



Sample

DM/SDM requesting Release Certificates

Format of Letter to

Letter to DM/SDM requesting Release Certificates

[Address of sender above]

Date: / /

Note for use: This format can be used for the issuance of release certificates and for rescued bonded labourers from

[Address of receiver above]

Re: Request for Order of Bonded Labour Release Certificates

I am a representative from the social action group _____, which assists with the rescue and rehabilitation of bonded labourers.

On [DATE], a rescue was carried out at the following address:

During the rescue, the following bonded labourers were rescued:

The following government officials were present at the rescue:

The labourers who were rescued are clearly bonded labourers. The *Bonded Labour (Abolition) Act, 1976* states that a bonded labourer is any labourer who is working pursuant to a written or oral agreement with their owner to provide forced labour (section 2g). The agreement can be based on:

- An advance / loan. For example, a labourer's daughter becomes sick so he borrows money from his

employer for medical expenses but has to work for the employer to repay the loan.

- Custom or social obligation. *For example, in northeastern India, it is the social custom for people from the Sullong tribe to work as slaves even though they are not in debt to their masters.*
- Succession. *For example, children must work for an employer who has lent money to their father.*
- Other economic consideration. *For example, an employer gives a tractor to a labourer, but the labourer is required to work for the employer to repay the employer for the cost. of the tractor*
- Caste or Community. *For example, traditionally every person born in the Irular tribal community in Tamil Nadu is obligated to work as an agricultural labourer.*

“Forced labour” means that the labourers are forced to work under the following circumstances:

- No freedom of employment. *For example, an owner of a potato field does not allow his labourers to leave and find work for another owner.*
- No freedom of movement. *For example, a labourer is forced to live at the brick kiln owned by an employer who gave him the advance. The employer only allows the labourer to leave the kiln to purchase items at the market for a short period of time on Sundays or restricts the labourer from leaving the brick kiln outright.*
- No freedom to sell goods and services at market value. *For example, a silk weaver is not permitted by his owner to sell his silk to any other buyers.*
- No payment of the legal minimum wage. *For example, the legal minimum wage per day for an unskilled worker in Delhi is Rs.256. If a labourer is forced to provide labour for less than this then the Supreme Court has held that there is a presumption that he is a bonded labourer.*

The labourers who were recently rescued have given statements that they had an agreement to provide labour with the following people:

The labourers have also given statements that they worked under the following circumstances of forced labour:

The labourers are clearly bonded labourers as defined by the *Bonded Labour (Abolition) Act, 1976*.

Now that the bonded labourers have been rescued, they are entitled to receive Release Certificates. The State Government is responsible for providing these Release Certificates pursuant to an order issued in *Santhal Paragana Antyodaya Ashram Vs State of Bihar*, where the Supreme Court gave the following direction to all State Governments in India:

“The concerned District Commissioner/ Sub Divisional Magistrate will issue forthwith a certificate to each bonded labourer certifying that he or she is a bonded labourer and has been released from bondage. These certificates shall be issued by the concerned District Commissioner/ Sub Divisional Magistrate and handed over to the bonded labourers simultaneously with their release”.

The Supreme Court stated that Release Certificates should be made at the same time as the release or as soon as possible thereafter. Every man, woman, and child who was released should receive their own Release Certificate.

Release Certificates should be given even if an FIR has not been filed, or if an FIR has been filed but *Bonded Labour Act* offences have not been charged.

According to section 10 of the *Bonded Labour Act* the District Magistrate is responsible for issuing Release Certificates to rescued bonded labourers. Where the District Magistrate has conferred his/her powers to the Sub Divisional Magistrate, then the Sub Divisional Magistrate is responsible for issuing Release Certificates to rescued bonded labourers.

I therefore humbly request you to pass an Order for Release Certificates to be issued to all the rescued bonded labourers.

Rescued bonded labourers are also entitled to Rs 1000 upon their release. The Supreme Court directed the State Government to give Rs 1000 to all rescued bonded labourers in the case of *Public Union For Civil Liberties*

Vs State of Tamilnadu & others on 5th May 2004, stating that:

The State Government shall provide Rs. 1000/- as subsistence allowance to a bonded labour immediately on his/her identification."

I therefore humbly request you to pass an Order for Rs1000 to be given to all the rescued bonded labourers.

Please contact me if you have any questions about the rescued bonded labourers or if I can be of any assistance to you.

Respectfully submitted,

[Signature of Sender] Name of Sender