



Guidelines on Combatting Bonded Labour Trafficking

This booklet is a resource for law enforcement agencies, district administration, labour officers, judiciary, prosecutors, advocates and CSOs to strengthen their efforts to combat bonded labour trafficking. It is our hope that this will be a useful tool to seek and sustain justice for the victims of bonded labour.

Legend

Bonded Labour_____■

Trafficking of Person_____■

DM/SDM & Police/AHTU Rescue Procedure_____■

Police/AHTU Rescue Procedure_____■

DM/SDM Rescue Procedure_____■

Labour Officer Rescue Procedure_____■

Templates_____■

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Bonded Labour System Definition

(S. 2(g), BLSA)

Bonded Labour System (Abolition) Act, 1976, Section 2(g):

(g) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,-

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community,-

he would-

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him,

and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

Explanation.— For the removal of doubts, it is hereby declared that any system of force or partly forced labour under which any workman being contract labour as defined in clause (b) of subsection (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970 (73 of 1970), or an inter-State migrant workman as defined in clause (e) of sub-section (1) of section 2 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), is required to render labour or service in circumstances of the nature mentioned in sub-clause (1) of this clause or is subjected to all or any of the disabilities referred to in sub-clauses (2) to (4), is “bonded labour system” within the meaning of this clause.

Trafficking of Person Definition (S. 370, IPC)

Indian Penal Code, Section 370: Trafficking of Persons.

- (1) Whoever, for the purpose of exploitation,
- (a) recruits,
 - (b) transports,
 - (c) harbours,
 - (d) transfers or
 - (e) receives,

a person or persons, by—

First.— using threats, or

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

Thirdly.— by abduction, or

Fourthly.— by practising fraud, or deception, or

Fifthly.— by abuse of power, or

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.

Explanation 1.— The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude or the forced removal of organs.

Explanation 2.— The consent of the victim is immaterial in a determination of the offence of trafficking.

DEBT/ OBLIGATION

(ANY ONE)

Advance

Custom/Social
Obligation

Succession

Economic
Consideration

Caste or Community

* Surety [S.2(g) last para]
(pg. 8)

*Contract/Inter-State [S.
2(g) Explanation] (pg. 9)

Due to which

RIGHTS AND/OR FREEDOMS FORFEITED

(ANY ONE)

Right to
Minimum Wage

Freedom of Employment

Right to Move Freely

Right to Appropriate/
Sell at Market Value,
Property/Product of
Labour

Bonded
Labour
System

BLSA
S. 2(g)

ACTIONS (ANY ONE)	MEANS (ANY ONE)
Recruits	Threats
Transports	Force/ Coercion
Harbours	Abduction
Transfers	Fraud/ Deception
Receives	Abuse of Power
	Inducement of person having control ¹

By

PURPOSE (ANY ONE)
Physical Exploitation
Sexual Exploitation
Slavery
Practices Similar to Slavery
Servitude
Forced Removal of Organs
Other Forms of Exploitation

For

TRAFFICKING OF PERSON
IPC S. 370

¹ Section 370, Indian Penal Code, pg. 10,
“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.”

List of Offences

Abbreviations

S Section

IPC Indian Penal Code

BLSA Bonded Labour System (Abolition) Act, 1976

SC/ST Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989

JJA Juvenile Justice (Care and Protection of
Children) Act, 2015

CLA Child and Adolescent Labour (Prohibition
and Regulation) Act, 1986

ISMW Inter-State Migrant Workmen (Regulation of
Employment and Conditions of Service) Act,
1979

Section	Description	Punishment
IPC S. 370(2)	Trafficking of person	7 to 10 years and Fine
IPC S. 370(3)	Trafficking of more than one person	10 years to Life and Fine
IPC S. 370(4)	Trafficking of minor	10 years to Life and Fine
IPC S. 370(5)	Trafficking of more than one minor	14 years to Life and Fine
IPC S. 370(6)	Person convicted of offence of trafficking of minor on more than one occasion	Life and Fine
IPC S. 370(7)	Public servant or a police officer involved in trafficking of person	Life and Fine
IPC S. 370A(1)	Sexual Exploitation of a trafficked minor	5 to 7 years and Fine
IPC S. 370A(2)	Sexual Exploitation of a trafficked person	3 to 5 years and Fine
IPC S. 371	Habitual dealing in slaves	Up to 10 years or Life and Fine
IPC S. 374	Unlawful compulsory labour	1 year or Fine or Both
IPC S. 323	Voluntarily causing hurt	Up to 1 year or Fine up to Rs. 1,000 or Both
IPC S. 325	Voluntarily causing grievous hurt	Up to 7 years and Fine
IPC S.327	Voluntarily causing hurt to extort property or to constrain to an illegal act	Up to 10 years and Fine

Section	Description	Imprisonment
IPC S. 329	Voluntarily causing grievous hurt to extort property or to constrain to an illegal act	Up to 10 years or Life and Fine
IPC S. 341	Wrongful restraint	Up to 1 month or Fine up to Rs. 500 or Both
IPC S. 342	Wrongful Confinement	Up to 1 year or Fine up to Rs. 1,000 or Both
IPC S. 344	Wrongful Confinement for 10 days or more	Up to 3 years and Fine
IPC S. 352	Assault or Criminal Force	Up to 3 months or Fine up to Rs. 500 or Both
IPC S. 357	Assault or Criminal Force in attempt to wrongfully confine a person	Up to 1 year or Fine up to Rs. 1,000 or Both
IPC S. 367	Kidnapping or abducting in order to subject person to slavery	Up to 10 years and Fine
IPC S. 368	Wrongfully concealing or keeping confined a kidnapped or abducted person	Same as the Specific Offence of Kidnapping or Abducting
IPC S. 417	Cheating	Up to 1 years or Fine or Both
IPC S. 419	Cheating by personation	Up to 3 years or Fine or Both

Section	Description	Imprisonment
IPC S. 506	Criminal Intimidation	Up to 2 years or Fine or Both
IPC S. 506	Criminal Intimidation by threat to cause death, grievous hurt, arson, imply unchastity or cause any offence punishable with a sentence of up to 7 years or Life or Death	Up to 7 years or Fine or Both
BLSA S. 9 (2)	Whoever accepts any payment from a labourer against a bonded debt	Up to 3 years and Fine
BLSA S. 16	Whoever compels any person to provide bonded labour	Up to 3 years and Fine up to Rs. 2,000
BLSA S. 17	Whoever advances a bonded debt	Up to 3 years and Fine up to Rs. 2,000
BLSA S. 18	Whoever enforces any custom, tradition, contract or agreement requiring any person to work under a bonded labour system	Up to 3 years and Fine up to Rs. 2,000 and Payment from Fine to victim at Rs. 5 per day worked in bondage
BLSA S.19	Whoever fails to restore any property of a bonded labourer	Up to 1 year or Fine up to Rs. 1,000 or Both and Payment from Fine to victim at Rs. 5 per day property not restored
BLSA S.20	Abetment of offence	Same as Offence

Section	Description	Imprisonment
SC/ST Act S.3(1)(h), S.3(1)	Making a SC/ST member to do 'begar' or any form of forced/bonded labour	6 months to 5 years and Fine
SC/ST Act S.3(1)(z), S.3(1)	Forces or causes a SC/ST member to leave his house, village or residence	6 months to 5 years and Fine
SC/ST Act S.3(2)(v)	Commits an offence under IPC punishable with 10 years or more against a SC/ST member	Life and Fine
ISMW S. 25	Contravention of provisions regarding employment or license under ISMW	Up to 1 year or Fine up to Rs. 1,000 or Both and Rs. 100 per day Contravening Post First Conviction
ISMW S. 26	Contravention of other provisions under ISMW not punishable elsewhere	Up to 2 years or Fine up to Rs. 2,000 or Both
JJA S. 76(1)	Employs child for begging or causes child to beg	Up to 5 years and Fine of Rs. 1,00,000
JJA S. 76 Proviso	Amputates or maims child for the purpose of begging	7 to 10 years and Fine of Rs. 5,00,000
JJA S. 77	Gives or causes to be given liquor, drug, tobacco product or psychotropic substance to a child	Up to 7 years and Fine up to Rs. 1,00,000
JJA S. 78	Using child for vending, peddling, carrying, supplying or smuggling liquor, drug or psychotropic substance	Up to 7 years and Fine up to Rs. 1,00,000

Section	Description	Imprisonment
JJA S. 79	Engaging and keeping child in bondage for purpose of employment or withholding earnings or using earnings for own purpose	Up to 5 years and Fine of Rs. 1,00,000
JJA S. 81	Buying or Selling children for any purpose	Up to 5 years and Fine of Rs. 1,00,000
JJA S. 81 Proviso	Offence under S. 81 by person having charge of child including home staff	3 to 7 years and Fine of Rs. 1,00,000
CLA S. 3, 14(1), 14(1)Proviso	Employing or permitting a child in any occupation or process aside from non-hazardous family enterprise or safe audio-visual entertainment subject to education	6 months to 2 year or Fine of Rs. 20,000 to Rs. 50,000 or Both (Punishment exempt for parents or guardians committing for non-commercial purpose)
CLA S. 3A, 14(1A)	Employing or permitting adolescent in hazardous occupations or processes listed in the CLA Schedule	6 months to 2 years or Fine of Rs. 20,000 to Rs. 50,000 or Both
CLA S. 3, 3A, 14(2)	Commission of Like Offence after being Convicted once under S. 3 or 3A	1 year to 3 years
CLA S. 3, 3A, 14(2A), 14(1B)	Commission of Like Offence after being Convicted once under S. 3 or 3A by parent or guardian	Fine up to Rs. 10,000 (Parent/guardian exempt on first conviction)
CLA S. 14(3)	Contravention of any other provision under CLA	Up to 1 month or Fine up to Rs. 10,000 or Both

Rescue Procedure

(References from Pages 27 to 47)

On Receipt of Information.

- Step 1: DM/SDM:
- a. Record in writing, if oral, and give receipt of complainant, if any.
 - b. Inform Police/AHTU.

AND

(to be done as soon as information is received by either)

- Police/AHTU:
- a. Register FIR, at source, transit or destination, suo moto or on complaint by AHTU, victim, family of a victim, NGO, District Magistrate (DM)/ Sub-Divisional Magistrate (SDM) or any person, and
(For ref offences see pages 14 to 19)
 - b. Inform DM/SDM.

- Step 2: DM/SDM:
& Police/
AHTU
- Rescue Team comprising of DM/SDM, Police, AHTU, Labour Officer (LO), women officers, witnesses, photographer, NGO members and any necessary person.

- Step 3: DM/SDM:
& Police/
AHTU
- Conduct Rescue without unavaliable team member, informing such member immediately after, if there is reason to believe that it is necessary to conduct the rescue without delay, e.g., danger to victim or of tampering of evidence.

Step 4: DM/SDM: & Police AHTU	Conduct rescue as soon as possible, within 24 hours of receipt of complaint.
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At Place of Occurrence (PO).

Step 5: DM/SDM: & Police/ AHTU	Secure PO and photograph it.
Step 6: DM/SDM: & Police/ AHTU	Separate Victim from Offender, and provide adequate protection from the Offender and his associates.
Step 7: DM/SDM: & Police/ AHTU	Conduct Brief Inquiry in the absence of the Offender, in the presence of NGO/ social worker: Ask brief questions to determine whether there are indications of bonded labour. Questions should include: ➤ Advance/ other obligation, ➤ Wage payments, ➤ Ability for the labourer to leave the work site, ➤ etc.

- Step 8: DM/SDM:
& Police/
AHTU
- Ensure/Photograph and Seize,
- Phone books,
 - Mobile phones,
 - Travel tickets and documents,
 - Accommodation receipts,
 - Bank statements,
 - Wage receipts, slips and registers,
 - Muster rolls,
 - Ledger books,
 - Bondage agreements,
 - Small notebooks,
 - Cash,
 - Sticks and other weapons (used to hurt the victims),
 - Locks (used to prevent movement),
 - Ownership documents, lease, license,
 - Documents establishing relationship with trafficker,
 - etc.
- Step 9: DM/SDM:
& Police
AHTU
- Ensure/Prepare Seizure List, and Rescue Memo recording details and contacts of the victim, and cause both to be signed by the Witnesses.
- Step 10: DM/SDM:
& Police/
AHTU
- Ensure Victim removed from PO and ensure safety of the Victim's belonging.
- Step 11: Police/AHTU: Arrest the Offender.

Immediately after PO.

- Step 12: DM/SDM: & Police/AHTU Take Victim to a safe location preferably the AHTU/SP's Office or the DM's Office.
- Step 13: DM/SDM: & Police/AHTU Provide immediate assistance including, fooding, lodging, medical assistance, legal aid, victim and witness protection, etc.
- Step 14: LO: (Simultaneous with other steps) Calculate Minimum Wages and send notice of payment of the same, if found to be unpaid, to the Offender.
- Step 15: DM/SDM: & Police/AHTU Conduct Inquiry in the absence of the Offender, in the presence of NGO/ social worker, as soon as possible, within 24 hours of rescue: Ask specific questions regarding, e.g.,
- Advance/ other obligation;
 - Wages paid;
 - Freedom to travel;
 - Freedom to seek alternative employment;
 - Freedom to sell goods at market value;
 - Other elements of bondage and elements of other offences such as trafficking SC/ST offences, and offences against children;
 - etc. (*refer template*)

- Step 16: DM/SDM: Provide state assistance under other schemes regardless of finding of bondage.
- Step 17: DM/SDM: Issue Executive Order and issue Release Certificate (*refer template*) to each Victim, including children even if with family, working in bondage immediately within 24 hours of inquiry.
- Step 18: DM/SDM: Calculate total cash rehabilitation assistance for each Victim.
- Step 19: DM/SDM: And provide each Victim with immediate cash assistance of at least Rs. 20,000/- and up to the total cash rehabilitation amount.
- Step 20: DM/SDM:
& Police/
AHTU Obtain medical examination of the Victim to check for and demonstrate physical injury/disease due to the work, and sexual abuse.
- Step 21: Police/AHTU: If not registered yet, register FIR as under Step 1a.
- Step 22: DM/SDM: If FIR registered or making complaint to Police/AHTU, provide certified copy of all available relevant documents to the Police/AHTU at the earliest, e.g., Release Certificate, Inquiry Form or Details of Bonded Labour, Medical Report, etc.

- Step 23: DM/SDM:
& Police/
AHTU If LO not informed yet, inform the Labour Department to ensure compliance with Minimum Wages Act, 1948 and other labour laws.
- Step 24: DM/SDM:
& Police/
AHTU Ensure/Record Cr.P.C. S. 161 Statement after registration of FIR. If FIR not yet registered, record victim statements. Both to be recorded in absence of Offender and presence of NGO/ social worker.
- Step 25: DM/SDM:
& Police
AHTU Send Harassment Protection Letter (*refer template*) to the local police of the Victim's Residence.
- Step 26: DM/SDM:
& Police/
AHTU Provide Police Protection for Victim and Witnesses.
- Step 27: DM/SDM: Send proposal for reimbursement to the Principal Secretary, Labour.
- Step 28: DM/SDM:
& Police/
AHTU Produce any child who falls under "child in need of care and protection" as per Section 2(14) of JJA before the CWC.

Transfer of Victim to Rehabilitation Location (if different)

- Step 29: DM/SDM: & Police/AHTU Transfer Victim, subject to his consent, within 24 hours of rescue, and coordinate with both the rehabilitation and rescue location's police and DM/SDM for quick transfer, protection and rehabilitation.
- Step 30: DM/SDM: & Police/AHTU Provide fooding, shelter, transport & protection throughout the transfer as required.
- Step 31: DM/SDM: Send a written request to the rehabilitation location's DM, if different, including,
➤ Details and contact of Victim,
➤ Name of Offender,
➤ Certified copy of Release Certificate, Inquiry Form or Details of Bonded Labour,
➤ Receipt of Rehabilitation given,
➤ etc.
- Step 32: DM/SDM: Provide any benefit not provided yet.
- Step 33: DM/SDM: Send proposal for reimbursement to the Principal Secretary, Labour.

Benefits by DM/SDM.

- Step 34: DM/SDM: Ensure provision of other benefits,
- Allotment of house and land
 - Land development
 - Low cost dwelling units
 - Animal husbandry
 - Wage employment, Minimum Wage
 - Collection, processing of minor forest products
 - Supply of essential commodities
 - Education for children.
- Step 35: DM/SDM: Provide Capacity Building, Education, Skill Development, etc.

Investigation by Police.

- Step 36: Police/AHTU: Obtain other Evidence such as,
- Proof of age,
 - Facility registration documents,
 - Copy of Details of Bonded Labour,
 - Copy of the Release Certificates,
 - Medical evidence,
 - Caste Certificate,
 - etc.
- Step 37: Police/AHTU: Obtain documentation of back wages from Labour Officer, Department or Court as evidence.

Step 38: Police/AHTU: Conduct investigation at source, transit and destination.

Step 39: Police/AHTU: Prepare memo of evidence to give to the Public Prosecutor to oppose bail and use in conducting prosecution.

Step 40: Police/AHTU: If FIR registered, ensure timely filing of chargesheet and if SC/ST offences are included, chargesheet must be filed within 60 days.

Prosecution.

Step 41: DM/SDM:
& Police/
AHTU

Provide the Magistrate or Court conducting the trial with all available relevant documents such as a certified copy of,

- Inquiry Form or Details of Bonded Labour,
- Release Certificate,
- Report of the Medical Examination,
- Caste Certificate, etc.

Step 42: DM/SDM:

Follow up with the concerned Magistrate or Court regarding conviction details.

Step 43: DM/SDM:

Give balance cash rehabilitation assistance to the Victim on conviction.

Step 44: DM/SDM:

Update proposal for reimbursement to the Principal Secretary, Labour.

Police/AHTU Rescue Procedure

References

Abbreviations

AHTU Scheme	Comprehensive Scheme for Establishment of integrated Anti Human Trafficking Units and capacity building of responders, including Training of Trainers for strengthening the law enforcement response to human trafficking in India Plan, Ministry of Home Affairs, Government of India
UNODC MHA SoP	Standard Operating Procedures (SOP) on Investigation of Crimes of Trafficking for Forced Labour, 2008, United Nations Office on Drugs and Crime, and Government of India
MHA Combat HT	Advisory on Preventing and Combating Human Trafficking in India, F.No.15011/6/2009-ATC(Advisory) dated 9th September, 2009, Ministry of Home Affairs, Government of India

On Receipt of Information.

- Step 1: a. Register FIR, at source, transit or destination, suo moto or on complaint by AHTU, victim, family of victim, NGO, District Magistrate (DM)/ Sub-Divisional Magistrate (SDM) or any person, and (For reference offences see pages 14 to 19)
- pg. 5, pt. 6(b)6, AHTU Scheme
 - pg. 18, pt. 5.1; pg. 18, FAQ 1, UNODC MHA SoP
 - para. 3, Ministry of Home Affairs, Advisory on Registration of FIR irrespective of territorial jurisdiction and Zero FIR, No. 15011/35/2013 - SC/ST-W dated 10th May, 2013
 - Para 120.1, Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1
 - Para 14, Dharmendra Kumar Beuria and Ors. Vs. State of Orissa, Criminal Misc. Case No. 3401 of 2015 decided by the Orissa High Court on 20.11.2015
- b. Inform DM/ SDM.
- Section 10 to 12, Bonded Labour System (Abolition) Act, 1976
 - pg. 15, pt. 4.1, Step 3, UNODC MHA SoP
- Step 2: Rescue Team comprising of DM/SDM, Police, AHTU, Labour Officer, women officers, witnesses, photographer, NGO members and any necessary person.
- pg. 2, pt. 3, 2nd row; pg. 6, pt. 6(b)8 and "AHTUs shall be responsible for:" pt. 1 and 3, AHTU Scheme
 - pg 4, pt. 6.2; pg 6, pt. 8.1, MHA Combat HT
 - pg. 15, pt. 4.1, Step 3 and 5; pg. 18, pt. 5.1, FAQ 3; pg. 31, pt. 11, UNODC MHA SoP

- pg. 252 to 253, para 4, Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243

Step 3: Conduct Rescue without unavaliable team member, informing such member immediately after, if there is reason to believe that it is necessary to conduct the rescue without delay, e.g., danger to victim or of tampering of evidence.

- pg. 18, FAQ 1, 2 and 4, UNODC MHA SoP

Step 4: Conduct rescue as soon as possible within 24 hours of receiving the complaint.

- pg. 6, pt. 6(b)7 and “AHTUs will be responsible for:”, pt. 5, AHTU Scheme
- pg. 15, pt. 4.1, “Response has to be quick and effective”, UNODC MHA SoP

At Place of Occurrence (PO).

Step 5: Secure PO and photograph it.

- pg. 2, pt. 3, 1st row; pg. 6, pt. 6(b)(1)(c); AHTU Scheme
- pg. 15, pt. 4.1, Step 6, UNODC MHA SoP
- pg 5, pt. 7.2, MHA Combat HT

Step 6: Separate Victim from Offender and provide adequate protection from Offender and his associates.

- pg. 6, pt. 6(b) 7 to 8 and “AHTUs will be responsible for:”, pt. 5, AHTU Scheme
- pg 5, pt. 7.2, pg 6, pt. 8.1, MHA Combat HT
- pg. 16, pt. 4.1, Step 9, 10; pg. 17, pt. 4.2, “DOs”, 5 and “DONTs”, 6 to 8; pg. 17, pt. 4.3, 1 to 3; pg. 25, pt. 7.3 “The rescued victims should never be -”; pg. 26, pt. 7.7, pt. 4; pg. 28, pt. 8, 4; pg. 29, pt. 9, pt. 5 and 11; pg. 35, pt. 14 “Police has responsibilities relating to”, pt. 2 and 3; pg. 35, pt. 14 “Child”, pt. 1, 2, 4, 7 and “Adults” pt. 2, 4.1, 6, and “Collaboration” pt. 1, 3, 4, 6, UNODC MHA SoP

Step 7: Conduct Brief Inquiry in the absence of the Offender, in the presence of NGO/social worker: Ask brief questions to determine whether there are indications of bonded labour. Questions should include:

- Nature of the advance/ other obligation,
- Wage payments,
- Ability for the labourer to leave the work site,
- etc.
- pg. 6, pt. 6(b) 7 to 8 and “AHTUS will be responsible for:” pt. 4 and 5, AHTU Scheme
- pg. 15, pt. 4.1, Step 5 and 10 to 12; pg. 16, pt. 4.2, UNODC MHA SoP

Step 8: Photograph and Seize,

- Phone books,
- Mobile phones,
- Travel tickets and documents,
- Accommodation receipts,
- Bank statements,
- Wage receipts, slips and registers,

- Muster rolls,
- Ledger books,
- Bondage agreements,
- Small notebooks,
- Cash,
- Sticks and other weapons (used to hurt the victims),
- Locks (used to prevent movement),
- Ownership documents, lease, license,
- Documents establishing relationship with trafficker,
- etc.
- pg 5, pt. 7.2, MHA Combat HT
- pg. 20, pt. 6.1 A) to C); pg. 21, pt. 6.1 C) “Remember to do the following:”; pg. 22, pt. 6.3, 2; pg. 22, pt. 6.4, pg. 24, pt. 7.2, UNODC MHA SoP

Step 9: Prepare Seizure List, and Rescue Memo recording details and contacts of the victim, and cause both to be signed by the Witnesses.

- pg. 6, pt. 6(b) 7 and “AHTUs will be responsible for:” pt. 5, AHTU Scheme
- pg. 16, pt. 4.1 Step 10; pg. 16, pt. 4.2, pt. 1; pg. 20, pt. 6.1 B); pg. 35, pt. 14 “Police has responsibilities relating to:” pt. 1, UNODC MHA SoP

Step 10: Ensure Victim removed from PO and ensure safety of the Victim’s belonging.

- See references under Step 6

Step 11: Arrest the Offender.

- pg. 6, pt. 6(b)7, pg. 6, pt. 6(b), MHA Scheme
- pg. 21, pt. 6.3; pg. 31, pt. 11, pt. 1, UNODC MHA SoP

Immediately after PO.

Step 12: Take Victims to a safe location preferably the AHTU/ SP's Office or the DM's Office.

- See references under Step 6

Step 13: Provide immediate assistance including, fooding, lodging, medical assistance, legal aid, victim and witness protection, etc.

- See references under Step 6

Step 15: Conduct Inquiry in the absence of the Offender, in the presence of NGO/social worker, as soon as possible, within 24 hours of rescue: Ask specific questions regarding the elements of bonded labour, e.g.,

- Advance/ other obligation;
- Wages paid;
- Freedom to travel;
- Freedom to seek alternative employment;
- Freedom to sell goods at market value;
- Other elements of bondage and elements of other offences such as trafficking SC/ST offences, and offences against children;
- etc. (refer template)

- See references under Step 4 and 7

Step 20: Obtain medical examination of the Victim to check for and demonstrate physical injury/disease due to work, and sexual abuse.

- pg. 6, pt. 6(b) "AHTUs will be respsnible for:" pt. 5, AHTU Scheme
- pg. 24, pt. 7-2; pg. 25, pt. 7-4; pg. 28, pt. 8, 5 UNODC MHA SoP

Step 21: If not registered yet, register FIR as under Step 1a.
(For reference offences see pages 14 to 19)

- See references under Step 1a

Step 23: If LO not informed yet, inform the Labour Department to ensure compliance with Minimum Wages Act, 1948 and other labour laws.

- pg. 6, pt. 6(b) “AHTUs will be responsible for:” pt. 5, AHTU Scheme
- pg 5, pt. 7.2, MHA Combat HT
- pg. 23, pt. 6.7, pt. 8 to 10; pg. 31, pt. 11 “Remember, the best way of prevention is to hit the economics...Ensure payment of back wages in accordance with Minimum Wages Act, 1948...”, UNODC MHA SoP

Step 24: Record Cr.P.C. S. 161 Statement after registration of FIR. If FIR not yet registered, record victim statements. Both to be recorded in absence of Offender and presence of NGO/ social worker.

- See references under Step 6
- pg. 24, pt. 7.1, UNODC MHA SoP

Step 25: Send Harassment Protection Letter (*refer template*) to the local police of the Victim's Residence.

- See references under Step 6

Step 26: Provide Police Protection for Victim and Witnesses.

- See references under Step 6

Step 28: Produce any child who falls under “child in need of care and protection” as per Section 2(14) of JJA before the CWC.

- *Section 28(3), Juvenile Justice (Care and Protection of Children) Act, 2015*

Transfer of Victim to Rehabilitation Location (if different).

Step 29: Transfer Victim, subject to his consent, within 24 hours of rescue, and coordinate with both the rehabilitation and rescue location's police and DM/SDM for quick transfer, protection and rehabilitation.

- *See references under Step 4 and 6*

Step 30: Provide fooding, shelter, transport & protection throughout the transfer as required.

- *See references under Step 6*

Investigation by Police.

Step 36: Obtain other Evidence such as,

- Proof of age,
- Facility registration documents,
- Copy of Inquiry statement,
- Copy of the release certificates,
- Medical evidence,
- Caste Certificate,
- etc.

- *See references under Step 8*

Step 37: Obtain documentation of back wages from Labour Officer, Department or Court as evidence.

- See references under Step 8 and 23

Step 38: Conduct investigation at source and transit and destination.

- pg. 20, pt. 6.1 C); pg. 22, pt. 6.4 and 6.7, UNODC MHA SoP

Step 39: Prepare memo of evidence to give to the Public Prosecutor to oppose bail and use in conducting prosecution.

- pg 5, pt. 7.2, MHA Combat HT
- pg. 6, pt. 6(b) 7 and 8, AHTU Scheme
- pg. 29, pt. 9, pt. 1, UNODC MHA SoP

Step 40: If FIR registered, ensure timely filing of chargesheet and if SC/ST offences are included, chargesheet must be filed within 60 days.

- Section 4(2)(e), Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Prosecution.

Step 41: Provide the Magistrate or Court conducting the trial with all available relevant documents such as a certified copy of,

- Inquiry Form or Details of Bonded Labour ,
- Release Certificate,
- Report of the Medical Examination,
- Caste Certificate, etc.

- pg. 6, pt. 6(b) 7 and 8, AHTU Scheme
- pg. 5, pt. 7.2, MHA Combat HT

District Magistrate / Sub-Divisional Magistrate Rescue Procedure References

Abbreviations

BLSA	Bonded Labour System (Abolition) Act, 1976
CSS	Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016, F. No.S-11012/01/2015-BL dated 18.05.2016, Ministry of Labour & Employment, Government of India
Enhanced CSS	Central Sector Scheme for Rehabilitation of Bonded Labour - 2016 - Enhancement of the amount of immediate financial assistance, F. No.S-11012/01/2015-BL dated 17.01.2017, Ministry of Labour & Employment, Government of India
Modified CSS	Modifications in the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 - regarding, F.No.S-11012/01/2015-B(Pt.) dated 23.05.2017, Ministry of Labour and Employment, Government of India

MoLE SoP	Standard Operating Procedure for Identification and Rescue of Bonded Labour and Prosecution of Offender, F.No. S-11012/01/2015-BL(Pt.) dated 17.08.2017, Ministry of Labour and Employment, Government of India
Bandhua	Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161
Neeraja	Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243
PUCL 2013	Public Union for Civil Liberties v. State of Tamil Nadu, (2013) 1 SCC 585
PUCL 1994	Public Union for Civil Liberties v. State of Tamil Nadu, (1994) 5 SCC 116
PUCL 2004	Public Union for Civil Liberties v. State of Tamil Nadu, (2004) 12 SCC 381

On Receipt of Information.

- Step 1:
- Record, in writing, if oral, and give receipt of complaint, if any.
 - pt. 1, MoLE SoP*
 - Inform Police/AHTU
 - pt. 2.2, MoLE SoP*
 - pg. 116 and 117, para 1(2) and (8) to (9), PUCL 1994*
 - para 5(vii), CSS*
- Step 2: Rescue Team comprising of DM/SDM, Police, AHTU, Labour Officer (LO), women officers, witnesses, photographer, NGO members and any necessary person.
- pt. 2.2, MoLE SoP*
 - para 5(vii), CSS*
 - pg. 116 and 117, para 1(2) and (8) to (9), PUCL 1994*
 - pg. 208, para 25, Bandhua*
- Step 3: Conduct Rescue without unavaliable team member, informing such member immediately after, if there is reason to believe that it is necessary to conduct the rescue without delay, e.g., danger to victim or of tampering of evidence.
- pt. 2.3, MoLE SoP*
- Step 4: Conduct rescue as soon as possible within 24 hours of receipt of complaint.
- pt. 2.1, MoLE SoP*

At Place of Occurrence (PO).

Step 5: Secure PO and photograph it.

- *pt. 2.4, MoLE SoP*

Step 6: Separate Victim from Offender and provide adequate protection from the Offender and his associates.

- *pt. 2.4, MoLE SoP*
- *para 5(vii), CSS*
- *pg. 252, para 4, Neeraja*

Step 7: Conduct Brief Inquiry in the absence of the offender, in the presence of NGO/social worker: Ask brief questions to determine whether there are indications of bonded labour. Questions should include:

- Advance/other obligation,
- Wage payments,
- Ability for the labourer to leave the work site,
- etc.
- *Section 12, BLSA*
- *pt. 2.5, MoLE SoP*
- *pg. 252 to 253, para 4, Neeraja*

- Step 8: Ensure Police/AHTU Photograph and Seize,
- Phone books,
 - Mobile phones,
 - Travel tickets and documents,
 - Accommodation receipts,
 - Bank statements,
 - Wage receipts, slips and registers,
 - Muster rolls,
 - Ledger books,
 - Bondage agreements,
 - Small notebooks,
 - Cash,
 - Sticks and other weapons (used to hurt the victims),
 - Locks (used to prevent movement),
 - Ownership documents, lease, license,
 - Documents establishing relationship with trafficker,
 - etc.
- *Section 12, BLSA*
 - *pt. 2.6, MoLE SoP*

- Step 9: Ensure Police/AHTU prepare Seizure List, and Rescue Memo recording details and contacts of the victim, and cause both to both to be signed by the Witnesses.
- *Section 12, BLSA*
 - *pt. 2.7, MoLE SoP*

- Step 10: Ensure Victim removed from PO and ensure safety of the Victim's belonging.
- *pt. 2.9, MoLE SoP*
 - *para 5(vii), CSS*

Immediately after PO.

Step 12: Take Victims to a safe location preferably the AHTU/SP's Office or the DM's Office.

- *pt. 2.9, MoLE SoP*
- *para 5(vii), CSS*

Step 13: Provide immediate assistance including, fooding, lodging, medical assistance, legal aid, victim and witness protection, etc.

- *Pt. 3.1, MoLE SoP*
- *para 5(vii), CSS*
- *pg 117, para 1(6), PUCL 1994*

Step 15: Conduct Inquiry in the absence of the offender, in the presence of NGO/social worker, as soon as possible, within 24 hours of rescue: Ask specific questions regarding the elements of bonded labour, e.g.,

- Advance/other obligation;
- Wages paid;
- Freedom to travel;
- Freedom to seek alternative employment;
- Freedom to sell goods at market value;
- Other elements of bondage and elements of other offences such as trafficking SC/ST offences, and offences against children;
- etc. (refer template)
- *See references under Step 6*
- *pt. 3.3, MoLE SoP*
- *pg. 8 to 9, CSS*

Step 16: Provide state assistance under other schemes regardless of finding of bondage.

- *para 5(vi), CSS*

Step 17: Issue Executive Order and issue Release Certificate (refer template) to each Victim, including children even if with family, working in bondage immediately within 24 hours of inquiry.

- *pt. 3.4, MoLE SoP*
- *pg. 12, CSS*
- *pg. 15, para 4.10(i)(ii), Ministry of Labour, Abolition of Bonded Labour System: A Manual on Identification Release and Rehabilitation of Bonded Labour, 2004*
- *pg. 141 to 142, para 1, Santhal Pargana Antyodaya Ashram v. State of Bihar, 1987 (Supp) SCC 141*

Step 18: Calculate total cash rehabilitation assistance for each Victim.

- *Section 11, BLSA*
- *para 5(ii)(iii)(iv), CSS*

Step 19: And provide each Victim with immediate cash assistance of at least Rs. 20,000/- and up to the total cash rehabilitation amount.

- *pt. 3.5, MoLE SoP*
- *para 2, Enhanced CSS*
- *Sl. No. 3, Modified CSS*
- *para 5(xiv), CSS*

Step 20: Obtain medical examination of the Victim to check for and demonstrate physical injury/disease due to work, and sexual abuse.

- *pt. 3.6, MoLE SoP*

Step 22: If FIR registered or making complaint to Police/AHTU, provide certified copy of all relevant documents to the Police/AHTU at the earliest, e.g., Release Certificate, Inquiry Form or Details of Bonded Labour, Medical Report, etc.

- *pt. 4.3, MoLE SoP*

Step 23: If LO not informed yet, inform the Labour Department to ensure compliance with Minimum Wages Act, 1948 and other labour laws.

- *pt. 3.2, MoLE SoP*
- *pg. 595, para 16.8, PUCL 2013*

Step 24: Ensure Police/AHTU record Cr.P.C. S. 161 Statement after registration of FIR. If FIR not yet registered, ensure Police/AHTU record victim statements. Both to be recorded in absence of Offender and in presence of NGO/ social worker.

- *Section 12, BLSA*
- *pt. 4.4, MoLE SoP*

Step 25: Send Harassment Protection Letter (*refer template*) to the local police of the Victim's Residence.

- *pt. 11.2(a) and (b), MoLE SoP*
- *para 5(vii), CSS*

Step 26: Provide Police Protection for Victim and Witnesses.

- *pt. 11.2(a); 11.3, MoLE SoP*
- *para 5(vii), CSS*

Step 27: Send proposal for reimbursement to the Principal Secretary, Labour.

- *Sl. No. 2, Modified CSS*
- *para 6.1; pg. 8-12, CSS*

Step 28: Produce any child who falls under “child in need of care and protection” as per Section 2(14) JJA before the CWC.

- *Section 28(3), Juvenile Justice (Care and Protection of Children) Act, 2015*

Transfer of Victim to Rehabilitation Location (if different).

Step 29: Transfer Victim, subject to his consent, within 24 hours of rescue, and coordinate with both the rehabilitation and rescue location's police and DM/SDM for quick transfer, protection and rehabilitation.

- *pt. 11, MoLE SoP*
- *para 5(vii), CSS*

Step 30: Provide fooding, shelter, transport & protection throughout the transfer as required.

- *pt. 11.2(a) and 11.3, MoLE SoP*
- *para 5(vii), CSS*

Step 31: Send a written request to the rehabilitation location's DM, if different, including,

- Details and contact of Victim,
- Name of Offender,
- Certified copy of Release Certificate, Inquiry Form or Details of Bonded Labour,
- Receipt of Rehabilitation given,
- etc.

- *Section 11, BLSA*

- *pt. 11.2(c), MoLE SoP*

Step 32: Provide any benefit not provided yet.

- *Section 11, BLSA*
- *para 5(ii)(iii)(iv)(vii)(xiv), CSS*
- *pg 117, para 1(5) to (7), PUCL 1994*

Step 33: Send proposal for reimbursement to the Principal Secretary, Labour.

- *See references under Step 25*

Benefits by DM/SDM.

Step 34: Ensure provision of other benefits,

- Allotment of house and land
- Land development
- Low cost dwelling units
- Animal husbandry
- Wage employment, Minimum Wage
- Collection, processing of minor forest products
- Supply of essential commodities
- Education for children.
- *para 5(v), CSS*
- *pg 117, para 1(5) to (7), PUCL 1994*

Step 35: Provide Capacity building, Education, Skill development, etc.

- *Section 11, BLSA*
- *para 5(viii), CSS*

Prosecution.

Step 41: Provide the Magistrate or Court conducting the trial with all available relevant documents such as a certified copy of,

- Inquiry Form or Details of Bonded Labour,
- Release Certificate,
- Report of the Medical Examination,
- Caste Certificate, etc.
- *Section 12, BLSA*
- *pg. 116 and 117, para 1(2) and (8) to (9), PUCL 1994*

Step 42: Follow up with the concerned Magistrate or Court regarding conviction details.

- *para 6.1, 6.3, CSS*

Step 43: If not given yet, give balance cash rehabilitation to the Victim on conviction.

- *Section 11, BLSA*
- *para 5(ii)(iii)(iv), CSS*

Step 44: Update proposal for reimbursement to the Principal Secretary, Labour.

- *Sl. No. 2, Modified CSS*
- *para 6.1, 6.3; pg. 8-12 and pg. 17 CSS*

Labour Officer Rescue Procedure

References

Immediately after PO.

Step 14: Calculate Minimum Wages and send notice of payment of the same, if found to be unpaid, to the Offender. (Simultaneous with other steps by other officials)

- Section 19 and 20, Minimum Wages Act, 1948
- pt. 3.2 and 9.4, Standard Operating Procedure for Identification and Rescue of Bonded Labour and Prosecution of Offender, F.No. S-11012/01/2015-BL(Pt.) dated 17.08.2017, Ministry of Labour and Employment, Government of India
- pg. 31, pt. 11 “Remember, the best way of prevention is to hit the economics...Ensure payment of back wages in accordance with Minimum Wages Act, 1948...”, UNODC MHA SoP

Executive Order and Release Certificate Template

Sources:

- Letter No.17-STGR-22-4057/13176, dated 27.06.2011, from Arjun Shah Under Secretary to Government of Odisha, to the Collector Kalahandi.
- Sl. No. 4(i)(ii), Modifications in the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 - regarding, Ministry of Labour and Employment, Government of India, F. No. S-11012/01/2015-BL(Pl.) dated 23.05.2017
- Pg12,Annexure II,Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016, Ministry of Labour and Employment, Government of India, F. No.S-11012/01/2015-BL dated 18.05.2016

[Insert Order Number]

Action Taken

Subject: Bonded Labour [Insert District Name] District - [Insert Taluk Name] Taluk, [Insert Village Name] Village, [Insert Location] labourers order to be released from bondage.

Reference: [Insert Source of Information and Date of Receipt].

Order:

On the basis of the [complaint/information] received about the existence of bonded labourers in [Insert Location], [Insert Village Name] Village, [Insert Taluk Name] Taluk, the following labourers were enquired and identified as bonded labourers and released.

The list of bonded labourers find below:

S. No	Name	Age	Address & Contact

[Insert Name and Signature]

[Insert Designation]

[Insert Branch]

To

Secretary, National Human Rights Commission

District Magistrate/Collector, [Of the Rehabilitation Location]

District Magistrate/Collector, [Of the Rescue Location]

Sub/Revenue Divisional Officer, [Of the Rehabilitation Location]

Sub/Revenue Divisional Officer, [Of the Rescue Location]

Station Head Officer, [Of the Rehabilitation Location]

Station Head Officer, [Of the Rescue Location]

[Insert other concerned person(s), if applicable]

Copy to:

[Freed Labourers]

[Complainant/Informant]

[Insert other concerned person(s), if applicable]

Central Sector Scheme for Rehabilitation of Bonded Labourer – 2016

Format for Release Certificate

BL Case No

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

A Colour
passport signed
photograph of the
bonded labour
released should
be passed in
this box

1. Name and Caste Category
of the rescued bonded labourer:
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/UWIN(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:

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

"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.

Given under my hand and seal on date _____

Signature
Name

District Magistrate/ Sub- Divisional Magistrate
State..... District.....

Seal

Inquiry Form/ Details of Bonded Labour Template

Sources:

- Pg. 12-13, Annexure I, Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016, Ministry of Labour and Employment, Government of India, F. No.S-11012/01/2015-BL dated 18.05.2016

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 with house no. if any:
- ix. Taluk:
- x. Block:
- xi. District:
- xii. State:
- xiii. Aadhar and UWIN (NSS) No. (if available):

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

II. PARTICULARS OF FAMILY MEMBERS:

Sl. No.	Name	Relation to Respondent	Age	Sex	Education	Ocuipation	Remarks

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):

- ii. Rate of Interest:
 - iii. Purpose of borrowings:
 - iv. Who has taken the loan and his relation with the Respondent:
 - v. Mode of repayment:
 - vi. Number of year working for the loan taken:
 - vii. When will the loan get repaid along with interest
 - viii. Is any other member of the family also bonded: Yes /No
- If yes, please indicate his/her:

Name	Age	Duration of Work	Loan Taken	Interest, if any	Hours of work	Wages paid

VI. PARTICULARS OF ASSETS [of the Bonded Labour]:

- i. Land owned:
- ii. Milch animals/bullocks/sheep/goat/poultry:
- iii. Does he/she live in own homestead or in employer's land:
- iv. House owned or rented:
- v. Education Level:

VII. PARTICULARS OF EMPLOYERS

- i. Name & Address:
- ii. Father/Mother's Name:
- iii. Occupation:
- iv. No. of bonded labourers under the same employer:
- v. Aadhar No.:
- vi. Any instance of beating/commission of atrocity/violence by the employer as reported to the Vigilance Committee (please specify):

VIII. RELEASE AND REHABILITATION

- i. Whether the respondent is aware of the provision of the BLS(Abolition) Act :
- ii. Whether the respondent is aware of the scheme for rehabilitation of bonded labour:
- iii. Whether the respondent was released in the past under the BLS (Abolition) Act and Rules:
- iv. Whether the respondent has received the benefit under the BLS (Abolition) Act and Rules:

VERIFICATION

It is certified that the facts stated in the above questionnaire are true to the information provided by the respondent which has been read over and explained to him in his mother tongue.

Date:
Place:

**Signature of the Surveyor
(Name)**

Harassment Protection Letter Template

Source:

- Harassment Protection Letter, Appendix D, Trafficking of Persons Law & Procedure for Bonded Labour, Criminal Investigation Department, Karnataka State Police and International Justice Mission.

Via Hand Delivery/Via RPAD

[Insert date]

Subject: Provision to Protect Released Bonded Labourers

Sub-Inspector of Police Station

[Insert name and address of Police Station of Rehabilitation Location of Victim]

Sir,

On the basis of the complaint given by [insert name of Informant], it was found that the following persons were treated as bonded labourers by [insert names of Offenders], the operators/owners of the [insert Location details].

[Insert names of Victims] are released from the bonded labour system by [insert name of Executive Magistrate who issued Release Certificates] and are going to stay in their native village at [insert Village details].

We apprehend that there may be threat and harassment from either [insert names of Offenders] or their associates. We request you to provide the victims with appropriate protection, enabling them to live in their village without any fear. If [insert names of Victims] come to any harm or become missing, [insert name of Offenders] or their associates are responsible.

Yours faithfully,
[Insert Signature]

COPIES OF RELEASE CERTIFICATES ATTACHED

[Attach a copy of the Release Certificates issued to the Victims]

Other Issues

Bonded Labour and Trafficking of Person

Issue	Source
Convictions in Bonded Labour Trafficking Cases	Accused: Kattamanchi Jayakumar, CS No. 178 of 2014 (Court of the Additional Assistant Sessions Judge, Tirupathi, 03.08.2015)
	State of Odisha v. Prabesh and Ors., C.T. (Special Act) Case No. 11 of 2014, C.T. (SA) Case No. 27 of 2014 (Court of the Additional Sessions Judge-Cum-Special Judge, Dharamgarh, District: Kalahandi, 24.12.2016)
	State by Harohalli Police v. Nanjappa, SC 5056 of 2014 (Court of the II Additional District and Sessions Judge Ramanagara to sit at Kanakapura, 10.03.2017)
HC orders in Pending Cases of Bonded Labour Trafficking	Raj Kumar Sahu vs The State Of Jharkhand B.A. No. 1145 of 2015 decided by High Court of Jharkhand at Ranchi on 08.05.2015
	Saraswathi vs The Inspector of Police CrI.O.P.No.19596 of 2013 decided by High Court of Madras on 10.12.2014
	Nanjappa v. State of Karnataka, Criminal Petition 5715 of 2014 decided on 26.09.2014 by the High Court of Karnataka
	Mohammed Safraz Alam and Mohammed Fayaz v. State of Karnataka by D J Halli Police, Cr.P. No. 3584 of 2014 c/w Cr.P. No. 3586 of 2014 decided by the Karnataka High Court on 23.07.2014
	Purushottam vs State of Karnataka, Criminal Petition No. 101109/2017 decided on 15.06.2017 by High Court of Karnataka at Dharwad

Ministry of Home Affairs, Government of India noting Bonded Labour as a type of Human Trafficking	pg. 1, pt. 2, pt. 1, last line, Comprehensive Scheme for Establishment of integrated Anti Human Trafficking Units and capacity building of responders, including Training of Trainers for strengthening the law enforcement response to human trafficking in India Plan, Ministry of Home Affairs, Government of India pg. 1 pt. 1; pg. 6 pt. 2(b); pg. 7, pt. 5(b)(a), Standard Operating Procedure to handle Trafficking of Children for Child Labour, F.No.15011/20/2012-ATC (CF-145675) dated 12th August, 2013, Ministry of Home Affairs, Government of India pg 1 Introduction, pg 1 Human Trafficking and Indian Laws pt 2, pg 3 5.1, Advisory on Preventing and Combating Human Trafficking in India, F. No. 15011/6/ 2009-ATC (Advisory) dated 9th September, 2009, Ministry of Home Affairs, Government of India
‘Recruited’ includes situations where a minor domestic help is acquired by payment of money to her custodian	para 7 and 14, Dharmendra Kumar Beuria and Ors. Vs. State of Orissa, Criminal Misc. Case No. 3401 of 2015 decided by the Orissa High Court on 20.11.2015
‘Harboured’ includes situations where a minor domestic help kept in the home of the offender	para 7 and 14, Dharmendra Kumar Beuria and Ors. Vs. State of Orissa, Criminal Misc. Case No. 3401 of 2015 decided by the Orissa High Court on 20.11.2015
‘Inducement’ includes situations where cash payment is made to the custodian of a minor domestic help	para 7 and 14, Dharmendra Kumar Beuria and Ors. Vs. State of Orissa, Criminal Misc. Case No. 3401 of 2015 decided by the Orissa High Court on 20.11.2015
Domestic help tortured and abused is Slavery, practices similar to slavery or servitude	para 6 and 14, Dharmendra Kumar Beuria and Ors. Vs. State of Orissa, Criminal Misc. Case No. 3401 of 2015 decided by the Orissa High Court on 20.11.2015

Denial of Freedom of Movement and Minimum Wages or Market Access is Slavery & Servitude	para 10, Dhanurjaya Putel and Anr. v. State of Orissa, (2003) 95 CLT 54 (Orissa High Court)
'Deceit' and 'abduction' includes situations applies to the use of advances to compel labourers to leave their home and work	para 7, Dhanurjaya Putel and Anr. v. State of Orissa, (2003) 95 CLT 54 (Orissa High Court)
Less than Minimum Wage is Forced Labour	pg. 259 to 260, para 14, People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235
	pg. 207, para 24, Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161
Compulsion/ Force is Forced Labour even if remunerated for	pg. 256, para 13, People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235
Forced Labour is Bonded Labour	pg. 207, para 24, Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161
Surety, or Contract or Migrant Labour deprived of listed right or freedom is Bonded Labour	Section 2(g) and 2(g) Explanation, Bonded Labour System (Abolition) Act, 1976
Contract or Agreement does not give right to force labour	pg. 256, para 13, People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235
Agreement can be Written, Verbal, Customary	Section 2(b), Bonded Labour System (Abolition) Act, 1976
Advance capped at 2 months' wage	Rule 21(2)(vi) Proviso, Minimum Wages (Central) Rules, 1950

Deduction for advance capped at one-fourth wage	Rule 21(2)(vi) Proviso, Minimum Wages (Central) Rules, 1950
All deductions from wage capped at fifty per cent of wage	Section 7(3)(ii), Payment of Wages Act, 1936

Prosecution

Issue	Source
Criminal Prosecution of offender of bonded labour is mandatory	pg. 116 and 117, para 1(2) and (8) to (9), Public Union for Civil Liberties v. State of Tamil Nadu, (1994) 5 SCC 116
Fines insufficient punishment	pg. 218, para 38, Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161
FIR to include SC/ST, even if unsure of SC/ST status of the Offender	pg. 796, para 10, Ashabai Machindra Adhagale v. State of Maharashtra, (2009) 3 SCC 789 at 796 (para. 10)
Conditions for Denial of Bail such as violence, past offences, grievousness of offence, etc.	Freedom Firm v. Commissioner of Police, Pune and Ors., Cr. Public Interest Litigation No. 4 of 2015 decided by the Bombay High Court on 30.10.2015
Bail to be denied during investigation in Bonded Labour Trafficking Cases	Mohammed Safraz Alam and Mohammed Fayaz v. State of Karnataka by D J Halli Police, Cr.P. No. 3584 of 2014 c/w Cr.P. No. 3586 of 2014 decided by the Karnataka High Court on 23.07.2014
Bail not to simply be granted on sickness	pg. 168, para 10, Pawan v. Ramprakash Pandey, (2002) 9 SCC 166
Successive bail application to show change in circumstance	Pg. 676 to 677, para 8, State of Madhya Pradesh v. Kajad, (2001) 7 SCC 673

Filing of charge sheet not change in circumstance	pg. 252, para 9, State by Superintendent of Police Central Bureau of Investigation v. Adi Rajaram, 1996 (1) CTC 249 (Madras High Court)
Lengthy detention or unlikelihood of the trial concluding soon not sufficient ground for granting bail	pg. 536, para 14; pg. 539, para 21, Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav and Anr., (2004) 7 SCC 528
Anticipatory Bail denied in Bonded Labour Trafficking cases	Mohammed Safraz Alam and Mohammed Fayaz v. State of Karnataka by D J Halli Police, Cr.P. No. 3584 of 2014 c/w Cr.P. No. 3586 of 2014 decided by the Karnataka High Court on 23.07.2014
Bail denied by various HCs in Bonded Labour Trafficking cases	Raj Kumar Sahu vs The State Of Jharkhand B.A. No. 1145 of 2015 decided by High Court of Jharkhand at Ranchi on 08.05.2015
	Saraswathi vs The Inspector of Police CrI.O.P.No.19596 of 2013 decided by High Court of Madras on 10.12.2014
	Nanjappa v. State of Karnataka, Criminal Petition 5715 of 2014 decided on 26.09.2014 by the High Court of Karnataka
Even after filing of Chargesheet, Bail denied in a Bonded Labour Trafficking Case and Expedited Trial ordered	Purushottam vs State of Karnataka, Criminal Petition No. 101109/2017 decided on 15.06.2017 by High Court of Karnataka at Dharwad
Victim and Complainant has every right to take part in prosecution including opposing bail and opposing quashing	pg. 851, para 58; pg. 854, para 70, Sathyavani Ponrani v. Samuel Raj, 2010 (4) CTC 833
Burden of proving absence of advance on creditors	Bonded Labour System (Abolition) Act, 1976, Section 15

Rehabilitation

Issue	Source
States obliged to create plans for rehabilitation of bonded labourers	pg. 209 para 26, Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161
	pg. 559, para 1, Upendra v. State of Madhya Pradesh (1986) Supp SCC 558
	pg. 384, para 6, Public Union for Civil Liberties v. State of Tamil Nadu (2004) 12 SCC 381
Rehabilitation not to be dependent on Prosecution	pg. 10, "Safeguards for Release of Bonded Labourers and Prevention from their lapsing into bondage again", pt. 5, Know Your Rights Series, Bonded Labour, National Human Rights Commission, 2010, pg. 10
Immediate Cash Assistance not dependent on status of conviction proceedings	Pg. 2, Sl. No. 3, Modifications in the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 - regarding, Ministry of Labour and Employment, Government of India, F.No.S-11012/01/2015-BL(Pl.) dated 23.05.2017
NGO/CSOs can assist in rehabilitation	pg. 472, para 3, P. Sivaswamy v. State of Andhra Pradesh (1988) 4 SCC 466
	pg. 384, para 5, Public Union for Civil Liberties v. State of Tamil Nadu (2004) 12 SCC 381
Release Certificate is Identity Proof	para 3, Roscann Rajan v. Taluk Supply Officer WP.No.992 of 2015 decided by the Madras High Court dated 12.03.2015
All obligations of victim extinguished	Bonded Labour (Abolition) Act, 1976, Section 6
	pg. 212, para 1; pg. 213, para 2, T. Chakkalackal v. State of Bihar and Ors. 1993 Supp (4) SCC 211

