

**Office of the Divisional Commissioner (Revenue)**

**Govt. of NCT of Delhi  
5-Sham Nath Marg, Delhi-54**

**I. T. BRANCH**  
Revenue Department  
Diary ...16/2.....  
Date...14/8/18.....

F. SDM/DC/BL/2017 (CD No. 203504430)/

Dated:

To

All Dy. Commissioners,  
Revenue Department,  
Govt. of NCT of Delhi,  
Delhi

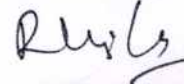
**Sub: SOP for release of immediate Financial Assistance to the rescued Bonded Laborers in GNCT of Delhi as per directions of Hon'ble High Court in the matter of WP (C) 9744/2017 titled as a Walter Karketta Vs. Govt. of NCT of Delhi.**

Sir/Madam,

I am directed to enclose herewith a copy the report of the committee under the Chairmanship of District Magistrate (South-East) in respect of the finalization of the SOP on the above subject for immediate compliance.

Yours faithfully,

Encl. As above.



(R. K. Gupta)

Section Officer (Coord-HQ)

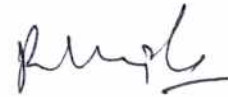
F.SDM/DC/BL/2017 (CD No. 203504430)/

9346

Dated: 14/06/2018

Copy for information to:-

1. The Secretary-Cum-Labour Commissioner, Labour Department, GNCT of Delhi, C-Block, 5-Sham Nath Marg, Delhi-54.
2. Sh. Jatin Sharma, Advocate, Chamber No. 239, Lawyers Block, Saket Court, New Delhi-110017.
3. All Members of the Committee.
4. Jt. Director, IT (Revenue-HQ), with request to upload the SOP on the Revenue website.
5. PA to Divisional Commissioner (Revenue), GNCTD.
6. PA to Dy. Commissioner (HQ)-III, Revenue Department, GNCTD.



(R. K. Gupta)

Section Officer (Coord-HQ)

*Handwritten notes:*  
N. K. Gupta  
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**STANDARD OPERATING PROCEDURE FOR  
IDENTIFICATION OF BONDED LABOURERS AND RELEASE  
OF IMMEDIATE FINANCIAL ASSISTANCE**

**A. PRE-RESCUE PROTOCOL**

1. The DM/SDM should ensure that the <sup>blank</sup> forms at Annexure-I and Annexure II are made available to all the officers involved in the inquiry and rescue of the labourers. [Such officers will include officials from the DM/SDM office, Labour Department, Police Department and Child Welfare Committee].
2. The DM should ensure that every rescuing team mandatorily comprises of the officials mentioned at clause 2 of the SOP of the Ministry of Labour and Employment [MOLE] dated 17.08.2017 bearing *F.No. S-11012/01/2015-BL (Pt)*. The rescue team should also comprise of a member/s of the Bonded Labour Vigilance committees constitute under Section 13 and 14 of the BLA.
3. The information received by the DM/SDM pertaining to a situation of bonded labour, whether from an NGO or other source, must be kept strictly confidential and the rescue should be done within 24 to 48 hours so as to prevent a tip-off to the accused employers.

**B. RESCUE AND INQUIRY PROTOCOL**

**I. IDENTIFICATION AND PRELIMINARY EXAMINATION OF THE RESCUED VICTIM:**

1. The rescue must be done in a manner that assures all victims of their safety and dignity. Representatives from the various departments involved, particularly the police department, must be present on the ground at the time of the rescue.
2. The rescued victims must be separated from the accused and the rescued victims should be taken to the DM/SDMs office.

3. The officials present must be familiar with the contents and purpose of Annexure I and II, and the same can be ensured at the Pres-Rescue meetings itself. The officials must, subsequent to separating the accused from the victims, conduct an immediate preliminary inquiry by filing out the Annexure under the supervision of the DM/SDM.
4. The said Annexure and any other government records/forms filled in by any other Government Department (viz. Labour Department/CWC/Vigilance Committee etc.) must be counter-signed by the SDM/DM.
5. The preliminary inquiry and the filling of the Annexures and other requisite government forms pertaining to the rescued victims and the accused must be completed within 24 hours of the rescue.
6. On the basis of the preliminary inquiry and information recorded, the DM/SDM must make a prima-facie finding/report as to whether the case is one of bonded labour or not and pass an order recording the same within 24 hours.

#### **FINDING OF THE PRELIMINARY EXAMINATION:**

7. The DM/SDM in his preliminary inquiry report shall either conclude that the case is one of bonded labour or that it is not one of bonded labour and pass an order recording the same within 48 hours of the rescue.

#### **C. POST RESCUE PROTOCOL**

8. In case the DM/SDM is of the view that the rescued victim, prima facie, appears to be bonded labourer based on his preliminary inquiry then the following procedure is to be adhered to:

- 8.1 The DM/SDM shall issue a Release Certificate along with Annexure-I and II to each of the rescued bonded labourer within 24 hours of the rescue (as per SOP dated 17.08.2017 of the MoLE, GOI).
- 8.2 The DM/SDM shall ensure that victims who do not have any identification are assisted with applying for an Aadhar card within 48 hours of the rescue and shall ensure that the same are received as soon as possible. [The concerned NGO shall assist the DM/SDM in this process]. The DM/SDM shall also ensure that the details of the rescued victims is entered into the rehabilitative database. The database shall be created and maintained by each DM in terms of clause 5(x) of the CSS Scheme-2016 of MoLE, GoI.
- 8.3 The DM/SDM shall also ascertain whether the victims have bank accounts immediately up on the completion of the preliminary inquiry report.

**If the Bank Account of the Rescued victim is already operational:**

- 8.4 The concerned DM/SDM must grant the rescued Bonded Labourer the Immediate Financial Assistance of Rs. 20,000/- (by way of IMPS-Immediate Payment Service) or by way of Cheques/Demand Draft as per clause 5(xiv) of office Memorandum dated 18<sup>th</sup> May, 2016 (CSS Scheme) read with addendum dated 17.01.2017 to the CSS Scheme within a week from the date of rescue. Alternatively, if there are any difficulties in verifying the account or making payment, a cheque/demand draft of the value of the immediate financial assistance of Rs. 20,000/- must be handed over to the adult rescued bonded labourer and in case of minor, the same shall be handed over to the CWC for disbursement instead of making electronic payment within a week from the date of the rescue.

**In case the Rescued victim does not have a Bank Account:**

- 8.5 The DM/SDM shall grant the rescued Bonded Labourer the Immediate Financial Assistance of Rs. 20,000/- by way of a cheque/demand draft which shall be handed over to the adult rescued bonded labourer and to the CWC in the case of a minor child bonded labourer. Such payment must be made within a week from the date of rescue.
- 8.6 In the alternative to the above mode of payment via cheque/demand draft, the concerned NGO under the directions of the concerned SDM may assist the victims in opening a bank account expeditiously and make electronic payment of the immediate compensation of Rs 20,000/- within a week from the date of rescue.


**Other General post-rescue provisions for bonded labourers**


9. Once the SDM/DM issues release certificate and grants the Immediate Financial Assistance to the rescued Bonded Labourer, he shall immediately send the complete file of the released bonded labourer along with all requisite documents to the concerned ADM enabling him/her to initiate appropriate proceedings of summary trial. If the DM/SDM finds during the pendency of the summary trial, the rescued victim is in need of any assistance, it should provide such assistance under any other law or scheme.
10. After receiving the file from the SDM/DM, the concerned ADM, exercising powers under Section 21 of the Bonded Labour Act, shall conduct proceedings of summary trial of the offences committed under the Bonded Labour Act and shall conclude the same within the time stipulated in the SOP dated 17.08.2017. The Labour department must immediately initiate proceedings for the recovery of back wages from the accused employers/owners, including wages for overtime, in accordance with the Minimum Wages Act, 1948.


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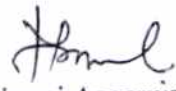
11. The Authorities can take the assistance of NGO's and Vigilance committees for carrying out this SOP and must keep the complainant/complainant NGO updated about steps being taken under this SOP including the supplying of relevant documents and records pertaining to the rescue.

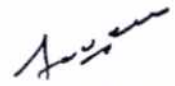
**APPROVED BY THE COMMITTEE:**

  
Sh. S.C. Yadav,  
Joint Labour Commissioner (South)  
(Member)

  
Sub Divisional Magistrate (Hauz Khas)  
(Member)

  
Sh. Jatin Sharma, (Advocate)  
Delhi High Court  
(Member)

  
Sh. Neeraj Aggarwal  
Sub Divisional Magistrate (Defence Colony)  
(Member)

  
Sh. Naveen SL, IAS  
District Magistrate (South East)  
Chairman

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ANNEXURE-I

QUESTIONNAIRE FORMAT-POST RESCUE (VICTIMS')

(Prima-Facie finding of Bondage)

1. Details of the rescued person:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address (Native Village)-
  - e. Caste-
2. Details of the Current Employer:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address-
3. Circumstances under which the rescued person ended up working for the current employer:
4. If he/she was trafficked from native village, then the details of the trafficker, if any:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address-
5. Number of hours worked in a day:
6. Number of days worked in a week:
7. Details of any force or coercion or influence used by the employer:
8. Details of the circumstances/surrounding environment where he/she worked:
9. Details of any additional abuse:
10. Whether any advance (*cash or kind*) has been received by him/her or his/her lineal ascendants or descendants?
11. Whether working in pursuance of any customary obligation:
12. Whether working in pursuance of any social obligation:
13. Whether working in pursuance of any obligation devolving by succession:
14. Whether working for any economic consideration received by him/her or his/her lineal ascendants or descendants:
15. Whether working by reason of his/her birth in any particular caste or community:
16. Whether any wages paid:

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17. Whether the same are below the statutory minimum wages:
18. Whether there is any restriction on the freedom of employment or other means of livelihood:
19. Whether there is any restriction on the freedom of movement:
20. Whether there is any restriction on his/her right to appropriate or sell at market value any of his/her property or product of his labour or the labour of a member of his/her family or any person dependent on him/her:
21. Details of the Previous Employer, if any:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address-
22. Details of how was the victim rescued from the clutches of the previous employer:
23. Whether any identity document available:
24. Does the labourer have a bank account:



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ANNEXURE-II

**QUESTIONNAIRE FORMAT-POST RESCUE  
(OWNER/EMPLOYER)**

1. Details of the Owner/Employer:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address-
2. Details of the employee hired:
  - a. Name-
  - b. Age-
  - c. Father's name-
  - d. Residential Address-
3. Nature of work done by the employee:
4. Details of circumstances under which the employee was hired:
5. Whether any Placement Agency or any trafficker was involved:
6. If the answer to the previous question is in affirmative, details of such Placement Agency/Trafficker:
  - a. Name-
  - b. Age-
  - c. Residential Address-
7. Whether any document was signed amongst the Placement Agency/Trafficker and the employer:
8. Since when was the employee working:
9. Number of hours worked in a day:
10. Number of days worked in a week:
11. Whether any advance (*cash or kind*) was given by the employer/owner or his/her lineal ascendants or descendants to the employee or his/her lineal ascendants or descendants:
12. Whether any wages paid, if yes, how much:
13. To whom were the wages paid:
14. Details of the working environment and conditions:
  - a. Place of sleeping:
  - b. Any additional benefits given:
  - c. How frequent did the employee visited his/her native village:
15. Whether the employees were working at any place apart from the employer's premises:
16. Whether any identity document of the employee was taken by the Employer/owner; if yes, details thereof: