

Bonded Labour

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Concept of Bonded Labour

- The magnitude of bonded labour is just baffling as lakhs of adult males and females as well as children are condemned to suffering under its yoke.
- We have to understand the terms 'bonded labour system' and 'bonded labour'. The 'bonded labour system' refers to "the relationship between a creditor and a debtor who obtains loan owing to economic compulsions confronting his day-to-day life, and agrees to abide by the terms dictated by the creditor".

ISSUES

1. SOCIAL

2. RELIGIOUS

3. ECONOMIC

Social Issues

High expenses on occasions like marriage death, feast, birth of a child, etc.,

Leading to heavy debts caste-based discrimination

Lack of concrete social welfare schemes to safeguard against hunger and illness

Non- compulsory and unequal educational system, and indifference and corruption among government officials.

Religious Issues

Religious arguments are used to con-vince the people of low castes that religion enjoins upon them to serve people of high castes.

ECONOMIC ISSUES

Extreme poverty of people

Inability to find work for livelihood

Inadequate size of the landholdings to support family

Lack of alternative small-scale loans for the rural and urban poor

Natural calamities like drought, floods etc.,

Absence of rains,

Drying away of wells,

Meagre income from forest produce, and

Inflation and constant rising prices.

Constitutional Provisions

Article 21: “No person shall be deprived of his life or personal liberty except according to procedure established by law”

Article 23 (1): “traffic in human beings and begar and other similar forms of forced labour are prohibited and any contradictions of this provision shall be an offence punishable in accordance with law”

Causes of Bonded Labour

- Broadly speaking, it may be maintained that bondage originates mainly from economic and social pressures.
- Poverty
- Not having economy
- Urgency of entering into Bond

Bonded Labour System (Abolition) Act.

- **Provisions**
- **Authorities**
- **Steps taken by the Government**

The law dealing with bonded and forced labour was legislated by the Indian Parliament in 1976

- (a) The overlap between forced labour and bonded labour in customary relationships, and also
- (b) The manifestation of these relationships in contract labour and interstate migration, and
- (c) considers the nature of restraints suffered by the labourer as a result of the bonded/forced labour relationship, and makes all of these illegal.

The Bonded Labour System (Abolition) Act created a legislative framework for the elimination of bonded labour in 1976.

Provisions

- (i) Identification of bonded labourers
- (ii) Release of bonded labourers
- (iii) Action against offenders, i.e., creditors who had forced agreement upon the debtors
- (iv) Holding of regular meetings of vigilance committees at the district and tehsil level
- (v) Maintenance of the prescribed registers; and
- (vi) Conferring of judicial powers to executive magistrates

Authorities

The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out

Steps taken by Government

The Bonded Labour System (Abolition) Act. All the state laws became inoperative after the enactment of the Act by the union government in 1976.

The economic rehabilitation of the re-leased labourers.

The economic rehabilitation includes: finding jobs for them, getting them minimum wages, giving them training in arts and crafts, allotment of agricultural land, helping them in developing the al-lotted land, helping them in the processing of forest produce, educating them and their children, arranging for their medical care, etc.

JUDICIAL DIRECTIONS

The Asiad case

Bandhua Mukti Morcha v. Union of India

Neeraja Chaudhary v. State of M.P

National Human Rights Commission

The National Human Rights Commission (NHRC) on the vanguard to find a solution to the problem of bonded labour in the country.

THANK YOU