of ____________________________ Taluk in ____________________________ District, has been found to be a bonded labourer against his/her wishes and forced to work at the ______________________________________________________ for the owner, Thiru ___________________________________________ in order to extinguish the debt.

He/she is hereby declared free of all his/her obligation and debt liabilities to Thiru/Tmt ____________________________ S/o ____________________________ of ____________________________ village in ____________________________ District, under whom he/she was kept in bondage.

Thiru/Tmt ____________________________ S/o ____________________________ is directed not to oppress or intimidate the released bonded labourer or his/her family members.

Given under my hand and seal on ______________________________.

2. VC GUIDELINES

Copy of

Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai 600 009.


From
Thiru P. Annamalai, I.A.S., Secretary to Government.

To
All District Collectors (w.e.),
All Revenue Divisional Officers/Sub Collectors (w.e.)

Sir/Madam,

Sub: Adi Dravidar and Tribal Welfare Department – Guidelines to the District and Sub-Divisional Vigilance Committees for the implementation of Bonded Labour (Abolition) Act, 1976-Regarding.

I am to state that the District and Sub-Divisional Vigilance Committee has been constituted according to section 13 of Bonded Labour (Abolition) Act to oversee the implementation of the Act, and is headed by the District Collector and by the Revenue Divisional Officer respectively. Section 14 of the Act gives the functions, duties and responsibilities of these Vigilance Committees.

2. I have enclosed a copy of the guidelines/instructions for effective functioning of the District and Sub-Divisional Vigilance committees for information and necessary action.

3. I am also to request you to issue suitable instructions to the officers who are dealing with Bonded Labourers and their Rehabilitation in your District in order to record the facts in the prescribed proforma (copy enclosed) and to submit periodical report to the Director of Adi Dravidar Welfare, Chennai, the Member Secretary of State Level Monitoring Committee, for the periodical conduct of State Level Monitoring Committee meeting.

4. I am therefore to request you to take necessary action in the matter and, if the monthly periodical report is not furnished, the action will be taken against the officials concerned.

Yours faithfully,

Copy to:
The Director,
Adi Dravidar Welfare, Chennai-5
2. முதல் குறிக்கோளால், பாறைகளைப் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இந்தக் குறிக்கோளானது ஒரு தொடர்ப்பு விளக்கம் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பாலைகளைப் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது.  

3. தொடர்பான குறிக்கோளானது ஒரு தொடர்பு விளக்கம் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது.  

4. பாலைகளைப் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது.  

5. பாலைகளைப் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது.

3. முதல் குறிக்கோளால் பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது. இது பல்கலைக்கழகத்தின் செயலாட்டங்களைக் கையங்குகிறது.
1. The section starts with the following sentence: "In the context of the current situation, the need for a comprehensive understanding of the..."
Bonded Labour Vigilance Committee Guidelines
Bonded Labour (Abolition) Act, 1976

Based on Section 15 of the BLA, Districts and Sub-Divisions should constitute a Vigilance Committee to oversee the implementation of the Act. Section 14 of the Act gives the functions, duties and responsibilities of these Vigilance Committees. Please see below for instructions that Vigilance Committees are required to follow.

14(10). To advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Act or any rule made there under are properly implemented.

1. VC members may advise the DM (District Magistrate)/SDM (Sub-Divisional Magistrate) with regard to the proper procedures to be followed in the identification and release of bonded labourers (Refer AD & TWD Instruction letter no. 196/56/ADV-4/2/2014-I, District B.L. 24/2014).
2. When instances of bonded labour are found in a particular locality, the VC may bring it to the attention of the DM/SDM:
   a. VC members should submit complaints to DM/SDM upon receiving any information about bonded labour in their jurisdiction;
   b. VC members may advise the DM/SDM to conduct an inquiry;
   c. VC members may request updates on the number and status of complaints in their District/Sub-Division;
   d. VC members may accompany SDM on identification and release of bonded labourers;
   e. VC members should prompt the DM/SDM to proactively conduct random visits to worksites of local industries that are prone to operate with the use of bonded labour; The VC’s advisory function includes reporting to the DM on the efforts made and actions taken by local officials to properly implement the BLA;
   f. VC should report any inaction of local officials to the DM.
3. The VC should ensure that DM/SDMs are making an assessment of the rehabilitation needs of bonded labourers on the day of their release:
   a. If the VC finds that proper rehabilitation is not being provided in a timely manner, they should inform the DM of such inadeguate/delay;
   b. The VC should advise the DM/SDM on any areas of BLA implementation in need of improvement.
4. To provide for the economic and social rehabilitation of the freed bonded labourers:
   a. The VC can assist the DM/SDM in the allocation of sanctioned rehabilitation funds to freed bonded labourers in a timely manner:
     a. This includes Rs. 1000/- for immediate payment in cash, payable to each released bonded labourer on day of release in cash or kind according to the choice
     b. An additional Rs. 19,000/- payable within 6 months of initial release, to be dispensed by District Collector.
   b. The VC should work with the DM/SDM to ensure that the following government entitlements are provided to the released bonded labourers who are in need of such provision so that they have no occasion or reason to fall back into bonded debt:
     a. Housing Site
     b. Indira Awas Yojana/Chief Minister’s Solar Powered Green Housing Scheme
     c. Ration Card
     d. Community Certificate
     e. Voter ID;
APPENDICES

14(11). To co-ordinate the functions of rural banks and co-operative societies with a view to channelising adequate credit to the freed bonded labourer.

1. VC members should connect ex-graduated bonded labourers with agricultural and trade-related co-operative society authorities within their jurisdiction for access to short and medium term start-up loans,.consumers, and skill training.

2. VC members should assist ex-graduated bonded labourers in opening a Rs. 100/- balance bank account.

3. In the case of non-availability of bank accounts or access to co-operative society assistance, the VC should ensure these resources and provisions are made available for ex-graduated bonded labourers so that they will not fall back into bondage.

Any case of denial of opening a bank account or receiving credit should be presented at the next VC meeting.

4. VC members should collaborate with the Joint and Deputy Registrars of Co-operative Societies to provide ex-graduated bonded labourers access to rehabilitation credit and resources needed to facilitate income-generating activity.

14(12). To keep an eye on the number of offences of which cognizance has been taken under this act.

1. The VC must maintain statistical records on cases filed under the BLA, tracking all relevant data from the identification, release and prosecution aspects of bonded labour cases. The data should include the following:

   a. The name of facility, type of industry, and the number of labourers freed in rescue operations;

   b. The number of release certificates and initial Rs. 1000/- rehabilitation fund issued to bonded labourers;

   c. FIR, arrest and charge sheets filed by police;

   d. Updates on status of police investigations and trials in court;

   e. The duration of time taken for court cases to resolve, the number of acquittals and convictions, and details of sentences.

14(13). To make a survey as to whether there is any offence of which cognizance ought to be taken under this act.

1. The VC should ensure that work sites of industries prone to having bonded labour are visited and checked at least once every 3 years.

2. The VC should request the DM that Village Administration Officers compile a map of work sites for any economic activity within each revenue village, including organised and unorganised industries.

The map will be used by the DM/DGM on where to conduct proactive interventions within each jurisdiction.

3. The methodology and scope of surveying is at the discretion of each VC, and is dependent upon the funding available within their jurisdiction.

4. Surveying should focus on making an assessment of whether or not bonded labour is being practised in a given work site.

5. VCs should ensure that information from surveying is compiled, analysed, and presented to the DM/DGM to advise where inquiry and release resources are needed for future work site interventions.

6. VCs are statutorily competent to conduct surveys under Section 9 of the BLA.

7. A report of the survey should be submitted to the DM once every 3 years and to the Addl. District, and Tribal Welfare Department once every 3 years.

8. For attached standardized tool while development, a methodology for effective surveying of labourers specific to each revenue village.

14(14). To defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

1. Whenever any debt is claimed by a bonded labourer or a Vigilance Committee to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor (Section 15 of BLA).

2. VCs may consult the District Legal Services Authority to request free and competent legal services on behalf of freed bonded labourers in need of defense.

14(15). A VC may authorize one of its members to defend a suit against a freed bonded labourer and the member so authorized shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

Rule 7 of BLA:

1. The District-level VC shall maintain registers in which all the details of freed bonded labourers are recorded, including the details of rehabilitation provided:

   a. List of names and addresses of freed bonded labourers;

   b. Any statistics relating to the occupation, occupation, and income of every freed bonded labourer;

   c. Details of entitlements, welfare benefits, credits, loans, and counselling every freed bonded labourer is receiving or required by Section 14(12) and 14(13);

   d. Quarterly Status Report on the overall well-being of labourers;

   e. Register of cases filed regarding relief property under BLA section 60(b), eviction from residence under section 66A, payment of bonded debt under section 69(a), or any offense prohibiting the BLA in sections 10(i), 37, 36, 143, or 200.

   The register should make note of any Free Legal Aid requests sent to the District Legal Services Authority for the purpose of representing a freed bonded labourer.

2. The DM shall provide a secretarial assistance to keep records for each District VC.

   a. The DM should provide the same assistance for Sub-Divisional VCs so that data may be included in the report to the state.

3. Reports shall be submitted to the DM and to the Directorate of Addl. District, and Tribal Welfare Department once in every 3 months.

Notes (Please see Appendix 3, Model data sheet, which includes the above details)
3. G.O (D) No.44 /23.02.2015 /ADI DRAVIDAR AND TRIBAL WELFARE DEPARTMENT/ CANCELLING THE POWERS OF THE JUDICIAL MAGISTRATE TO CONDUCT CRIMINAL TRIALS WHICH WAS CONFERRED UPON THE SDM/RDO/SC UNDER SECTION 21 OF THE BLSA

ABSTRACT

G.O.(D) No.44

Dated: 23.02.2015

G.O.(D) No.185, Social Welfare Department, Dated 17.07.1967.

ORDER:

In the Government Order read above the Government have issued orders conferring power upon all Revenue Divisional Officers in the State, the powers of a Judicial Magistrate of First Class and on all Tahsildars in independent charge of Tahsil in the State, the powers of a Judicial Magistrate of the second class, for the trial of offenses under the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976) Act.

2. Thiru Ganapathy, Thirubhuvanpalayam District has filed a W.P. No.7050 of 2013 before the Hon'ble High Court of Madras praying for issuance of certified copy of process calling for the records relating to G.O.(B) No.185 Social Welfare Department dated 17.07.1967 and quash the same and to forbid the sub-divisional executive magistrate Revenue Divisional Officer Thirubhuvanam from conducting further trial in Civil No.402/2008.

3. Moreover in the above said case the Hon'ble High Court of Madras in its order dated 03.06.2014 has ordered as follows-

Section 21 of the Bonded Labour System (Abolition) Act, 1976 is in violation of Articles 14, 15 and 50 of the Constitution of India and consequently, the Government Circle in G.O. (D) No.185/1967, Social Welfare Department, dated 17.07.1967 is also quashed. No costs. Consequently, the concerned miscellaneous petitions are closed.

P.T.O
The Jurisdictional Revenue Divisional Officers are directed to transfer the criminal cases, along with the relevant records, instituted under the said Act to the file of the respective Chief Judicial Magistrates and they in-turn, are directed to transfer the cases to the respective Judicial Magistrates and on such transfer, the respective Judicial Magistrates shall make every endeavor and dispose of the cases as expeditiously as possible”.

4. The Government have examined the matter in consultation with the Additional Chief Secretary / Commissioner of Revenue Administration, Director of Adi Dravidar Welfare and with the advisory Departments i.e., Revenue Department and Law Departments.

5. In the above said circumstances, the Government direct that the Director of Adi Dravidar Welfare to give proper instructions to all the District Collectors to advise the concerned Revenue Divisional Officers in their jurisdiction to the effect that the Jurisdictional Revenue Divisional Officers are directed to transfer the criminal cases, along with the relevant records, instituted under the said Act to the file of the respective Chief Judicial Magistrates and they in-turn, are directed to transfer the cases to the respective Judicial Magistrates and on such transfer, the respective Judicial Magistrates shall make every endeavor and dispose of the cases as expeditiously as possible”.

6. The Director, Adi Dravidar Welfare is also requested to obtain the action taken report from the respective Judicial Magistrates to Government in due course.

/By Order of the Governor/

KANNESV PAKIANATHAN
SECRETARY TO GOVERNMENT

To

The Director,
Adi Dravidar Welfare, Chennai-5.
The Additional Director General of Police,
The Registrar of High Court, Chennai-10.
The Secretary, Ministry of Labour, Government of India, New Delhi.
The Additional Chief Secretary/ Commissioner of Revenue Administration, Chennai-5.
The Secretary, Revenue Department
The Secretary, Law Department.
The Principal Secretary, Labour and Employment Department.
The Secretary, Home Department.
Copy to:
The Private Secretary to Chief Secretary, Chennai-5.
Stock file/Space copy.

/FORWARDED BY ORDER/

SECTION OFFICER: 23/6/16

Office Memorandum

Sub: Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

The Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers 1978 was last revised in May 2000. In an evaluation of the performance of the scheme and consultation with stake holders, it was realized that the scheme was not effective in elimination of Bonded Labour System and a revamp was necessary in the larger public interest. A draft scheme was accordingly prepared by the Ministry and circulated to all State Governments, NHRC, various concerned Ministries of Government of India and the same was also published in the official website of the Ministry for eliciting comments and suggestions from the public and other concerned citizens. Based on the suggestions and inputs received from all quarters including the Social Partners, Central Government has approved the revamped Scheme w.e.f. 17/05/2016. Copy of the revamped Scheme is appended hereto.

2. The revamped scheme shall henceforth be known as a Central Sector Scheme which does not entail State share in the cash component of the rehabilitation package. The non-cash component of the erstwhile CSP scheme will continue as it is, with minor modifications to suit the changing needs of the time.

3. I am directed to convey the approval of Central Government of the said scheme for implementation by the State Governments/UT Administrations through their District Magistrates/Collectors/Sub-Divisional Magistrates.

End: As above.

Deputy Secretary to the Government of India

Chief Secretary (all State Governments)
Administrator (all UT Administrations)
District Magistrate/Collector (All)

Copy to:
Principal Secretary to the Prime Minister
Ministries of Home Affairs, Law & Justice, S&I, W&CD, Finance, External Affairs,
Comptroller & Auditor General of India
National Human Rights Commission
Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

1. INTRODUCTION

1.1 Bonded Labour System in India is characterized by a long-term relationship between employer and employee, which is usually solidified through a loan or social obligation, and is embedded intricately in India’s socio-economic culture marked by class/caste relations. Bonded labour contracts are not purely economic; in India, they are reinforced by custom or coercion in many sectors. The Constitution of India which was adopted by the Constituent Assembly on 26th November 1949 as the Magna Carta of Civil liberties, enshrines under dedicated Article 23, a specific provision declaring traffic in human beings, beggar and similar forms of forced labour to be punishable offence.

1.2 The Government of India has ratified the ILO Convention C029 on 30th November 1954 which inter alia defines forced labour as “all work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily”

1.3 The traditional form of bondage or forced labour in India are known as Adiyamars, Baramasia, Basahya, Bathu, Bhagela, Cherumar, Gamu-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khudind-Mundit, Kutna, Lachru, Munghi, Mat, Munish system, NA-Majoor, Paleri, Padyal, Pannavial, Sagri, Sanj, Sanjinwot, Sewak, Sewasia, Seri, Vetti. However, with the passage of time, new dimensions of bondage have crept in under different names. The system is much more intricate than mere economic or labour relations; it reflects the stratified social structure where one or more social groups work without consideration of minimum wages or other right-based labour standards just for the sake of honouring social custom or for fear of possible reprisal in case of non-conformity, which more often than not are characterised by physical violence, ostracisation, etc.

1.4 Emerging forms of forced labour and traffic in human beings, especially of children and other disadvantaged sections of society, require a holistic approach for law enforcement as well as comprehensive rehabilitation mechanism for social, psychological, educational and economic rehabilitation.

2. EVOLUTION OF THE SCHEME

2.1 The issue of ‘bonded labour’ came to the list of national priority when it was included in the old 20-Point Programme in 1975. The Bonded Labour System (Abolition) Ordinance was promulgated on 25th October, 1975. This was later on replaced by the Bonded Labour System (Abolition) Act, 1975 (hereinafter referred to as the Act). This Act provides for the abolition of the system of bonded labour with simultaneous liquidation of their debts. Since the subject is included in the Concurrent List, the Union Government stepped in to assist the State Governments in their task of rehabilitation of released bonded labourers. Accordingly, Ministry of Labour & Employment launched a Centrally Sponsored Scheme for rehabilitation of bonded labourers in May, 1978.

2.2 Originally the Scheme provided for rehabilitation assistance up to a ceiling limit of Rs. 4,000/- per bonded labourer to be equally shared by Central Government and State Governments on (50:50) basis. This amount was raised to Rs 6250/- w.e.f. 1.2.88; and to Rs 10,000/- w.e.f. 1.4.95. Out of this, Rs 1000/- was to be given as subsistence allowance to meet travel expenses etc. to the state of origin, in case the released bonded labour was to be repatriated to his or her native place State or for their subsistence until they are rehabilitated. With effect from 1.4.1999, only Rehabilitation assistance was enhanced to Rs. 20,000/-.

The scheme was last revised in May 2000 wherein survey component, awareness generation activities and evaluation studies were included as additional items in the existing scheme.

3. OVERVIEW OF PERFORMANCE OF THE SCHEME AND NEED FOR REVISION

3.1 From the year 1978 to 2014-15, the Central Government has released Rs 81,826 crores towards its share of rehabilitation assistance in respect of 280213 released bonded labourers in the entire country. The State Governments have contributed equal amount i.e. Rs 81,826 crores thus taking the total amount to about 164 crores. The annual expenditure has thus remained at the level of Rs 2.21 crore.

It has become a regular feature to surrender money under this scheme in the absence of adequate proposals from the States and operation of the scheme remained restricted to only 18 states.

3.2 Evaluation studies and other field level inputs indicate certain shortcomings in the existing scheme which inter alia includes: (i) Lack of regular monitoring; (ii) No mechanism to monitor court cases and convictions; (iii) Inadequate and unattractive rehabilitation package; (iv) Lack of flexibility of the scheme to address the needs of special category beneficiaries such as children including orphans, differently abled, trans-genders, people rescued from organised and forced begging rings and women and children rescued from trafficking and sexual exploitation including prostitution; (v) Lack of institutionalised mechanism to keep an account of the other major benefits listed in the existing scheme such as agricultural land, dwelling unit, skill training, education, etc.; and (vi) Ineffectiveness of awareness generation campaigns. Hence, there was a strong need to update the scheme for making it more effective.

4. CONSULTATION WITH STAKEHOLDERS & REVISION

4.1 Accordingly, Ministry of Labour & Employment conducted an in-depth study of all the operational limitations as listed above. Important stakeholders such as National Human Rights Commission, International Labour Organization, NGOs and activists working for bonded labourers, UNESCO and other intellectuals were consulted for charting out the broad contours of the revised scheme. The draft scheme with approval of the competent authority was circulated for Inter-Ministerial and stakeholder consultation and copy of the same was also made available on the Ministry’s website for eliciting views of the public. The draft was also circulated to all
State Governments and Union Territories. The draft scheme duly incorporating the views of stakeholders was considered by the Standing Finance Committee (SFC) for consideration and approval. The SFC memorandum was apprised by the Ministry including the IFD by circulation and approved by the Hon'ble LEM as per norms of delegation of financial powers.

4.2. The revised scheme incorporates all relevant inputs and comments of stakeholders and addresses all the operational issues of the existing scheme in a holistic manner. Hereafter, Ministry of Labour & Employment and State Governments will follow the below mentioned guidelines for administration of the Bonded Labour Rehabilitation Scheme:

5. REVISED SCHEME AND GUIDELINES

(i) The revised Scheme shall be a Central Sector Scheme and shall come into effect from 17th May, 2016. The State Governments shall not be required to pay any matching contribution for the purpose of cash rehabilitation assistance.

(ii) The Rehabilitation package shall be Rs 1,00,000/- per adult male beneficiary. Benefit shall have the option to either deposit it in an annuity scheme or receive cash grant. The District Administration will assess the cash requirement of the beneficiary and exercise its best judgement in the matter and put the money under annuity scheme with the consent of the said adult male.

(iii) For special category beneficiaries such as children including orphans or those rescued from organised and forced begging rings or other forms of forced child labour, and women, the amount of rehabilitation assistance shall be Rs 2 lakhs out of which at least Rs 25,000/- shall be deposited in an annuity scheme in the name of each beneficiary and the balance amount shall be transferred to the beneficiary account through ECS.

(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 3 lakhs, out of which at least Rs 2 lakhs shall be deposited in an annuity scheme in the name of each beneficiary and Rs 1 lakh shall be transferred to the beneficiary account through ECS.

(v) The above benefits would be additionality to other land and housing elements, etc. of the original scheme as mentioned below:

(1) Allotment of house-site and agricultural land;
(2) Land development;
(3) Provision of low cost dwelling units;
(4) Animal husbandry, dairy, poultry, piggy etc.;
(5) Wage employment, enforcement of minimum wages etc.;
(6) Collection and processing of minor forest products;
(7) Supply of essential commodities under targeted public distribution system; and
(8) Education for children.

(vi) 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 socio-economic assistance, the DM/SDM may provide state assistance under any other scheme administered by them.

(vii) 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 feeding, 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.

(viii) State Governments/UTAs 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. Accordingly, facilities for, ensuring their proper education, psycho social counselling short stay home till education up to class 12th, skill development shall be an integral component of the rehabilitation package.

(b) For addressing the special needs of female freed bonded labourers, State Government shall also provide financial and other assistance for marriage, apart from other capacity building measures mentioned at sub para (a).

(c) For addressing the needs of the disabled persons, special care should be made available by the State as per national policy for disabled people apart from other capacity building measures mentioned at sub para (a) and (b).

(d) For adult bonded labour who do not come under any of the above categories, employable skill development training shall be a compulsory element of rehabilitation.

(ix) The benefits prescribed hereinbefore shall be, in addition to, other cash or non-cash 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.

(x) The amount of assistance for survey of bonded labourers shall be Rs 50,000 per district. This amount can be utilised to finance the NGO efforts for identification of bonded labour as per State Government norms. Central Government will
reimburse this amount upon satisfactory performance in each identification project. The component of assistance shall be as per the following table:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Cost involved in survey</th>
<th>Funds Permissible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Cost of printing of questionnaire (average 2000 questionnaires @ ₹5 each)</td>
<td>₹10,000</td>
</tr>
<tr>
<td>2.</td>
<td>Costing of imparting training to investigators/field staff for collecting information (payment to 10 investigators/field staff @ ₹500/- per day to each for 5 days (₹5000 x 5))</td>
<td>₹25,000</td>
</tr>
<tr>
<td>3.</td>
<td>Cost of collecting primary data from field (payment to 10 investigators/field staff @ ₹500/- per day to each for 2 months (₹5000 x 60 days))</td>
<td>₹3,00,000</td>
</tr>
<tr>
<td>4.</td>
<td>Cost of editing, tabulation and analysis of primary data (payment to 2 Research Assistant @ ₹30000/- per month to each for 2 months (₹40000 x 2 months))</td>
<td>₹60,000</td>
</tr>
<tr>
<td>5.</td>
<td>Cost of computerisation of data/information</td>
<td>₹35,000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>₹4,50,000</strong></td>
</tr>
</tbody>
</table>

(xi) The expenditure on awareness generation shall be reimbursed on case by case basis subject to maximum limit of ₹10 lakh per State per annum, as per the following components:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Cost components</th>
<th>Funds Permissible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Cost of campaigning and telecast of various audio visual inputs through AIR, Doordarshan, Song and Drama Division, etc.</td>
<td>₹7 lakh</td>
</tr>
<tr>
<td>2.</td>
<td>Campaigns through local newspapers</td>
<td>₹1 lakh</td>
</tr>
<tr>
<td>3.</td>
<td>Cost of performance by folk cultural troupes including cost of travelling</td>
<td>₹2 lakh</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>₹10 lakh</strong></td>
</tr>
</tbody>
</table>

(xii) The existing norms of grants of ₹1 lakh for evaluatory studies shall be maintained as such.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Cost components</th>
<th>Funds Permissible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Formulation and printing of questionnaire for collecting information from various Departments &amp; who are providing grants/loans for the purpose of effective rehabilitation of bonded labourers including cost of mailing of questionnaire</td>
<td>₹8,000.00</td>
</tr>
</tbody>
</table>

(viii) A Bonded Labour Rehabilitation Fund shall be created at the District level by each State with a permanent corpus of at least ₹10 lakhs at the disposal of the District Magistrate which should be renewable. This fund will be utilised for extending immediate help to the rescued bonded labourers. The entire penalties recovered from the perpetrators of the bonded labour upon conviction, may be deposited in this special fund.

(ix) Immediate assistance of at least ₹5,000/- 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 ₹5,000, he or she may disburse such a 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 cash assistance amount.

6. Submission of Proposal to the Central Government

6.1 The District Magistrate shall submit claims to the District NCLP (National Child Labour Project) Society, set up under the revised guidelines of the NCLP Scheme 2016, in the prescribed proforma, along with documents as specified in the check list (Annexure I and II).

6.2 Each such proposal shall have (i) details of cash and non-cash assistance and rehabilitation facilities provided by the State Government (Annexure-II); and (ii) the quantum of penalty/imprisonment awarded to the accused in the Summary Trial as provided under the Act.

6.3 In cases where the Summary Trial under Sec 21 of the Act has not been concluded as per Rules, but the DM/SDM has arrived at a prima facie finding and proof of bondage, then the proposal for cash assistance shall not be stopped for want of details of conviction. However, final disbursement of case assistance shall be made upon proof of bondage and other legal consequences as per judicial process.

6.4 Upon receipt of claims, the District NCLP Society will then scrutinise all documents and submit its proposals, from time to time, to the Central Government, i.e. Ministry of Labour and Employment (MoLE). The claims shall be furnished under the Major Head 2230/2652 as the case may be.
7. Release of Funds

7.1 As per modalities of release of funds approved by the Ministry of Finance, admissible reimbursement under the revised scheme, will be released by MoLE, directly to the District NCLP (National Child Labour Project) Society, and the District Project Society in turn will release the fund including the interest, to the implementing agencies which shall include the district administration, for the purpose of the Bonded Labourer Rehabilitation Scheme forthwith.

7.2 The account of District NCLP Society in respect of the BLR Scheme shall be subject to the same audit norms as applicable to the NCLP scheme. Any future alterations in release of fund and accounting procedures by Central government for the NCLP scheme shall be equally applicable mutatis mutandis to the BLR Scheme.

7.3 Wherever the District NCLP society does not exist, the Ministry shall immediately, but not later than 30 calendar days reckoned from the date of notification of this scheme, notify a new NCLP society under the NCLP scheme.

8. Implementation and Monitoring

8.1 The implementation and monitoring of the BLR scheme shall be carried out by the Central Monitoring Committee, prescribed under the NCLP scheme, but with JS/DG(LW) as member-convenor for the purpose of BLR Scheme.

8.2 At the State level, the same implementation machinery for NCLP scheme shall also be responsible for implementation of the revised BLR Scheme.

8.3 At the district and sub-divisional level the same implementation machinery for NCLP scheme shall also be responsible for implementation of the revised BLR Scheme assisted by the Vigilance Committees, as prescribed under the Act and Rules.

Central Sector Scheme for Rehabilitation of Bonded Labourer -2016

Revised performa for details of Bonded Labour

I. IDENTIFICATION PARTICULARS

i. Name:

ii. Father/Mother’s Name:

iii. Gender: Male/ Female/ Other

iv. Age:

v. Whether special/ other category* : Y/N

vi. Whether physically disabled : Y/N

vii. If yes, details thereof:

viii. Village:

ix. Taluk:

x. Block:

xi. District:

xii. State:

xiii. Aadhar and U/W/N (NSS) No. (if available):

*Special/ Other category as specified at para 5 (iii) and 5 (iv) of this Scheme

II. PARTICULARS OF FAMILY MEMBERS:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Relation to Respondent</th>
<th>Age</th>
<th>Sex</th>
<th>Education</th>
<th>Occupation</th>
</tr>
</thead>
</table>

III. PARTICULARS OF OCCUPATION:

i. Nature of Occupation

ii. Duration of the Occupation

iii. Whether free to work elsewhere or to quit the Job with present employer : Y/N

iv. If no, specify the reasons

IV. WORKING CONDITIONS:

i. Wages agreed upon by the Employer

ii. Wages paid in kind (per day/week/month/year)

iii. Wages paid in cash (per day/week/month/year)

iv. Any other non-cash/kind benefit received from the employer

v. Details of the Punishment for absence or slackness in work

vi. Daily hours of work

V. NATURE OF BONDAGE [ in lieu of advance/ debt]

i. Amount of loan/Advance received (cash/kind):

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-BL)
APPENDICES

Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

Proposal for Release of Central Assistance for Rehabilitation of Bonded Labourers:

i. Number of the labourers required to be rehabilitated:
   (Release certificate should be attached for every bonded labour rehabilitated)

ii. Category wise break-up of Beneficiaries as General, OBC, SCs and STs and Special Categories
   wise break-up of beneficiaries as adult male, women, transgenders, differently abled persons, minor boys,
   minor girls, persons released from special categories in the below mentioned table:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Gender</th>
<th>Special Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Male</td>
<td>Adult</td>
<td>Total</td>
</tr>
<tr>
<td>2.</td>
<td>Female</td>
<td>Adult</td>
<td>Total</td>
</tr>
<tr>
<td>3.</td>
<td>Special</td>
<td>Other</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult male</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adult female</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Children below 18</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Differently-abled persons</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trans-gender</td>
<td></td>
</tr>
</tbody>
</table>

* "Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority, medical authority is Hospital funded by Central or State Government. The medical certificate issued by medical authority should be provided with the proposal.

iii. Total amount of Central Assistance Required:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Category</th>
<th>Total Number</th>
<th>Prescribed Limit as per bonded labour scheme (in Rs, in 000)</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Adult male member</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Adult Female/ Minor boys and Girls</td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Special/ Other</td>
<td>300</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.5-1102/01/2015-III)
Page 9 of 17

APPENDICES

Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

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<td></td>
<td>Adult female</td>
<td></td>
</tr>
<tr>
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<td></td>
<td>Children below 18</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Differently-abled persons</td>
<td></td>
</tr>
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<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
</tr>
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<td>3</td>
<td>Special/ Other</td>
<td>300</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.5-1102/01/2015-III)
Page 10 of 17

APPENDICES

Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

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<td>Female</td>
<td>Adult</td>
<td>Total</td>
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<td>Special</td>
<td>Other</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td>Children below 18</td>
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</tr>
<tr>
<td></td>
<td></td>
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</tr>
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<td></td>
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<th>Total Number</th>
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</tr>
</thead>
<tbody>
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<td>1</td>
<td>Adult male member</td>
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<td></td>
<td></td>
</tr>
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<td>2</td>
<td>Adult Female/ Minor boys and Girls</td>
<td>200</td>
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<td></td>
</tr>
<tr>
<td>3</td>
<td>Special/ Other</td>
<td>300</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.5-1102/01/2015-III)
Page 10 of 17
## Central Sector Scheme for Rehabilitation of Bonded Labour - 2016

**Format for Release Certificate**

(Order of the JMFC/JMSC under Section 12 of the Bonded Labour System (Abolition) Act, 1976)

1. Name:
2. Father/Mother’s Name:
3. Age:
4. Whether special category* : Y/N
5. If yes, details thereof:
6. Whether physically disabled#: Y/N:
7. If yes, details thereof:
8. Address where bonded labour is identified:
9. Male/Female/trans-gender:
10. Aadhar/UIN/NSS No. (if available):
11. Jan Dhan/A/c No with IFSC code:
12. Address of Bonded Labour:
13. Name of the Captor/Bonder:
14. Aadhar Card no. of Captor/Bonder:
15. Address of Captor/Bonder:
16. Date of conviction & Release Order:
17. Quantum of Punishment under Chapter VI:
18. Amount of Debt Extinguished u/s 6:
19. Extent and nature of property freed u/s 7:

*Special/Other category as specified at para 5 (iii) and 5 (iv) of this Scheme

8 “Person with disability” means a person suffering from not less than forty percent of any disability as certified by a medical authority, medical authority is Hospital funded by Central or State Government.

Given under my hand and seal on date ____________________________

[Signature]

Name

District Magistrate/ Sub-Divisional Magistrate

District:………. State:………

Seal

---

**APPENDICES**

### Table: Balance available at Bonded Labour Rehabilitation Fund

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the District(s)</th>
<th>Name of the State</th>
<th>Number of bonded labour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,3,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Bonded Labour Rehabilitation Fund will be used to provide immediate financial assistance to the rehabilitate bonded labour with at least Rs.10,000 lakh as a corpus for this fund.

iv. Name of the District(s) where these bonded labourers (category wise) have been identified:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the District(s)</th>
<th>Name of the State</th>
<th>Identified</th>
<th>Released</th>
<th>Rehabilitated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,3,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

v. Mode of identification:

vi. Whether the rehabilitation scheme has been formulated and approved by the competent authority?:

(cpy of the scheme must be attached)

vi. The detailed statement of assistance provided by State Government/UT (abstract with detailed names of bonded labour to be provided):

vii. Whether any utilization certificate for Central Assistance released in the preceding years are pending: Yes/No

If yes indicate the details of pending utilization certificates:

<table>
<thead>
<tr>
<th>Name of the State/UT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sl. No.</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2,3,</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016
Proposal for Release of Central Assistance for Conducting Survey of Bonded Labourers:

i. Name of District (s) where survey will be conducted:

ii. Duration of Survey with timelines for its completion:

iii. Whether any survey was conducted in the past in the district (s) : (Y/N)
(a) if yes indicate year and month of the survey:
(b) if no, the reasons:

iv. Name of the agency (ies) which conducted survey in the past:

v. Name of the agency (ies) which will be conducting survey:

vi. Item wise breakup of the cost of the proposed survey per sensitive district:

<table>
<thead>
<tr>
<th>S. no.</th>
<th>Item</th>
<th>Cost involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cost of printing of questionnaire (average 2000 @ ₹5 each = ₹10,000)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Cost of imparting training to investigators/field staff for information (payment to 10 investigator/field staff @ ₹500/- per day to each for 5 days (₹5000 x 5 = ₹25,000)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Cost of collecting primary data from field (payment to 10 investigators/field staff @ ₹500/- per day to each for 2 months (₹5000 x 60 days = ₹30,000)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Cost of editing, tabulation and analysis of primary data (payment to 2 Research Assistant @ ₹20,000/- per month to each for 2 months (₹40,000 x 2 months = ₹80,000)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cost of imparting training to investigators/field staff ₹35,000)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

vii. Whether previous survey, if conducted any, have been done within one year of releasing Central assistance: (Y/N)

viii. If yes, then details of findings, recommendations to be provided:

ix. Whether reports of the survey conducted in the past have been sent to Ministry of Labour & Employment, Government of India: (Y/N)
(a) If yes, details thereof
(b) If no, reasons thereof

x. Whether any utilization certificate for Central Assistance released in the preceding years are pending: Yes/No
(a) If yes indicate the details of pending utilization certificates:

---

Central Sector Scheme for Rehabilitation of Bonded Labourer - 2015
Proposal for Availing Central Assistance for Awareness Generation Activities:

i. List of activities proposed to be undertaken for awareness generation:

ii. Name of the agencies which will undertake awareness generation activities. Whether it is Government or Private:

iii. Item-wise break-up of the cost involved in awareness generation activities:

<table>
<thead>
<tr>
<th>S. no.</th>
<th>Item</th>
<th>Cost involved (in ₹)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cost of Campaigning and telecast of various audio visual inputs through AIR, Doordarshan, Song and Drama Division, etc. (max. fund permissible is ₹7 lakhs)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Campaigns through local newspapers (max. fund permissible is ₹1 lakh)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Cost of performance by folk cultural troupes including cost of travelling (max. fund permissible is ₹2 lakhs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

iv. Whether awareness generation activities have been done within 6 months of releasing Central assistance in preceding years. (Y/N)

v. Whether reports of the awareness generation activities conducted in the past have been sent to Ministry of Labour & Employment, Government of India: (Y/N)
(c) If yes, details thereof
(d) If no, reasons thereof

vi. Whether any utilization certificate for Central Assistance released in the preceding years are pending: Yes/No
(b) If yes indicate the details of pending utilization certificates:

CSS for Rehabilitation of Bonded Labourer-2016 w.e.f. 17.05.2016 - (File No.S-11012/01/2015-B)&
Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

Proposal for Availing Central Assistance for Evaluation Studies:

i. List of activities proposed to be undertaken for Evaluation Studies:

ii. Name of the agencies which will undertake the evaluation. Whether it is Government or Private:

iii. Item-wise break-up of the cost involving in evaluation studies:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Cost components</th>
<th>Cost involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Formulation and printing of questionnaire for collecting information from various Departments &amp; who are providing grants/loans for the purpose of effective rehabilitation of bonded labourers including cost of mailing of questionnaire (Rs. 8,000)</td>
<td>(18,000 x 2 months= Rs.36,000)</td>
</tr>
<tr>
<td>2.</td>
<td>Analysis of data by 2 Research Assistants-cum-computer operator (payment @ Rs.10,000/- per month for 2 months) (18,000 x 2 months= Rs.36,000)</td>
<td>(18,000 x 2 months= Rs.36,000)</td>
</tr>
<tr>
<td>3.</td>
<td>Writing of reports by one Research Officer (payment @ Rs.18000/- per month for 2 months) (18,000 x 2 months= Rs.36,000)</td>
<td>(18,000 x 2 months= Rs.36,000)</td>
</tr>
<tr>
<td>4.</td>
<td>Printing and binding of the report (20 original copies) (Rs. 10,000)</td>
<td>(Rs. 10,000)</td>
</tr>
<tr>
<td>5.</td>
<td>Misc expenses including travelling expenses (Rs. 10,000)</td>
<td>(Rs. 10,000)</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

Certified that out of Rs. .................. of grant-in-aid sanctioned during the year ______ in favours of ______. Under the Ministry of Labour and Employment letter no. __________ dated the __________ given in the margin, a sum of Rs. ______ has been utilized for the purpose of Central Sector Scheme for Rehabilitation of Bonded Labourer for which it was sanctioned and the balance of Rs. _______ remaining unutilized at the end of the year has been surrendered to the Ministry of Labour and Employment, Government of India vide letter no. _______ dated the __________ will be adjusted towards the grants-in-aid payable during the next year ________.

2. Certified that I have satisfied myself that the conditions on which the grants-in-aid were sanctioned have been duly fulfilled/are being fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of Checks exercised:

1. _______
2. _______

Signature of the Chairperson of District NCLP Society ................

Designation ................

State Govt./UT Administration

Date

Seal

---

APPENDICES
## Annexure-III

### Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016

<table>
<thead>
<tr>
<th>Detailed Abstract of Assistance provided by State/District Administration to Released Bonded Laboratory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Labour and Employment sanctioned letter No., dated _______________________ Amount of ____________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the freed Bonded Labourer</th>
<th>No. and Date of BL case as per release Certificate</th>
<th>Quantum of punishment to be carried to the Convict Accused</th>
<th>Benefits provided by State Government for beide and its monetary value and cash component in case of educational assistance</th>
<th>Immediate Cash Assistance provided out of District BLP Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
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<tr>
<th>Signature of the Chairperson of District NCLP Society</th>
<th>Designation</th>
<th>State Govt/UT Administration</th>
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### 3. MoLE LETTER DATED 23RD JUNE 2017

F.No. 5-11012/01/2015-R (PL)
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
Director General Labour Welfare
Jalalpur House, 20, Mankiraj Road
NEW DELHI

Dated: June 23, 2017

To:
The Chief Secretary (all State Governments),
The Administrator (all UT Administrations),
The District Magistrate (all Collectors (All)

Subject: Modifications in the Central Sector Scheme for the Rehabilitation of Bonded Labourer, 2016 - regarding.

On the basis of feedbacks received from various stakeholder and with the approval of the Competent Authority, certain modifications have been made in the Central Sector Scheme for the Rehabilitation of Bonded Labourer, 2016, as mentioned below:

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<th>Sl. No.</th>
<th>Old wording provisions</th>
<th>Amended provisions</th>
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<tbody>
<tr>
<td>1</td>
<td>Central Government will withdraw the expenditure made by the States on Survey, Awareness Generation and Evaluatory Studies up to the financial limits prescribed in the Scheme (Para 5(x, xi, xii) of the 2016 Scheme).</td>
<td>Central Government will give 50% of the amount required for conducting Survey, Awareness Generation and Evaluatory Studies in advance. A State may conduct survey once in every three years per selected district. A State may conduct five evaluatory studies per year.</td>
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<td>District Magistrate will submit financial claim to the district NCLP Society which in turn will submit the demand to the Central Government. The Central Government will release funds to the District Magistrate for onward release to the District NCLP Society. (Para 6 &amp; 7 of the 2016 Scheme)</td>
<td>The fund release architecture in operation prior to 2016 Scheme will be followed and the existing NCLP fund has been done away with in view of the fact that many of the districts of a State do not have NCLP Society. The District Administration will send the financial demand to the State’s concerned Ministry/Department dealing with the BLP schemes and the State Ministry/Department will send the proposal to the Central Government. Barring of prospects and release of funds</td>
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</tbody>
</table>
3. Immediate assistance of Rs. 20,000/- (increased from 5 thousand to 20 thousand w.e.f. 17.01.2017) to be provided by the District Administration to the rescued person out of the District Bonded Labour Rehabilitation Fund linked to conviction of the accused.

4(a). The Format for Release Certificate appended to the 2016 Scheme does not capture the caste category of the rescued bonded labour.

4(b) The Release Certificate requires data of conviction and release order (meaning thereby that a Release Certificate is to be issued after the conviction proceedings has concluded).

So as to enable issuance of Release Certificate at the time of release of rescued bonded labour prior to conclusion of conviction proceedings. It has been decided to do away with replace the existing entries at S. no. 4, 16 to 19 in the Format for Release Certificate.

2. It is requested to ensure that the modification in the 2016 Scheme as mentioned above are circulated among all concerned.

(A.K. Singh)

Under Secretary to the Govt. of India

Emails of Principal Secretary/  
Ministers of Home Affairs, Law & Justice, Social Justice & Empowerment,  
Women & Child Development, Finance, External Affairs  
National Human Rights Commission  
Comptroller & Auditor General of India
International Justice Mission (IJM) is a global organisation that protects the most vulnerable from violence and oppression irrespective of their gender, community, caste, race, and ethnicity. Our vision is to rescue thousands, protect millions and prove that justice for the poor is possible.

IJM India works with the State and Central governments on two forms of human trafficking: Bonded Labour and Commercial Sexual Exploitation (sex trafficking) of minors. We work alongside government officials and grassroots organisations to rescue and rehabilitate victims, prosecute offenders and train public justice officials.
IJM helps rescue victims of bonded labour by collaborating with the State and District government officials, police and police units like the AHTU, and quasi-judicial bodies like the NHRC. Between 1999 and 2015, IJM helped facilitate the rescue of more than 12,000 bonded labourers across India.

Being rescued is only the first step to freedom. Healing and being reintegrated into the mainstream society is a slower and more arduous process. IJM continues to walk alongside rescued victims for the next two years, helping them make healthy and empowered decisions. To meet individual needs, IJM’s social workers create customised rehabilitation plans.

IJM believes that rescuing and rehabilitating victims alone is not sufficient. To make justice sustainable, offenders need to be made accountable for the crimes they have committed. IJM continues to assist the police, the district administration, prosecutors and the court to ensure protection for survivors and penalty in accordance with the law for offenders.

IJM participates as resource persons on bonded labour trainings conducted by the state and district for the police and judiciary. We also work with the government to deliver capacity building programmes, and upon request, provide inputs on government-initiated programmes and procedures. Between 2010 and 2015, IJM has trained over 12,000 government officials across India to identify and rescue bonded labourers.

IJM collaborates with grassroots NGOs and community based organisations to empower the vulnerable community, educate them on their rights, and make them aware of the government provisions available to them. The process is a collaborative one, with IJM demystifying the legal system and making it more approachable for the vulnerable.