



HUMAN TRAFFICKING FIELDBOOK

**STANDARD OPERATING
PROCEDURES FOR
BONDED LABOUR
INTERVENTIONS**

**PROCEDURES FOR RESTORING
BONDED LABOUR SURVIVORS**

HUMAN TRAFFICKING FIELDBOOK

SOP's for Bonded Labour Interventions

Procedures for Restoring Bonded Labour Survivors

From

Human Trafficking Legal Reference Toolkit

Standard Operating Procedures to Fight Bonded Labour and Sex Trafficking

A Handbook for NGOs and their Lawyers

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REFER TO HUMAN TRAFFICKING HANDBOOK FOR APPENDICES



SUMMARY OF PROCEDURES FOR RESTORING BONDED LABOUR SURVIVORS

ENSURING IMMEDIATE ACCESS TO MEDICAL CARE

Rescue team arranges for immediate medical care, keeping victims' identity confidential; if children rescued, must have medical care before referring to CWC.

3.1

PROVIDING SHORT-TERM PROVISIONS

Rescue team assists in providing basic short-term essentials, such as food, clothing, temporary shelter, and transportation upon release.

3.2

SECURING SUBSISTENCE ALLOWANCE FOR RESCUED BONDED LABOURERS.

Sub-Divisional Magistrate orders subsistence allowance pursuant to release order.

3.3

SECURING BLA FUNDS AND REHABILITATION FUNDS

DA intervenes to assist NGO's request for BLA and rehabilitation funds and insures such funds reach labourers promptly; Labour Dept. collects fine of Rs. 20,000 from anyone employing children and deposits into Child Labour Rehabilitation Welfare Fund.

3.4

SECURING BASIC GOVERNMENT ENTITLEMENTS AND IDENTIFICATION DOCUMENTS

DA insures that access to ID, housing, employment, etc. are provided to labourers.

3.5

Continued on the next page.

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RESTORING BONDED LABOUR SURVIVORS

STEP

3.1

ENSURING IMMEDIATE ACCESS TO MEDICAL CARE



NGO

The NGO should ensure that the bonded labour survivors receive a medical examination and any required medical care.

ADVOCATE

The Advocate should ensure that medical examinations are carried out and urgent care is provided, with respect accorded to the bonded labour survivor's right to privacy and other rights.

STEP

3.2

PROVIDING SHORT-TERM PROVISIONS



NGO

The NGO shall facilitate the provision of basic short-term essentials such as food, clothing, temporary shelter, and transportation upon their release.

STEP

3.3

SECURING SUBSISTENCE ALLOWANCE FOR RESCUED BONDED LABOURERS



NGO

The NGO should ensure that the bonded labour survivors receive subsistence financial relief (allowance) at the time of receiving Release Certificates and no later than 7 days after their rescue.

ADVOCATE

The Advocate should advise the SDM regarding legal provisions mandating the provision of subsistence financial relief at the time of issuance of bonded labour release certificates.

STEP

3.4

SECURING BLA FUNDS AND REHABILITATION FUNDS



NGO

The NGO should submit a request for BLA funds and other rehabilitation funds for both cash and non-cash components available from the State and Central government on behalf of the bonded labour survivors.

ADVOCATE

The Advocate should advise and assist the NGO in securing BLA funds for both cash and non-cash components and other rehabilitation funds on behalf of the bonded labour survivors.

STEP

3.5

SECURING BASIC GOVERNMENT ENTITLEMENTS AND IDENTIFICATION DOCUMENTS



NGO

The NGO should assist the bonded labour survivors in obtaining basic government identification documents such as ration cards, voter identification cards and other documentation. The NGO should assist the bonded labour survivors with accessing government entitlements related to food, clothing, shelter, land rights, education, employment, health care, counselling, and other entitlements.

ADVOCATE

The Advocate should advise the NGO and assist the bonded labour survivors (if required) in petitioning government authorities to issue basic government identification documents such as a ration card, voter identification card and other documentation. The Advocate should provide legal assistance to the NGO and bonded labour survivors to petition government agencies to provide government entitlements if such entitlements are wrongly denied.

STEP

3.6

REPATRIATING BONDED LABOUR SURVIVORS



NGO


The NGO should assist bonded labour survivors with safely repatriating to their family/native place or an alternative safe location including ensuring completion of a home verification report as specified by the CWC in the case of minor survivors.

ADVOCATE

The Advocate should advise the NGO representatives to ensure that the restoration process is carried out in accordance with procedures established by law.

STEP

3.7




FACILITATING ACCESS TO PRIVATE SECTOR RESOURCES

| | |
|-----|---|
| NGO | The NGO should assist the bonded labour survivors with accessing available private sector (NGO and business) resources related to food, clothing, shelter, land rights, education, employment, health care, counseling, and other entitlements. |
|-----|---|

STEP

3.8




ENGAGING LOCAL BLA VIGILANCE COMMITTEES

| | |
|----------|--|
| NGO | The NGO should ensure that the district administration where the bonded labour survivor resides has an established vigilance committee and must then work with such vigilance committees to facilitate the continued rehabilitation and protection of survivors. |
| ADVOCATE | The Advocate should assist the NGO in petitioning the district administration for the formation of a bonded labour vigilance committee if not established or active. |

STEP

3.9



ENSURING SURVIVORS ENJOY PERMANENT FREEDOM

| | |
|-----|---|
| NGO | The NGO should maintain an ongoing relationship with the bonded labour survivor for at least 24 months from rescue to ensure sustained rehabilitation and permanent freedom of survivors. |
|-----|---|

Step 3.1 Ensuring Immediate Access to Medical Care

Timeline: Access to medical care should be provided within 48 hours of the rescue.

NGO

The NGO should ensure that the bonded labour survivors receive a medical examination and any required medical care.

ADVOCATE

The Advocate should ensure that medical examinations are carried out and urgent care is provided, with respect accorded to the bonded labour survivor's right to privacy and other rights.

Commentary

The NGO must ensure that the rescued persons are extended immediate medical care without delay and are treated with dignity.

The Advocate must ensure the NGO representative is permitted to be present during this process. The Advocate must ensure that the survivors are sent for a medical examination. The Advocate must ensure that the rescued person is treated with dignity.

Points to Note

Medical needs of a child: Attention must be paid to the medical needs of the child before referring to CWC, in instances where the child has been rescued without a family member or guardian.

Victim centric approach: Treat victims with dignity. Inform victims about what is happening as the employers often threaten most of them. The rescue team must be trained to meet all challenges such as language barrier, social and cultural differences, and must make immediate efforts to win the confidence of the victim.

Confidentiality: The identity of the bonded labourer should be kept confidential. Under no circumstances should the name, photograph and information be disclosed and published in any print and visual media. Refer to Section 21 of Juvenile Justice (Care and Protection of Children) Act for safeguards provided to juvenile and child.

Medical examination of female victim: The advocate must ensure that the medical examination, in case of a female victim, is conducted by or under the supervision of a female doctor as mandated under section 53 (2) Cr.PC. In the absence of a female

doctor, the Advocate should ensure that a female police official or a female representative from the NGO is present during the process of medical examination. ***Informed consent*** of the victim must be obtained prior to conducting the medical examination. The NGO representatives may counsel the survivor regarding the importance of this step.

Step 3.2 Providing Short-Term Provisions

Timeline: Short-term provisions could be provided within 48 hours of the rescue.

| NGO | ADVOCATE |
|--|----------|
| The NGO shall facilitate the provision of basic short-term essentials such as food, clothing, temporary shelter, and transportation upon their release. | |
| Commentary | |
| The representatives of the NGO should assist the rescued labourers by ensuring that they are able to obtain access to food, clothing and temporary shelter and provide transportation after their release. | |

Step 3.3 Securing subsistence allowance for rescued bonded labourers

Timeline: The process of securing Subsistent Allowance and immediate assistance for rescued bonded labourers could take between 2 to 7 days.

| NGO | ADVOCATE |
|--|--|
| The NGO should ensure that the bonded labour survivors receive subsistence financial relief (allowance) at the time of receiving Release Orders and no later than 7 days after their rescue. | The Advocate should advise the SDM regarding legal provisions mandating the provision of substance financial relief at the time of issuance of bonded labour release certificates. |
| Commentary | |
| The NGO representatives must ensure that the rescued bonded labourers receive Rs. 1000 as a form of subsistence allowance as per Supreme Court | The Advocate should draw the attention of the SDM to the Supreme Court rulings that have directed the State government to provide Rs. 1000/- as subsistence |

guidelines at the time when they receive Release Orders and immediate assistance-of Rs. 20,000/= be made available by the DM from District Bonded Labour Rehabilitation Fund to each rescued person under the newly revamped CSS no later than 7 days after their rescue.

allowance to all rescued bonded labourers immediately upon their release. Recently, w.e.f. 17 May 2016, the Ministry of Labour & Employment, Government of India under the revamped scheme Central Sector Scheme for Rehabilitation of Bonded Labourer-2016¹, has increased this immediate assistance amount to Rupees 20,000².

Points to Note

Subsistence relief differs from total compensation. Subsistence relief refers to the amount that the State Government is to provide rescued persons as subsistence allowance, immediately upon their release. This differs from other forms of interim compensation that are to go beyond provision for subsistence and can also be used for rehabilitation.

Learn More & Take Action

Case Law: In *People's Union for Civil Liberties v. State of Tamil Nadu & Others*³ the Supreme Court has stated that once 'the bonded labourers are identified and released, they have to be rehabilitated forthwith' and have directed that under the Centrally Sponsored Scheme, "the State Governments shall provide Rs. 1000/- as subsistence allowance to a bonded labour immediately on his/her identification."

Interim compensation at the time of granting release certificates: While the DM/SDM/RDO issues release orders and release certificates, the Advocate must ensure that the release order also directs the Tahsildar to provide the labourers with an interim compensation of Rs. 1000.

¹Central Sector Scheme for Rehabilitation of Bonded Labourer 2016, File No. S-11012/01/2015 –BL, Government of India, Ministry of Labour & Employment dated May 18th 2016

²The original compensation amount of Rs. 5,000 under the Central Sector Scheme for Rehabilitation of Bonded Labour 2016, has been enhanced to Rs. 20,000 vide Office Memorandum dated 17th January 2017 issued by the Ministry of Labour & Employment, Government of India.

³(2004) 12 SCC 381; [2004] Supp (2) SCR 64; Read text of judgment [here](#).

Step 3.4 Securing BLA Funds and Rehabilitation Funds

Timeline: The process of securing BLA funds and rehabilitation funds could take between 3 to 12 months.

NGO

The NGO should submit a request for BLA funds and other rehabilitation funds for both cash and non-cash components available from the State and Central government on behalf of the bonded labour survivors.

ADVOCATE

The Advocate should advise and assist the NGO in securing BLA funds for both cash and non-cash components and other rehabilitation funds on behalf of the bonded labour survivors.

Commentary

The NGO representatives must be aware of the different levels of compensation. The NGO must ensure that the funds for rehabilitation through State and Central Government Schemes reach rescued bonded labourers promptly.

The NGO representatives must contact the concerned authority responsible for releasing the rehabilitation grant and respectfully request them to do so. If this does not work, The NGO representatives may approach the DM asking for his/her intervention. The NGO representatives may also file RTI Application seeking explanation asking why rehabilitation funds are not being released. If this fails the NGO representatives may file an appeal before SHRC or the NHRC. If nothing works the NGO representative should contact an Advocate and ask him to file a writ petition before High Court or Supreme Court.

The Advocate should prepare RTI applications, Written Complaints and Writ Petitions and file these documents before appropriate forums. The Advocate should advise the NGO representatives and assist them in securing rehabilitation grants.

The Advocate should also ensure that the government officials acknowledge the role of the NGO in effective rehabilitation and involves them in this process.

Points to Note

Types of Compensation: There are three levels of compensation to be aware of:

- **Bonded Labour Rehabilitation Funds:** Previously all rescued bonded labourers were entitled to compensation under the Centrally Sponsored Compensation Scheme 2000 [Rs. 20,000: Rs. 10,000 from the State Government and Rs. 10,000 from the Central Government], but the scheme has been revamped in 2016 and is now is called the "Central Sector Scheme for the Rehabilitation of Bonded Labourers"⁴. The Rehabilitation assistance under the 2016 Scheme is Rs.1,00,000/- per adult male beneficiary. For Special category beneficiaries i.e. Children including orphans or rescued from organized and forced begging rings or other forms of Forced Child Labour, and Women, the rehabilitation package is Rs. 2,00,000 out of which Rs.1,25,000/- shall be deposited in an Annuity Scheme and balance shall be transferred to BL account through ECS. In cases of BL/Forced Labour of extreme Deprivation/Marginalized like Trans-genders, or Women or Children rescued from CSE, Placement Agencies, trafficking, Differently Disabled Persons or the circumstances where the DM deems fit, the rehabilitation package is Rs.3,00,000/-, out of which Rs.2,00,000/- shall be deposited in an Annuity Scheme and Rs.1,00,000/- shall be transferred to BL account through ECS.
- **Special Funds for SC/ST Community:** A bonded labourer who is a member of the SC/ST community is entitled to separate compensation, as determined by the State Government. This compensation is received in three stages:
 - **Once the FIR is registered** – SHO/ IO is bound to write recommendations to the concerned department (Social Welfare Department) to release interim compensation to bonded labour victim, which is 25% of the total compensation on the FIR being filed.
 - **When the Chargesheet is filed** – The next 25% is to be given to the rescued labourer when the Chargesheet is filed.
 - **At the conclusion of the trial** – On the conviction of the accused, the rescued labourers receive the remaining 50% of the compensation. However if there is an acquittal then this 50% is foregone.
- **Compensation Granted by the Judiciary**

⁴http://labour.gov.in/sites/default/files/OM_CSS_Rehab_BL_2016.pdf

- **Under Section 357, CrPC:** If the accused is convicted, the Judge can slash the quantum of sentence by asking the accused to compensate the victims of bonded labour. This application is required to be made by the Advocate in the name of the victim.
- **Under Section 357A Cr.PC:** Under this Section, the Judge has the power to recommend additional compensation in line with the Centrally Sponsored Victim compensation scheme based on the recommendations of the District or State LSA (Legal Services Authorities).
- **Compensation to Child Labourers:** The Advocates must ensure that the Labour Department collects a fine of Rs. 20,000 from the owner and deposits it in a fund to be known as the Child Labour Rehabilitation cum Welfare Fund. The Advocates must also ensure that in those cases where the adult member of the family whose child is in employment in a factory or a mine or in any other hazardous work is given a job, in lieu of the child. In cases where it is not possible to provide employment to the adult member, the appropriate government must deposit a sum of Rs. 25,000 every month for each child employed, in the Child Labour Rehabilitation cum Welfare Fund⁵. On 12th June 2016, the Chief Minister of Bihar has announced and launched a new scheme wherein every child will get Rs.25,000/= who is rescued from child labour under the age of 14 years. Under the scheme the child should be registered with the concerned CWC and enrolled under the Child Labour Tracking System⁶.

Learn More & Take Action

Case law on presence of NGO for rehabilitation: The Advocate must draw the attention of the officials to the Supreme Court ruling in *P. Sivaswamy v. State of Andhra Pradesh*⁷, where the Court stated as follows:

“Whatever rehabilitation is provided to the freed bonded labourers, it must be provided in the presence of a representative of...social action group or voluntary agencies so as to ensure that rehabilitation provisions actually reach the hands of such labourers”.

⁵See ***M C Mehta vs. State of Tamil Nadu*** 1996 6 (SCC) 756

⁶For more information, read: <http://indiatoday.intoday.in/story/nitish-announces-rs-25000-for-every-rescued-child-labour/1/690171.html>

⁷**1988 AIR 1863**

Law on compensation in the Cr.PC: Read Sections 357 and 357A of the Cr.PC to learn more about victim compensation.

Read the said sections to understand the amendments made by Uttar Pradesh and Bihar to the provisions.

Format for victim compensation: Appendix 19 comprises an application under Section 357A(6), Cr.P.C. for victim compensation from the Magistrate/Judge during passing of sentence.

Step 3.5 Securing Basic Government Entitlements and Identification Documents

Timeline: The process of securing the basic government entitlements and identification documents could take between 1 to 2 months.

NGO

The NGO should assist the bonded labour survivors in obtaining basic government identification documents such as ration cards, voter identification cards and other documentation.

The NGO should assist the bonded labour survivors with accessing government entitlements related to food, clothing, shelter, land rights, education, employment, health care, counselling, and other entitlements.

ADVOCATE

The Advocate should advise the NGO and assist the bonded labour survivors (if required) in petitioning government authorities to issue basic government identification documents such as a ration card, voter identification card and other documentation.

The Advocate should provide legal assistance to the NGO and bonded labour survivors to petition government agencies to provide government entitlements if such entitlements are wrongly denied.

Commentary

Along with these rehabilitation funds being provided to the bonded labour victims they should also be provided with:

- Allotment of House-site
- Arrangements of low cost dwelling
- Animal husbandry, Dairy, Poultry, Piggery, etc.,

The Advocate must assist the NGO representative to secure government rehabilitation schemes for the victim.

The Advocate should work towards empowering the survivors by sensitizing them about their rights and ways to

- Wage Employment, Enforcement of Minimum Wages etc.,
- Collection & Processing of minor Forest Products,
- Supply of Essential Commodities under PDS, and
- Adhar Cards
- Ration card
- Land Pattas
- Community Certificates
- Job Cards under Employment Schemes (MNREGA)
- Others welfare schemes of the CM prevalent in the concerned State
- Employment Schemes
- Medical Facilities
- Other benefits under the Social Security Scheme
- Bank accounts

access them.

In the event the released bonded labourer chooses to return to his/her native village, the Advocate should request the government to ensure safe repatriation of the rescued bonded labourer back to his/her native place

The NGO should make sure that the above rehabilitation schemes are provided to the bonded labour victims by the concerned local administration and seek the help of an Advocate whenever required. The NGO must ensure that economic rehabilitation is accompanied by psychosocial rehabilitation. In all this, the focus should be not only on an individual bonded labourer but also his entire family that is in need of rehabilitation.

The NGO representative shall ensure the provision of basic provisions such as food, clothing, temporary shelter, and transportation to the rescue bonded labourers upon their release.

The NGO should ensure that free legal aid is provided to the released bonded labourers. The NGO should request the Advocate to provide trainings for the victims on accessing government entitlements. -The Advocate should ensure that the NGO and government authorities collect details from victims related to rehabilitation including name, age, and address of the village where labourer would like to relocate. The Advocate must inquire from the victim whether he/she has a ration card, land patta, voter ID or community certificate.

Points to Note

Adequate economic rehabilitation: NGO representatives must ensure that the economic rehabilitation of released bonded labourers should not be restricted to grants under Centrally Sponsored Scheme and but should also be combined with convergent approach of pooling together economic benefits available from various department of Government and other agencies.

Assisting rescued persons with opening a bank account: Rehabilitation grant is usually paid by cheque. NGO representatives should assist the rescued bonded labourers to open bank accounts in any nationalized bank. NGO representatives must encourage rescued bonded labourer to cultivate saving habits. NGO representatives must also assist the rescued bonded labourers to purchase property tied to his/her skills (such as sewing machine, livestock, cart etc.) with the rehabilitation grant. However, this must only be done in consultation with the bonded labour. The best practice is for rehabilitation plans to be designed in consultation with the bonded labourers.

Rehabilitation Schemes: Broadly, the NGO should ensure that the following are provided to the survivor:

SCHEME-RESPONSIBLE GOVERNMENT AUTHORITIES

Rs. 100,000 to Rs. 3,00,000 Rehabilitation Funds⁸ - District Treasury, Collector, RDO, Tahsildar, and/or any other body established for disbursement for the said funds.

Ration Card - Local Taluk Supply Office

Community (Caste) Certificate - Tahsildar or Deputy Tahsildar

Land Patta - Revenue Inspector, Survey Department and Collector/RDO/Tahsildar

Employment through MNREGA - Ministry of Rural Development and Accessible through the Local Gram Panchayat or Program Officer or designate authority

Education - Department of School Education and Literacy; Labour Inspectors (responsible when child labour is involved)⁹

Central Sector Scheme for Rehabilitation of Bonded Labourer 2016¹⁰-District Administration

Learn More & Take Action

To read about NHRC's **Guidelines For Release Of Funds Under The Centrally Sponsored Scheme For Rehabilitation Of Freed Bonded Labour**, click [here](#).

Government Entitlements Manual: For a detailed step-by-step guide for accessing government entitlements in Bihar and Uttar Pradesh [see](#) *Advocating with the Poor - A*

⁸Vide the 2016 *Central Sector Scheme for the Rehabilitation of Bonded Labourers*, the cash component is 100% supported by the Ministry of Labour & Employment, Government of India and non-cash component to be supported by the concerned State Government.

⁹Save the Childhood Foundation v. Union of India and Ors. *Writ Petition (Civil) 15090 of 2006*, available here: < <http://stophumantrafficking-mha.nic.in/writereaddata/WPC-9767-2009-govt-of-delhi-vs-save-the-childhood-foundation.pdf>>, their role is essential for enrolling the children rescued from the CL/BL.

¹⁰Central Sector Scheme for Rehabilitation of Bonded Labourer 2016, File No. S-11012/01/2015 –BL, Government of India, Ministry of Labour & Employment dated May 18th 2016, available here: < http://labour.gov.in/sites/default/files/OM_CSS_Rehab_BL_2016.pdf>

Manual for Bihar and Advocating with the Poor – a Manual for Uttar Pradesh, available [here](#).¹¹

Legal Services Authority (LSA): If the NGO is unsuccessful in assisting the survivor with securing access certain government entitlements, the NGO and the survivor may avail free legal aid from the local Legal Services Authority office. To learn more about the role of the Legal Services Authority read the Legal Services Authorities Act, 1987, [here](#).

Land Patta: A patta is a legal Government document that is issued in the name of the land owner. The government has set aside land for use by low-income families. Bonded Labourers who receive a Release Certificate are eligible to apply for land patta. Contact JVI to obtain details on the process of obtaining land patta.

Step 3.6 Repatriating Bonded Labour Survivors

Timeline: The process of repatriating bonded labour could take 2 days to 1 week.

NGO

The NGO should assist bonded labour survivors with safely repatriating to their family/native place or an alternative safe location including ensuring completion of a home verification report as specified by the CWC in the case of minor survivors.

ADVOCATE

The Advocate should advise the NGO representatives to ensure that the restoration process is carried out in accordance with procedures established by law.

Commentary

The NGO may conduct Home verification study in case of bonded child labourers and juveniles employed as bonded labourers and submit a report before relevant authorities. The NGO may request the Magistrate/CWC regarding completing the home verification study.

The Advocate should ensure that child bonded labourers are presented before the CWC and placed in an appropriate Aftercare home. The release of the child bonded labourer from the said home should not be allowed unless a home inquiry report is submitted before the CWC. The Advocate should oppose the release of the rescued child prior to submission of the Home Inquiry Report.

¹¹Developed by Emmanuel Hospital Association and recently updated by JVI.

Points to Note

Role of CWC in repatriation of child labourers: In the case of child labourers rescued without their parents, it is the role of the CWC to make adequate inquiry into their background, through the submission of home inquiry reports, to determine the steps to be taken to repatriate the child to his/her place of origin. The CWC within whose jurisdiction the rescue took place, shall pass appropriate orders under the provisions of the JJ Act to repatriate the child to the CWC within whose jurisdiction the child's place of origin lies. This can be done as soon as possible to ensure that the child is repatriated at the earliest. The NGO may assist the CWC in ensuring the repatriation takes place at the earliest.

Order of CWC to give custody of child to parent: The CWC is responsible for the welfare of the child and to restore the victim. Under Section 37 of the Juvenile Justice Act, 2015, it is the CWC who can order the restoration of the child into the custody of his/her parent or guardian, after the home inquiry report has been submitted.

Cross-border/Inter-state trafficking: In the case of cross-border or inter-state trafficking, stakeholders and NGOs of both the countries must undertake effective measure to ensure quick repatriation of rescued women, children or men to their country of origin.

Repatriation to Nepal or Bangladesh: The following are the steps to be undertaken to ensure safe repatriation to Nepal and Bangladesh:

1. The first step is to go and meet the Consul General for Nepal and Bangladesh. The NGO representatives must introduce themselves and inform the representatives from the Consul about the case. The relationship with the Consulate is very important. Each consulate has certain rules and regulations by which the repatriation process is completed. The NGO representatives need to become familiar with the process and the documents that will be required. NGO representatives should act as liaison between the applicable Indian government agency and the Consulates to work through the repatriation process from beginning to end.
2. In the case of child labourers rescued without their parents the NGO representative should request the CWC to order for the Home Studies and, after completion of the Home study report, to pass an order for repatriation depending on the Home Study Report.
3. The NGO representatives must also build relationship with the NGO conducting

the home study. NGO representative must maintain a data base of credible organization and recommend CWC to contact these organizations to conduct a home study and assist in repatriation.

Important documents required for international repatriation: The following documents are needed from the following agencies:

- Nationality verification – Country of origin
- Repatriation Order and Consent letter –Ministry of Home Affairs, India
- No Objection Certificate – District office and State office at the Department of Women and Child Development (DWCD).
- Travel documents – Country of origin
- Release order – Aftercare home
- Notification about clearance for travel – Foreign Registry Office, State government
- Permission to leave India – Government of India
- As the case maybe, permission to re-enter the country of origin may also be required from the origin country. If the country to which the survivor belongs is not willing to acknowledge the survivor as being their national, then there is not much that the Government of India can do to repatriate the said survivor. The NGO can play a crucial role in ensuring that the country of origin is able to recognize the nationality of the survivor and agree to allow the repatriation of the survivor.

NGO should ask for copies of all the needed documents. NGO should provide all concerned parties with necessary information about the survivor.

Learn More & Take Action

Rehabilitation Family format: A sample rehabilitation family format can be found in **Appendix 18**. The CWC must clearly state the name of the NGO to conduct the home inquiry.

Step 3.7 Facilitating Access to Private Sector Resources

Timeline: The process of facilitating access to private sector resources could take between 1 to 2 months.

| NGO | ADVOCATE |
|--|----------|
| The NGO should assist the bonded labour survivors with accessing available private | |

| | |
|---|--|
| sector (NGO and business) resources related to both cash (Rs. 3,00,000/= under the newly revamped CSS-2016 for rehabilitation of Bonded Labour and victims rescued from brothels etc.) and non-cash components like education, employment, health care, counseling, and other entitlements. | |
| Commentary | |
| The NGO representatives can facilitate the access of bonded labourers to private facilities by networking with partner organizations and relevant stakeholders who may be able to provide specialized care in the form of alternate livelihoods, provide interim shelter, assist with obtaining documentation, provide education, provide health care, be able to counsel the rescued persons and provide other entitlements. See below regarding follow up visits. | |

| Step 3.8 Engaging Local BLA Vigilance Committees | |
|---|--|
| Timeline: Engaging local BLA Vigilance Committees could take between 1 to 2 months. | |
| NGO | ADVOCATE |
| The NGO should ensure that the district administration where the bonded labour survivor resides has an established vigilance committee and must then work with such vigilance committees to facilitate the continued rehabilitation and protection of survivors | The Advocate should assist the NGO in petitioning the district administration for the formation of a bonded labour vigilance committee if not established or active. |
| Commentary | |
| Pursuant to Section 13 of the BLA, each state government is responsible for ensuring that Vigilance Committees are | The Advocate must ensure that each district has a vigilance committee constituted as per the BLA. |

formed and operating effectively in every District in the state. Vigilance Committees are constituted for the purpose of the overall rehabilitation of the Bonded Labour victims and are chaired by the District Magistrate.

The NGO should advocate with District Administration to reconstitute Vigilance Committee in Districts and Sub Divisions where Vigilance Committees have not been reconstituted and encourage them to conduct surveys on the prevalence of bonded labor.

NGO representatives must ensure that the victim is being treated with dignity and sympathy and not as criminals.

Points to Note

NGO representatives must ensure that aftercare services are provided within the stipulated time frame. The best practice is to provide aftercare services for two years which may be extended on need basis. While it is expected that the Vigilance Committee provide for the social and economic rehabilitation of freed bonded labourers under Section 14 of the BLA, NGOs may follow up with the Vigilance Committee and the District Administration with regard to compensation. The NGO may assist the District Administration and Vigilance Committees in ensuring adequate rehabilitative support.

Learn More & Take Action

Refer to Chapter IV to learn about the roles and responsibilities of the District Magistrate in the rehabilitation of bonded labourers.

Refer to Chapter VI on Supreme Court judgements on rehabilitation of bonded labourers.

Read Chapter I on the various steps being taken in the states of Uttar Pradesh and Bihar regarding the constitution of Vigilance Committees.

Step 3.9 Ensuring Survivors Enjoy Permanent Freedom

Timeline: It could take up to 2 years to ensure that survivors enjoy permanent freedom.

| NGO | ADVOCATE |
|---|----------|
| The NGO should maintain an ongoing relationship with the bonded labour survivor for at least 24 months from rescue to ensure sustained rehabilitation and permanent freedom of survivors. | |

Commentary

The NGO representative must make efforts to restore the labourer back to the family/native place after release. In case of a child labourer, orders from Child Welfare Committee must be sought prior to restoration. The NGO should do necessary follow up as is required from time to time. The NGO should conduct family assessments, draft individualized treatment plans, work closely with the district administration to ensure that rescued survivors can access their welfare benefits and compensation. Survivors shall also be assisted with opening their individual bank account as the government compensation cheques are deposited in these accounts.

The Advocate should advise the NGO representatives to ensure that the restoration process is carried in accordance to procedures established by law and not by force.

Points to Note

Adequate Counselling: It is important to ensure that the released labourers are counselled and not coerced into leaving for their native village if they do not wish to. In case of a minor, an individual care plan must be prepared and submitted to the CWC. The NGO can maintain a care plan for the survivors also and submit this to the Magistrate if asked to do so. The NGO representative must also make efforts to reintegrate the labourer back into family and community.

Goal of restoration: The goal of restoration is to ensure that a released labourer

reaches a place of sustainability, where he/she is able to provide for herself/himself.

Completion of home study: The NGO representatives must seek permission from CWC before conducting the Home Study in case of child labourers. During the Home study care must be taken that the representatives travelling to the native place of the labourer do not share information with the community that would lead to stigmatization of the child, as the family and the community may not welcome the child back into their home. The NGO representative must assess the risk of re-trafficking and present the report and recommendation to the CWC.

Planning: The reintegration and repatriation of victims of trafficking being a long process must be planned, taking into account the specific short and long-term needs and expressed priorities of individual victims. Efforts must be non-punitive and aimed at protecting the rights of the victims

Learn More & Take Action

A checklist of Aftercare Services to be provided in Bonded Labour Interventions can be found in **Appendix 17**.



Prepared in collaboration with the Human Liberty Network.