

---

DISSERTATION ON THE TOPIC OF

**“Critical Analysis on Legal Framework for Abolition of Bonded Labour In  
India: A Doctrinal Approach”**

---

SUBMITTED TO



INSTITUTE OF LAW, NIRMA UNIVERSITY

AS A PARTIAL FULFILMENT OF REQUIREMENT FOR THE

DEGREE OF MASTER OF LAWS [LL.M]

**UNDER THE GUIDANCE OF**

**Dr. MADHURI PARIKH**

**ASSISTANT PROFESSOR**

INSTITUTE OF LAW, NIRMA UNIVERSITY

**SUBMITTED BY**

**NAMRATA RAGHUVANSHI**

**17ML014**

## DECLARATION

---

---

I, Namrata Raghuvanshi, declare that this dissertation entitled “Critical Analysis on Legal Framework for Abolition of Bonded Labour In India: A Doctrinal Approach” which is being submitted for the award of degree LLM. is the outcome of research carried out by me under the supervision and guidance of Dr. Madhuri Parikh, Assistant Professor of Institute of Law, Nirma University.

I, further declare that all the information, view, and opinions cited in the dissertation are taken from the existing literature and are duly acknowledged at proper places. I further declare that to the best of my knowledge, the dissertation doesn't contain any part of any work which has been submitted for award of any degree either in this University or in any other University / Deemed University for the award of any other Degree or Diploma or Fellowship.

I further undertake that the contents of the dissertation if found copied I will be personally responsible for the consequences.

Date:

Place: Ahmedabad

Namrata Raghuvanshi

LLM (Constitution)

17ML014

Institute of Law

Nirma University

## **CERTIFICATE**

---

This is to certify that the Dissertation on the subject “Critical Analysis on Legal Framework for Abolition of Bonded Labour in India: A Doctrinal Approach” has been prepared and submitted by Ms. Namrata Raghuvanshi, for the award of the Degree of LLM and was carried down under my guidance and supervision. I certify that this is his bona fide research which is up to the standards expected and I recommend it for submission and evaluation to the Examiner.

**Researcher Guide**

Dr. Madhuri Parikh

Assistant Professor

Institute of Law

Nirma University

## ACKNOWLEDGMENT

---

I would like to thank the following persons who have made the completion of this dissertation.

Firstly, I am thankful to Nirma University for giving me such a great chance to work on such emerging issue in the legal field. I am thankful to Dr. Madhuri Parikh, Professor, Institute of Law, Nirma University who has provided me guidance, wisdom and knowledge for completing the dissertation.

Further I am thankful to the librarian, Institute of Law, Nirma University for her constant support. Most importantly I am thankful to the Almighty, my family, friends and colleagues who made everything possible.

Date: -

---

Name: Namrata Raghuvanshi

Roll No. 17ML014

Course: Constitutional Law

Institute of law

Nirma University

S.NO	CONTENTS	PAGE.NO
	Declaration Certificate Acknowledgement Table of Contents	
<b>1</b>	<b>BONDED LABOUR:CONCEPTUAL FRAMEWORK</b> 1.1 INTRODUCTION 1.2 BONDED LABOUR:CONCEPT 1.3 FORMS OF BONDED LABOUR 1.4 STATEMENT OF PROBLEM 1.5 OBJECTIVES 1.6 HYPOTHESIS 1.7 RESEARCH QUESTIONS 1.8 LITERATURE REVIEW 1.9 RESEARCH METHODOLOGY 1.10 DATA COLLECTION 1.11 CHAPTERISATION	<b>1-9</b>

<b>2</b>	<b>BONDED LABOUR:HISTORICAL PERSPECTIVE</b>  2.1 PRE-INDEPENDENCE  2.2 POST-INDEPENDENCE	<b>10-23</b>
<b>3</b>	<b>BONDED LABOUR:CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK IN INDIA</b>  3.1 CONSTITUTIONAL FRAMEWORK  3.1.1 FUNDAMENTAL RIGHTS  3.1.2 DIRECTIVE PRINCIPLES  3.2 LEGISLATIVE FRAMEWORK  3.2.1 BONDED LABOUR SYSTEM(ABOLITION) ACT, 1976  3.2.2 CENTRALLY SPONSORED SCHEME FOR REHABILITATION OF BONDED LABOUR	<b>24-38</b>

<b>4</b>	<b>ROLE OF NON-GOVERNMENTAL ORGANISATION (NGO's)</b>  4.1 ROLE OF NGO  4.1.1 BANDHUA MUKTI MORCHA  4.1.2 BACHPAN BACHAO ANDOLAN  4.1.3 RURAL LITIGATION AND ENTITLEMENT KENDRA  4.1.4 THE AKHIL BHARTIYA SAMAJ SEVA SANSTHAN  4.1.5 JEEVIKA  4.1.6 JEEVA JOTHI  4.1.7 VOLUNTEER FOR SOCIAL JUSTICE	<b>39-50</b>
<b>5</b>	<b>JUDICIAL RESPONSE</b>  5.1 ASIAD WORKER CASE  5.2 BANDHUA MUKTI MORCHA CASE  5.3 NEERJA CHAUDHARY CASE	<b>51-60</b>
<b>6</b>	<b>CONCLUSION &amp; SUGGESTION</b>  6.1 CONCLUSION  6.2 TESTING OF HYPOTHESIS  6.3 SUGGESTION	<b>61-68</b>
<b>7</b>	<b>BIBLIOGRAPHY</b>	

# **CHAPTER-1**

## **BONDED LABOUR: CONCEPTUAL FRAMEWORK**

### **1.1 INTRODUCTION-**

Bonded labour system is a huge term which has been practicing in India since the very ancient time. It applies to all existing forms of slavery. It is a social evil which constitutes the lowest class of labourers who even after 70 years of independence are still being exploited. It is the usual method of enslaving people. Under the bonded labour system the debtor takes loan from the creditor and the amount of loan is altered in such a way that the debtor becomes incompetent to pay it afterwards. In order to pay off loan he has to render services to the creditor. Many a times, the debtor dies so his successors or descendents has to repay the loan amount to the creditor and it continues from generation to generation till the debt is repaid.

There are so many factors which are responsible for the existence of bonded labour which includes poverty, illiteracy, cheating, unemployment or sudden loss of unemployment, crisis and so on. Once a person becomes bonded labourer he/she has to serve his master till the last breath and he becomes a bonded labourer forever. The labourers are often subjected to physical and sexual violence. They have to work like a machine day and night without the concern of their age, health and sex. They have to do every single thing which they are ordered to do without saying no to their master.

Many a times the family members of these bonded labourers are subjected to cruelty and violence and they cannot raise their voice against this misbehaviour. The women are molested and raped still they can't do anything. The masters are the powerful and influential people of the society and if he wants to leave his master then he would not get any job and won't be accepted as bonded labourer by any other person.

Due to the poor social economic conditions he finds himself totally helpless to do anything for his release. The bonded labour system is a practice against human dignity



and it violates the basic human right of an individual. There are various forms of bonded labour among which the sumangali system is the newest one.

## **1.2 BONDED LABOUR: CONCEPT**

Bonded labour can be best described in terms of debt bondage fixed for a time or a life time or hereditarily descending from father to son in some cases,<sup>1</sup> thus it represents an ugly form of social and economic exploitation. When a landless labour desperately needs money and does not have any security to offer, he sells the service of his whole life and thus pledges himself to the creditor for the sum of money he receive as a debtor and the system grew out of actuate indigence and helplessness of tribal and the semi tribal communities in grip of a precarious subsistence economy.<sup>2</sup>

The Report of the Commission for Schedule Caste and Schedule Tribes 1971-72 describes debt bondage in the following words:

The main feature of bonded labour system is that sometimes a man has pledge any person or family member for paying off the loan. That person or family member has to do all kinds of work for the creditor and he only gets a daily meal, until the pleager discharges its debt.<sup>3</sup>

The Report of Commissioner for Scheduled Castes and Scheduled Tribes 1975-76 says that the system of bonded labour means, when a person is forced or partly forced to do the work for creditor under a contract without wages or for nominal wages which are less than the prescribed wages, and such person belongs to a particular caste or community, he would come under the scope of system of bonded labour.<sup>4</sup>

Dhehar Committee and the V.E. Committee reports that in several blocks the tribes were landless and the rich landlord did not only take the possession of their land but also threw them into perpetual bondage. After losing the land to sustain themselves they have to borrow money from landlords at high rate of interest. The rate of interest payable on those loans is at a compound rate that is the only reason that the poor debtors are not to repay

---

<sup>1</sup> Report of the National Commission on Labour, 1969, p. 409

<sup>2</sup> Ibid.

<sup>3</sup> Quoted in Singh S.K., "'Bonded Labour and the Law", 1994, p. 96.

<sup>4</sup> Quoted in National Survey on Incident of Bonded Labour, National Labour Institute, N.D. 1977, p. 9.

the debts. Once borrowed, it is very difficult to get out of this vicious circle. The harsh slogan of the money lender is "pay or work".<sup>5</sup>

In legal sense 'bonded labour' means any labour or service rendered under the bonded labour system<sup>6</sup>, 'bonded labourer' means a labour who incurs, or has. or is presumed to have incurred a bonded debt<sup>7</sup> and a 'bonded debt' means an advance obtained, or presumed to have been obtained by a bonded labourer under or in pursuance of the bonded labour system.<sup>8</sup>

### **1.3 FORMS OF BONDED LABOUR-**

There are different types of bondage which exist in the Indian societies. They can be identified all over the country. These may coexist in one region at the same time, although these belong to different historical stage of the development of agricultural and other Industry. The forms of bonded labour are categorized as under:

#### **i). Inter-generational Bondage-**

When the debtor is unable to render services to his creditor due to the reason of old age, physical weakness, sickness etc. Then the son of bonded labourer replaces him as successor in bondage. This process continues from generation to generation till the debt is repaid and the system is called inter-generational bondage.

When the debtor becomes old or unable to do any kind of work then the creditor demands his young son to render services in place of the actual debtor. In the beginning the son is provided slighter work but as becomes older his work is multiplied. If the bonded labourer dies due to sickness or any other reason without leaving behind any successor or son then her wife has to render services to the master. She does not get any salary and totally loses her identity. She has to spent the rest of her life on the direction of her master. In this way the process keeps going and the innocent, illiterate and unfortunate generation of the debtor has to face the consequences.

---

<sup>5</sup> Rashmi Rekha Smt, Victim of Bondage, Myth and Reality, Central India Law Quarterly, 1997, April, June; Vol XII 10, p. 213

<sup>6</sup> Section 2(e) of Bonded Labour System (Abolition) Act, 1976

<sup>7</sup> Id., s2(f).

<sup>8</sup> Id., s2(d).

## **ii). Share cropping-cum-bondage-**

In this type of bondage the master owns a huge land and he is in dire need of cultivator as he cannot cultivate himself. So he keeps bonded labourer on his fields. He gives him a piece of land for cultivation and seeks 50% of the cultivation in return while the remaining 50% of the production deemed as nominal wages for the bonded labourer. Being a poor person, for satisfying his bare necessities of life the labourer accepts the offer with the condition that he will work as a bonded share cropper. In this form of bonded labour the master has no monetary relations with the debtor.

## **iii). Multiplicative Bondage-**

The lack of employment and poverty forces a person to take loan again and again. This repeated incurrence of debts makes the bonded labourer totally dependent on the master. Total absence or the loss of assets and shortage of jobs in the rural labour market lead to an increasing impoverishment of the bonded labour family which ultimately ends up in its being under the total control of the master.

## **iv). Customary (Traditional) Bondage-**

In this form of bondage the rich landlord does not want to improve his agriculture but he prefers to engage in money lending. So when the bonded labourer takes loan due to domestic pressure and social obligation, the master exploits him to do all sort of work from domestic to agricultural.

In its 'decadent' form traditional bondage means land grabbing from the bonded labour, depriving him of any form of freedom, complete dependence on the landlord, extortion of all assets which the bonded labourer family owns and subjugation under strict working rules. The interaction between patron and client is designed to perpetuate the unequal relationship between the two sides.<sup>9</sup>

## **v). Widow Bondage-**

In this form of bonded labour the widow of bonded labourer takes loan from the master to perform last rituals. In furtherance of the loan she has to work for the master and makes

---

<sup>9</sup> Prakash S.S. Bonded Labour and Social Justice, Deep and Deep Publication. New Delhi 1990, p. 51.

her available all the time. She gets nothing in return except nominal food for her survival. This bondage on account of social custom is known as widow bondage.

#### **vi). Modern Bondage-**

The chief characteristic of this form of bondage is that the relationship between debtor and creditor is very strange, inhuman and more technical. The creditor (land lord) is a very cruel man he has no humanity. He wants to extract as much work as possible without caring for the consequences. He is self-serviant and always looks after his own interest and never thinks about the well-being of bonded labourer, he treats him as cattle. Mostly the relationship between debtor and creditor is very long term relationship. In most of the cases bonded labourers are forced to work till last breath. Actually the master is a wealthy landlord who owns enough land, and can employ a number of agricultural labourers.

However, he is more interested in extracting labour from labourers than in usury. The need for cheap agricultural labour may result from the attempt to increase the production with limited capital investment. The land owner tries to increase productivity through intensification of labourer and not through intensification of capital, either due to lack of investible capital, or unsuitable fields and cropping pattern.

#### **vii). Sumangali System-**

Sumangali system is a worst kin of bondage labour. A decade ago, the owners of textile units in coimbatore introduced about the Sumangali system. In outer shell the system looks attractive and simple. In this scheme jobs are provided to young girls, usually between 16 and 20 years of age, for a period of three years. On the completion of three years the girls are promised Rs. 30,000 to 50,000 in wholesome, apparently for their marriage. The poor parents who cannot afford afford their families, send their daughters for these jobs. They feel it as the only option for getting the girls married or for paying off old loan.

#### **viii). Palemod System-**

The chief characteristic of this form of bondage is that to defeat starvation, labourer takes loan from landlords and give back in terms of grains or labour. The reimbursement is three-four times the more then the actual.

#### **ix). Lagangadi-**

In this typeof bondage debt is taken for marriage purpose and the same debt is paid off by labour which is valued much below the market rate.

#### **x). Avani System-**

In Avani system labourer repays little amounts in the form of bonded labour to the landlord during harvesting season, leaving apart his own work for 8-10 hours a day for 25-30 days in a month.

### **1.4 STATEMENT OF PROBLEM-**

- Exploitation of one group of people by another is not a new phenomenon. It has always been in existence in all those societies where social and economic inequalities exists and in India social and economic inequalities exists since the ancient times. That's why the weaker sections of our society have continuously been exploited by the influential.
- A large section of our society is driven into the situations of bondage by extensive poverty and resourcelessness. These unfortunate people have ruined to a level where merely to keep alive they have to leave all sense of individual dignity and pride.

### **1.5 OBJECTIVES OF STUDY-**

The present study has been carried out to achieve the following objectives:

- To analyse critically the constitutional and legislative measures taken to eradicate this inhuman social practice by the Centre and State Governments.

- To make a critical appraisal of the role of Non-governmental Organisation working for release and rehabilitation of bonded labourers in the country.
- To analyse the judicial response and the role of judiciary in eradicating the system.
- Finally, to suggest ways and means for strengthening the present organizational set up for identification, release and rehabilitation of bonded labourers.

## **1.6 HYPOTHESIS-**

After making an indepth study of bonded labour the following hypothesis has been formulated:

- Bonded labour cannot be fully eliminated because of poverty and assetlessness.
- Illiteracy and low educational status of male, female are important factors for the existence of bonded labour.

## **1.7 RESEARCH QUESTIONS-**

- a) What are the legislative and constitutional provisions framed across the country for the abolition of bonded labour?
- b) What is the role of non governmental organisations in the rescue and rehabilitation of bonded labourers?
- c) How the socio-legal problem of bonded labour can be improved?

## **1.8 LITERATURE REVIEW-**

The bonded labourers suffer due to control and compulsory labour. They were considered as unprivileged for a long period in India. It is necessary to make a mention about such studies which enlightened this researcher during the course of research.

D.A. Banaji in his Ph.D., thesis of Bombay University "Slavery in India" (1933) has traced the growth of paradiel slavery in India.

Y.R. Hara Gopal Reddy in his "Bonded Labour System in India" - Causes, Practice, the Law" (1995) has analysed the legal aspects of bondage. He was the first who identified the cases of bondage and exposed the accurate background of the circumstances in which the system multiplied.

Equally essential is S.S. Prakash's book "Bonded Labour and Social Justice" (1990) which gives a detailed report on the upper castes observance of social taboos against the slaves. Also the economic dominance over the captivated group was described.

J.L Hamilpurkar's work "Changing Aspects of Bonded Labour in India" (1989), describes how paradiel slavery was changing due to tenancy acts of the British Government and further it worried on the need for proper rehabilitation without which the problem cannot be solved.

Rish Pal Nainta in his studies "Bonded Labour system in India - A Socio - Legal Studies" (1997) says that legally bonded labour System should be removed. He also showed the evidences that how the bonded labour system is growing in the State of Himachal Pradesh.

Thus so far, many scholars and researchers have made attempts to study the problem of bondage and the ways to solve it. Suggestions and recommendations for the relief of the bonded have also been given. These studies proved to be a useful foundation for the present research work.

## **1.9 RESEARCH METHODOLOGY-**

In the present study the researcher has adopted the '**doctrinal research methodology**' for analysing the constitutional and legal framework for the abolition of bonded labour. The problem will be examined by a thorough study of all the laws dealing with the abolition of bonded labour. Data collection will be done both from primary and secondary sources.

## **1.10 DATA COLLECTION-**

Primary data will be collected from published documents, court directions, government letters, press, policy notes and reports. The secondary sources of data will be collected

from books, periodicals, journals and news papers. The researcher will also draw some help from various books, gazettes, report of commissions and committees, articles, newspapers, and judicial decisions. Use of internet is also made together in order to take important information relating to the subject of study.

## **1.11 CHAPTERISATION-**

The researcher in his study “**Critical Analysis on Legal Framework for Abolition of Bonded Labour In India: A Doctrinal Approach**” has done following chapters-

**Chapter 1-** The first chapter contains the introduction of bonded labour system in India, the statement of problem, hypothesis formulated for the study, objectives of research, the concept and definition of bonded labour and also the various forms of bonded labour and the scheme of representation.

**Chapter 2-** The second chapter deals with the historical perspective of bonded labour system right from the ancient period upto the modern age.

**Chapter 3-** The third chapter contains various constitutional provisions to ensure the security of various bonded labourers and also contains legislative framework, that is the Bonded Labour System (Abolition) Act, 1976, the features of the act, the aims and objectives of the act and the statutory definition of bonded labour.

**Chapter 4-** This chapter deals with the role of NGO’s in rescuing and rehabilitating the bonded labourers.

**Chapter 5-** The chapter fifth dicusses the judicial responses and various case laws.

**Chapter 6-** The chapter six contains the conclusion and suggestion for intensifying the condition of bonded labourers.



## **CHAPTER 2**

### **BONDED LABOUR: HISTORICAL PERSPECTIVE**

When the world came into existence the men were homeless. They used to wander from one place to another in search of food. But as the time passes they improved their living standard. In the ancient time the men used to live on the bank of rivers or near water. Thereafter they learnt the art of cultivation, as one of the basic requirements of livelihood however it was mostly the shifting cultivation from one place to another. Till then they were not familiar with sense of ownership. As soon as they came to realize the importance of agriculture and began settled life, they also realized simultaneously the importance of possession and sense of ownership developed among them.

In the beginning the sense of community ownership existed which gave its way to family ownership of the property. The sense of community ownership continued till medieval period. Shortly after the establishment of Muslim and then Mughal rule in India, it was changed over to family ownership. The agriculture land had given more importance after the establishment of British rule in most of the parts in India, particularly after the arrival of fixed revenue system. Consequently, sense of personal ownership of lands increased.

After the introduction of the concept of ownership, exploitation started. Property relationship was such that those who owned property, dominated those who did not own it. In this process later one was made a slave by the first one. Present bonded labour system is same as the slave system which existed in India in ancient time. In Smritis various kinds of slavery is mentioned which were practiced in ancient India. It was a system of domination of a few socially and economically influential persons over the large number of illiterate, down-trodden and socially and economically poor people. Thus it was resulted in changing of the debtor-creditor relation into slave and master relation. It was an outcome of the uneven socio-economic system prevailing in India since time immemorial.

## 2.1 PRE-INDEPENDENCE-

From the day India became a target of Muslim invaders its people began to be enslaved. They were sold in foreign lands or employed in various capacities on menial and not so menial jobs within the country. Wherever the Muslims went, mostly as conquerors but also as traders, there developed a system of slavery peculiar to the climate, land and population of the place.

Slaves were abducted or captured by marauders (Subuktigin, Balban) and they were sold by jealous or needy relatives and they were purchased by slave-traders to be sold for profit. These all methods were known to Muslim rulers in India. All these and many other methods were employed by them and their nobles in mankind slaves in India.

In medieval times the Muslim regime drafted slaves in every sphere of activity. Slaves were needed in thousands for any large enterprise which, in modern technological age would be accomplished by a few machines or even gadgets. There was no dearth of slaves either. Muslim victories in India had provided kings and nobles with innumerable slaves. From Government affairs to domestic responsibilities slaves were employed in every work such as constructing impressive buildings in the army, in karkhanas, textiles and robes, slaves as makers of weapons, in palace and Court and soon.

Qutab-ud-din Aibak was a slave and one of the generals of Mohammad Ghori. After Ghori's death, he became the ruler of the Indian possession. He founded the slave dynasty<sup>10</sup>. Feroz Tughlak indulged in production for himself with the help of the slaves. He ordered his commanders and officers to capture slaves whenever they were at war and to pick out the best for the service of the Court. Forty thousand slaves were guards in royal palace.<sup>11</sup>

Agrarian slavery also practiced in medieval India, when the East India Company assumed power in the 18th century it was prevalent on large scale. Before advent of (English Power) the Portuguese had carried on a slave trade in Bengal. They had carried on a slave trade in active collaboration with Maghs, whose Kingdom Arakan bordered Bengal and

---

<sup>10</sup> Aggarwal Mani Ram, General Knowledge Digest (S. Chand & Co. Delhi 1970), p. 39.

<sup>11</sup> Koshmbi D.D., An Introduction to the study of Indian History, (Popular Publication Bombay 1975) pp. 378-79.

Burma and they considered it a source of income. In Arakan there was always a demand for slaves. But in the Bombay presidency the condition of the ploughmen or hali was a little better. It had been very common in Eastern Bengal under the Mughals and the institution enlarged in the Bengal presidency in the days of the company.

During the great famine of 1770, the bondage of agrestic slave originated in Bengal. When large number of people died of starvation and many people sold themselves in order to save their lives, after the recovery of the population from the disaster, the peasantry driven steadily nearer the subsistence level was the most exposed to the effect of natural calamities - a failure of the rains, the death of their cattle from disease and so on when they suffered such losses they were forced to take loan on high rate from the Zamidar or the money lender. Zamindars who were influential people were ready to oppress the illiterate peasant. As a result, a great portion of the agricultural labour force fell into debt and became slaves.

Agrestic slavery also existed in Bihar where middle class people and big landlords used to own agrestic slaves. In Deccan, the agrestic slaves were permanently attached to the soil, their masters owned them along with the land to which they were attached and their master could not sell them separately from the land of which they were deemed as a part and parcel. They used to buy and sell, lease, mortgage and even transfer usually along with the land and not separately.

Agrestic slaves like domestic slaves used to buy and dispose off like chattels in Bengal presidency, their deeds of sale were executed, some of which were registered in the Court, their master used to feed, cloth, and house them like domestic slaves. But whereas the domestic slaves used to live in the master house. the agrestic slaves used to live in separate hut, either by the house or near the field which they cultivated. Slave used to form marketable articles. They were regularly imported into Bengal and were also exported from Bengal to foreign countries and to settlements such as Sumatra, Ceylon, St. Helena. Pondichary. Burma and even Australia, the Portuguese, Dutch, French, and Swiss, the Danes and the Arabs were all engaged in this organised traffic.

The sale and purchase of the slaves was permitted everywhere in British India and was Justified as an incident belonging to that species of property. Indeed the East India company itself engineered traffic in slaves as a highly profitable concern in all the three

early settlements of Calcutta. Bombay and Madras, in the early years of the company's rule, its policy was to avoid any dangerous interference in the social and religious life of its subjects. This policy was not only suited to the peculiar nature of British rule in India, but it was quite in harmony with the British political tradition and practice. Changes took place under the gaib of restoration, new institutions were created in order to preserve the old ones, old laws were given new meanings. Thus, having conquered Bengal by diplomacy and arms, the English considered it necessary to obtain the sanction of the Mughal Emperor whose authority was mere nominal than real to administer the country on his behalf. By securing the Diwani of Bengal in 1765, Clive sought to cloth the newly established English power with a legal gaib, familiar to Indian tradition and practice. The new English Government sought to maintain the old laws and institutions, and established customs and usages so long as they did not affect the British interests. The company legalized, perpetuated and administered the traditional Muslim and Hindu laws of slavery in India. Slavery was accorded legal recognition by the company for the purpose of administrative expediency<sup>12</sup>.

Warren Hasting who was the Governor of Bengal in 1772. He made enslavement a lawful punishment for dacoity, but simultaneously he was also aware about the evil and sowed a seed for its eradication. The views of creditable Hindus and Muslims were taken regarding the subject of slavery; both condemned the authorized usage of selling slaves as that was repugnant to their religious precepts both of Koran and Shastra that was oppressive to the people and injurious to the general welfare and well being of the people.

All that Hastings did however was to issue a regulation in 1774 forbidding the stealing of children and their sale as slave without the execution of a deed. Soon after the promulgation of the regulation, the provincial council at Dacca asked whether the children of slaves were to be given its protections. As it was an established custom throughout the Dacca District to keep in bondage all the offspring and descendants of persons who have once become slaves. The council went on to point out that since a property in slaves had been created and formally acknowledged by the legislation of the country, their emancipation could not be effected without inflicting financial loss upon their proprietors and a destruction of established proprietary rights. Hastings answered "we are of the

---

<sup>12</sup> Singh S.K. Bonded Labour and the Law, Deep and Deep Publication. Rajouri Garden New Delhi, 1994, p. 8.

opinion that the right cannot and ought not to be extended further". At the time regulation was enforced, but the Hastings hope of slavery eradication was not fulfilled<sup>13</sup>.

In the beginning of March 1785, the complaint in respect of slave trade intensified. The Collector of Dacca, M Day threw the attention of the Committee of Revenue to the traffic in children at Dacca and proposed that the order should be issued to search all the boats coming to the port of Calcutta and its neighbourhood to detect those culprits and bring them to justice because they were acting against order of Govt, the committee ordered M. Day to take steps for the apprehension and the prosecution of the persons guilty of violation of the order of the Government, on 14 March 1785. Governor-General Macpherson ordered the committee that utmost diligence should be used in future to prevent the trade of children being carried on. But neither the executive action of the Collector, nor the instructions of the Governor General served to prevent the slave trade.

In 1789, Governor-General Lord Cornwallis, greatly disturbed by the activities of the Portuguese and other slave traders, himself wrote to the Court of directors on the subject of abolishing slavery. He too felt that the only way by which the trade could be effectively suppressed was to withdraw the legal sanction of slavery. In this he agreed with the Hastings diagnosis but he was less ready to take bold action inhibited perhaps by that regard for the stabilizing of property rights which informed his land revenue policy. Hastings observed: There are many obstacles in the way of slavery abolition entirely in the company's administration, as number of slaves are considerable and the practice was sanctioned both by Hindu and Muslim laws. But he was anxious to do away with slavery or render it less harsh.<sup>14</sup>

The immediate measures taken by Cornwallis were directed only against the slave trade as such. On July 27, 1789 an ordinance was gazetted prohibiting the exportation of natives of British India as slaves. It can be seen that Cornwallis had aimed lower than Hastings but achieved more. He faced problems due to the social and economic condition of the country. Slavery was too much an integral part of the country's social and economic system, deeply ingrained historically and practiced with the approval and participation of both the Hindu and Muslim religious leaders. For this reason the company in 1798

---

<sup>13</sup> Id., at 9.

<sup>14</sup> M, at 10-11.

enacted that henceforth Hindu and Muslim slaves were to be governed in accordance with the principles of Hindu and Muslim laws respectively.<sup>15</sup>

By this regulation which served to secure in the slaves the protection afforded under these laws, nevertheless the proprietary rights of the master's were recognized over their slaves. But it is clear that the measures of Hastings, criticism of Sir William Jones and the vigorous language and action of Cornwallis had made a notable psychological impact upon Bengal society. The Newspapers which had once been full of slave trade advertisements became devoid of such advertisements. Not a single journal or newspaper of Calcutta contained such advertisements.<sup>16</sup>

Despite the efforts made by Warren Hastings and Cornwallis as stated above the slavery could not be stamp out completely because its root was deeply imbedded in the social and economic life of people. Company's highest judicial institution continued to recognize it as personal property of their masters. In 1806, British rule in India banned this age old practice of agrestic slave system and passed Bengal Regulations Act of 1806 to restrict the slave system, but allowed forced labour by its Act VI of 1825. It is to be noted that section 1 and 2 of the Madras Compulsor>' Labour Act of 1858, particularly its section 6. even legalized forced labour system. This mention of ban on keeping agrestic slaves was a partial although the claim of the master over the slave for sale or purchase was not executed in the Court of law, but his other claims were executed even in the Court of law. Thus this provision was limited only to the sale or purchase of a slave for the clearance of revenue.

The other important effort towards abolition of slavery was made by Slavery Abolition Act 1843. The Act was extended to the states ruled by the native Kinds. The slaves were legally freed but in practice their bondage continued as they had to depend upon their masters for the satisfaction of their basic requirements. The Act could not made dent into agrestic slavery deeply fortified by social and economic customs practiced in the country.

The Indian Penal Code 1860, not only banned slavery and forced labour. but also made its punishable offence under its various sections, yet it continued. In the beginning of 20<sup>th</sup> century the State Government look notice of the evil and in order to curb the inhuman

---

<sup>15</sup> Ibid

<sup>16</sup> Ibid

practice of bondage the Kamiauti Agreement Act of Bihar and Orissa of 1920 was passed, this was one of the early attempts to check the widespread evil in the region, though the Act was having provisions to rationalize money lending. Section 3 of the Act provided agreement enforceable for one year only and after the expiry of one year the obligation of the Kamiauti, with respect to payment of the debt and performance of the labour had been void if performed. It reduced an agreement void:

1. If the agreement was not only duly stamped.
2. If the counterpart had not been delivered to the Kamiauti
3. If the period exceeded one year
4. If it did not provide for the extinguishment of the liability after one year, and
5. If it did not provide for fair and equitable remuneration. The Act also rendered an agreement void on the death of either executants or the Kamia and the liability under the agreement was unenforceable against the heir of the deceased.

The Criminal Tribes Act was passed in 1924 to suit the convenience of the privileged haves against cruelly oppressed have-nots. This Act made provision for extracting forced labour from low castemen under one pretext or the other in the interest of the high Caste men and property holders. This is how in the garb of judiciary weaker sections were exploited and oppressed in India. The process continued with difference of degree depending on place, situation and time.

In 1926, following the First World War, peasants for the first time entered the political arena as a group. This, along with other factors, persuaded the British Government to appoint a Royal Commission in Agriculture. However, the Commission also could not touch the problem on account of limited frame of reference. In spite of peasants' revolt and emergence of All India Kisan Sabha, these semi-naked peasants failed to attract the attention of the Britisher. The first International Convention (No. 29) on the forced labour was held in Geneva (June 10-28) in 1930. For the purpose of this convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. This is akin to the bonded labour in India. The legislative Assembly and the council of states adopted a resolution recommending to the Government of India

to take action on all the provisions contained in the Draft Convention, as soon as might be practicable. In response to session of International Labour Convention at Geneva in 1930, for the abolition of forced labour, both houses of legislature adopted resolution banning the forced labour in India. Some of the State Governments also passed laws to stamp out the pernicious practice of forced labour. Some of these laws are as follows:

- (i) Assam Money Lenders Act of 1934.
- (ii) Madras Debtors Protection Act 1934.
- (iii) Punjab Relief of Indebtedness Act of 1934.
- (iv) The Bombay Agricultural Debtors Relief Act of 1947.
- (v) Bihar Money Lenders Act 1938 (Bihar Act 111 of 1938).
- (vi) Bihar Money Lenders Act 1939 (Bihar Act VIII of 1938).
- (vii) Debt Bondage Abolition Regulation Act of Orissa of 1940.
- (viii) Madras Debt Bondage Abolition Regulation 1940.
- (ix) The Andhra Pradesh (Andhra Area). Agency Debt Bondage Abolition Regulation 1940.
- (x) Bombay Money Lenders Act of 1946. But these legislation made little impact on the abolition of bonded labour system and could not serve the purpose for which they had been passed.

## **2.2 POST-INDEPENDENCE-**

The existence of forced labour among the agricultural communities and thereafter the existence of such labour was also visible in our industries, where the harsh exploitation of workers, their subjection to sub-human standard of work was very common.

After Independence Zamindari was abolished in the country and the rent collected by intermediaries were transformed into owner by showing themselves as self-cultivating



farmers. This transformation of Zamindari resulted in eviction of several thousands of traditional tenants. The origin of bonded labour system therefore can be traced to our land problem. Which is the axis of Indian economy; the poor peasants and cultivators had to work according to the dictates of the landlords who had grabbed the bulk of the land in the villages. Without having any means of livelihood, they had to work free or on paltry wages and to attend to other jobs of landlord in return for a strip of land. Sometimes their family members were also made to work for the landlords.<sup>17</sup>

Existence of forced labour was also witnessed in the coalmines, where a sizeable portion of the labour force came from the aboriginal tribes. The most common form of recruitment of such unskilled labour was through the contractors. This situation existed in Bengal, Bihar, Uttar Pradesh and Madhya Pradesh. With regard to their bargaining power, they were in fact weaker than the other sections of the workind class. Another notable example of forced labour in mines was Gorakhpuri labour. Such labourers were recruited mostly from eastern Uttar Pradesh through the Coalfield Recruiting Organization, at Gorkhapur and sent to various coalmines who indent them.<sup>18</sup>

Abolition of Forced Labour Convention (1930) was discussed in Provincial Labour Minister's Conference held in 1947 and agreed in principle to abolish this social canker. Orissa Compulsory Labour Act, 1948, particularly its section 2(a), 8,9 and 11 abolished forced labour in the State. Although many States passed laws banning the forced labour, yet they were not effective. Moreover, there was no uniformity in the laws as they were varied from State to State. As per report of Indira Gandhi, bonded labour, social welfare (Suicides in India), the reasons of the failure of these Acts were that the landlords who were holding huge lands were from high caste and had caste support. They could also influence the executive while the bonded labourers in whose favour laws were made were poor and belong to the under privileged low castes having no sympathies of the executive. So survey of the Bonded labourers was needed.<sup>19</sup>

After the Independence, the founding Fathers of Indian constitution, realized the gravity of the situation. They were very anxious to protect the human dignity and decency of poor, underprivileged, dovre-trodden and weaker sections of society, to free them from

---

<sup>17</sup> Supra note 13

<sup>18</sup> Supra note 13

<sup>19</sup> Indira Gandhi, Bonded Labour, Social Welfare (Suicides in India), Vol. XXIII, No. 3 June 1976, p. 27.

curse of begar and to abolish all sorts of exploitation. They thought, giving constitutional protection to the citizens from all sorts of exploitation was one of the ways, by which the dignity and decency of the citizens can be secured. Keeping this thing in mind they enacted various Articles and safeguards for the SCs and STs, particularly the Article 23 in the Indian constitution which guarantees a right against exploitation to the citizens of India.

Exploitation, which means the improper or undue utilization of services of other persons for one's own ends, is opposed to the dignity of the individual, to which the preamble of our constitution refers.

The word 'begar' has not been defined in the Constitution the term ^ he gar is an Indian term and has a varying local connotation, as regard the kind of labour exacted by force. It is the system under which person are pressed to carry burdens for individuals or public or to perform other forms of menial service under compulsion. The words, other similar forms of forced labour in Article 23 (1) are to be interpreted 'ejusdem generic'. The kind of 'forced labour' contemplated the Article has to be something in the nature of either traffic in human beings or 'begar'.<sup>20</sup> Therefore the word "other similar form of forced labour" should not be interpreted as a labour or service which a person has to render forcefully without any wages, but it should include whether there is less force or more. This force may be of different kinds, e.g. social, psychological, economic force due to hunger and poverty. Under Article 23(2) the state can impose compulsory service for public purposes and in imposing such service the State shall not make any discrimination on grounds only of religion, race, sex, caste or class or any of them.

In this way Article 23 constitute a licence of freedom for the ordinary and common people. The laws of all States and Union territories were to be suitably amended in response to the constitution of India, if they were contrary to the provisions of the Article 23 of the constitution of India. Accordingly many States amended their previous laws or passed new laws in response to the Article 23 of the constitution of India. Some of these laws are as under:

(1) Orissa Debt Bondage (Abolition) Regulation Act of 1948.

(2) Rajasthan passed Agricultural Relief Act of 1951 and Rajasthan Sagari

---

<sup>20</sup> M.P. Jain, Indian Constitutional Law, p. 525, Ed. 1970.

(Abolition) Act of 1961.

(3) The Punjab Regulation of Money Lenders Relief Act of 1954.

(4) Orissa Debt Bondage (Abolition) Rules of 1963.

(5) Kerala Pariya Labour Contract (vallur, Kava Pannan) System  
(Abolition) Bill of 1964.

(6) Lacadives, Minicoy and Amindivi Islands Revenue and Finance  
Regulations Act of 1965, particularly its section 85(5).

(7) M.P. Scheduled Caste Debt, Relief Act of 1967.

(8) Scheduled Caste Protection Act of 1972 of M.P.

(9) Bonded Labour (Abolition) Act of Kerala of 1972.

(10) Scheduled Caste, Scheduled Tribes and Denotified Tribes Debt Relief  
Ordinance of Uttar Pradesh of 1974.

(11) Bihar Money Lender Act 1974.

(12) The Kerala Agricultural workers Act of 1974.

(13) The Karnataka Debt Relief Ordinance of 1975.

(14) The M.P. Awaidh Shram Prtishedh Adhyadesh 1975.

(15) The Rajasthan Govt. Bonded Labour Prohibition Ordinance 1975.

(16) U.P. Landless Peasants Labour Debt Relief Act, 1975.

(17) The U.P. Prohibition of Bonded Labour Ordinance, 1975.

(18) The West Bengal Relief of Rural Indebtedness Act of 1975.

Although these various Acts were passed over the years by various State legislature banning the shocking practice of bonded labour, debt bondage or agrestic slave system in India. They were not effective due to lack of uniformity and the universality. These Acts did not solve the problem because their execution was left to the bureaucracy who had no

sympathies for the bonded labours. These Acts remained on paper. Therefore, bonded labour remained as part of normal practice of our society even after Independence of India till 1975. It then required a uniform law to deal with this system. As a result immediate step was taken to curb this social evil. The late Prime Minister Indira Gandhi on 1<sup>st</sup> July 1975 had announced twenty point economic programme, a new economic policy for doing better the socio-economic circumstances of lower sections of society. Then the Bonded Labour System (Abolition) Ordinance 1975 was framed on 24 October 1975 on the basis of this proclamation and by the said ordinance, bonded labour system was abolished and the bonded labourers were freed and discharged from any obligations to render any bonded labour and their debts were extinguished.

The Bonded Labour System (Abolition) Ordinance 1975 was later converted into Bonded Labour System (Abolition) Act, 1976. Bill was passed by both Houses of parliament and received the assent of the president on February 9, 1976 extending its execution to the whole of India with a hope to fulfil the constitutional goal, to root out this evil once for all and to ensure freedom to its citizens guaranteed under the constitution. The subject of bonded labour has been mentioned in the concurrent list given in the 7<sup>th</sup> schedule of the constitution of India. It was the first unified legislative attempt against this social evil that came in the form of an ordinance.

The Bonded Labour System (Abolition) Act 1976 could be regarded as the most comprehensive, bold and progressive piece of social welfare legislation ever enacted by the Indian parliament. It aims to declare bonded labourers free from an obligation to render any free service and all such custom, traditions, contracts and agreements as applied to them as void. The Act gave a wide and comprehensive definition to bonded labour system<sup>21</sup> bonded labourer<sup>22</sup> and bonded debt<sup>23</sup> the main thrust of the Act is the abolition of bonded system. Section 4 and 5 of the Act prohibits the practice of all forms of bonded labour systems and any such practice in any form is made an offence punishable with imprisonment. Which may extend to 3 years and with fine up to 2000 rupees<sup>24</sup>, In order to ameliorate the pitiable plight of the then existed bonded labourers, the Act provided that every obligation of a bonded labourer to repay any bonded debt

---

<sup>21</sup> Section 2 (g) of Bonded Labour System (Abolition) Act, 1976.

<sup>22</sup> Id., s 2 (f).

<sup>23</sup> Id., s 2 (d).

<sup>24</sup> Id., s 16.

immediately before the commencement of the Act shall be deemed to have extinguished<sup>25</sup> and the property of the bonded labourer pledged to the creditor shall be resorted to the possession of the bonded labourer.<sup>26</sup> The creditor are prevented from accepting any payment against the extinguished debt.<sup>27</sup> Power had been conferred upon the District Magistrates to enquires about the existence of bonded labour and take sufficient action against the continuance of any such practice.<sup>28</sup> The Act also provides for a vigilance committee in each District and in such Sub-Division of the District with the duty to advice the District Magistrate as to the efforts made and action taken to ensure the proper implementation of the Act and to provide for the economic and social rehabilitation of the released bonded labourers .<sup>29</sup>

In the long turn it can be said that bonded labour system is not a new phenomenon. It has long history of its existence. This traditional practice has been in existence in all society in one form or other since times immemorial. In ancient time it was prevalent in the name of slavery and still continues today in the name of bonded labour. Bonded labour is a peculiar form of labouring class always subjected to exploitation by ruthless master. Bonded labour system represents a relationship between a creditor and debtor. It is a system of usur (Lending of money). It is one of the variegated form of abuse. Beginning of this system of bondage can be traced from hierarchy of caste and feudal system. It was also prevalent during medieval period.

Various attempt were made to check the wide spread canker of bonded labour system from time to time, before 1975 all efforts were made on regional levels. British rule in India banned this old age practice by passing Bengal Regulation Act in 1806 but allowed force labour by its Act VI of 1825.

Indian Penal Code 1860 banned bonded labour system and made it punishable offence. In addition to that many State Governments passed laws banning bonded labour system like Kamia Agreement Act 1920 of Bihar, Money Lender Act 1938 of Bihar, Debt Bondage Abolition Regulation Act 1940 of Orissa and Madras, Bombay Money Lender Act 1946 and so on. But all the legislations made little impact on the abolition of this evil.

---

<sup>25</sup> Id.,s6{1}.

<sup>26</sup> Id., s 7.

<sup>27</sup> Id., s 8.

<sup>28</sup> Id., s 11 and12

<sup>29</sup> Id.,s14.

After Independence founding father realized gravity of problem and they incorporated Article 23 and other Articles in the constitution of India and made the right against exploitation as a guaranteed Fundamental Right which later became the hallmark of Indian constitutional jurisprudence.

To stamp out the pernicious practice of bonded labour, all states and union territories passed legislations of one or other kind in accordance with the spirit of Article 23 of the constitution but none of it displayed any serious enthusiasm towards the effective implementation of such legislations. Due to the lack of uniformity these Acts did not serve the purpose. Till 1975 bonded labour system remained as part of normal system of our society. The first unified legislative attempt against this social evil came in the form of an ordinance. Which ultimately took the shape of Act called the Bonded Labour System (Abolition) Act, 1976 [Act No. 19 of 1976] and Supreme Court of India also played and still playing vital role in protecting the victims of bonded labour.

## **CHAPTER 3**

# **BONDED LABOUR: CONSTITUTIONAL & LEGISLATIVE FRAMEWORK IN INDIA**

### **3.1 CONSTITUTIONAL FRAMEWORK**

Since the India got independence, if we look into the history, a lot of changes has been traced back into the social and industrial system. We are specially concerned here with labour problems.

When the India got independence, the Indian economy was largely agrarian based rather than industrial. There was no scope of industrial sector at that time. People owned land for agriculture purpose. However, most of the people were landless so they had to go for work to the landlords. The owner exploits the worker in different ways. They had to work for longer hours with minimum wages and all. From here the bonded labour and forced labour system prevalent. The constitution of India is the safeguard of the dignity of labour as well as rights of them. The provisions of Indian Constitution with regards to bonded labour are as follows-

#### **3.1.1 FUNDAMENTAL RIGHTS-**

Part III of the constitution of Indian secures to all its citizens certain basic, natural and inalienable rights. These rights are fundamental to all citizens. The chapter-III of the Constitution of India has very well been described as the Magna Carta of India.<sup>30</sup>

There are certain provisions which have been laid down under the constitution relating to the abolishment of forced labour. These rights are given under article 23, 24. Article 23 enacts very important fundamental right as-

---

<sup>30</sup> V.G. Ram Chandran- Fundamental Rights and Constitutional Remedies, Vol. 1 (1964) pi

- **Article 23. Prohibition of beggar and forced labour-**

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.<sup>31</sup>

In Article 23 there are two declarations.

First, that traffic in human beings. 'begar' and other similar forms of forced labour are prohibited.

Second, the breach of the provision shall be a punishable offence in law. Under the Article 35 the parliament will make all the laws which constitute punishment for this article. Although existing laws on the subject are saved till they are altered or repealed by parliament.

Article 23 demonstrates the profound worry of establishing father of Indian Constitution for forced labour (Bonded labour) Consequently, Article 23(1) of the Constitution ensures a right against misuse to the natives of India against the State as well as against private residents. It forces a positive commitment on the State to make moves to abolish "traffic in human beings" and 'begar' and other similar types of forced labour. It automatically prohibits the bonded labour because it is a form of forced labour within the meaning of this article. This article applies to both citizens and non-citizens.

In *People's Union for Democratic Rights and Others v. Union of India*<sup>32</sup> Apex Court observed, "Article 23 is clearly designed to protect the individual not only against the State but also against other private citizens. Article 23 is not limited in its application

---

<sup>31</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

<sup>32</sup> A.I.R. 1982 S.C. 1473.



against the State but it prohibits "traffic in human beings. 'begar' and other similar forms of forced labour" practiced by anyone else. The sweep of Article 23 is wide and unlimited and it strikes at "traffic in human beings. 'begar' and other similar forms of forced labour" whenever they are found, the reason for enacting this provision in the chapter on Fundamental Rights is to be found in the socio-economic condition of the people at the time when the Constitution came to be enacted.

Traffic in Human beings: It means to deal in human beings like goods. It means selling and buying in men and women like chattels for commercial exploitation. It would include immoral traffic in women or girls or subjecting children to immoral or such like practices<sup>33</sup>, such as making them devadasi or Jogins.<sup>34</sup> In *Vishal Jeet v Union of India*<sup>35</sup>. The supreme Court issued directions to the State Governments and Union Territories for eradicating the evil of child prostitution and for evolving programmes for the care, protection, treatment, development and rehabilitation of young fallen victims.

- **Article 24- Prohibition of Employment of Children as Bonded Labourer:**

“No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”<sup>36</sup>

Article 23 and 24 have been put under the heading of ‘Right against Exploitation’. Article 24 read with article 23 prohibits the employment of children below the age of 14 years in hazardous works irrespective of the fact that he is bonded labour or not.

In *People's Union for Democratic Right v. Union of India*,<sup>37</sup> Supreme Court held that the construction work is hazardous employment, no one can employ a child below the age of 14 years in a hazardous employment. In *Labourers, Salal Hydro Project V State of J & K*<sup>38</sup> The court reiterated the principle that employment of children below 14 years in construction work violates Article 24.

---

<sup>33</sup> Raj Bahadur v. Legal Remembrance A.I.R. 1953 Cal 522.

<sup>34</sup> Vishal Jeet v. Union of India : A.I.R. 1990 S.C. 1412

<sup>35</sup> A.I.R. 1990 S.C. 1412.

<sup>36</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

<sup>37</sup> A.I.R. 1982 S.C. 1473.

<sup>38</sup> (1983) 2 S.C.C. 181, 191: A.I.R. 1984 S.C. 177

A land mark judgment in *M.C. Mehta v. State of Tamil Nadu*<sup>39</sup> The Supreme Court has held that children below the age of 14 years cannot be employed in any hazardous industry, mine or other works and had laid down exhaustive guidelines how State authorities should protect economic, social and humanitarian rights of millions of children working illegally in public and private sections. Court has identified nine major industries as hazardous in which child labour is ban and which are as follows:-

1. Match making at Sivakasi in Tamil Nadu
2. Precious Stone polishing in Jaipur, Rajasthan
3. The Diamond polishing including in Surat
4. The Glass industry in Firozabad
5. The Brass ware industry Moradabad
6. The Hand made carpet Industry Mirzapur, Bhadohi
7. The Lock making Industry in Aligarh, all in U.P.
8. State Industry in Mankapur. Andhra Pradesh
9. State Industry in Mandasaur, Madhya Pradesh.

In *Bandhna Mukti Morcha v. Union of India*<sup>40</sup> The Supreme Court reiterated with approval the directions given in *MC Mehta v. State of Tamil Nadu*<sup>41</sup> in regard to the Constitutional perspective of the abolition of the child labour and the employment of child below the age of 14 years in the notorious sivakasi match Industries. Taking note of the cause for failure to implement the Constitutional mandate, the Court declared the directions as feasible inevitable and reiterated the need for their speedy implementation.

### **3.1.2 DIRECTIVE PRINCIPLES OF STATE POLICY-**

The directive principles of state policy are contained in part IV. The directive principles were included with certain purpose for the welfare of the people. It sets forth the ideals and objectives to be achieved by the State for setting up in India a social welfare state, as

---

<sup>39</sup> A.I.R. 1997 S.C. 699.

<sup>40</sup> A.I.R. 1997 S.C. 2218.

<sup>41</sup> A.I.R. 1997 S.C. 699.

distinguished from a mere political state, which aims at social welfare and the common good and to secure to all its citizens, justice, social and economic.<sup>42</sup> The directive principles contains ample of provisions for the raising of bonded labour. Although fundamental rights are important for bounded labourers but the directive principles provided for them are of great value.

- **Article 39(a)- Free legal Aid**

“The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood.”<sup>43</sup>

Right to livelihood is an important aspect of right to life because no one can live without the means of living or the means of livelihood. The easiest way of depriving a person of his right to life is by depriving him of his means of livelihood.

In *Olga Tellis v. Bombay Municipal Corporation*<sup>44</sup> SC observed "if there is an obligation upon the State to secure to the citizens an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life".<sup>45</sup>

The obligation of state under article 39(a), in case of bonded labourers can only be of worth if they are provided adequate means of living.

- **Article 41- Right to work, to education and to public assistance in certain cases.**

“The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”<sup>46</sup>

---

<sup>42</sup> Kapil Hingorani v. State of Bihar, JT 2003 (5) S.C. 1.

<sup>43</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

<sup>44</sup> A.I.R. 1986 S.C. 180 : (1985) 3 S.C.C. 545.

<sup>45</sup> Id, at 194.

<sup>46</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

It is only the moral obligation of state to provide adequate means of livelihood to the citizens as it is subject to the economic capacity of the state. Article 41 is not an absolute right.

Commenting on Art 41, the Supreme Court has observed<sup>47</sup> "This country has so far not found it feasible to incorporate the right to livelihood as a Fundamental Right in the Constitution. This is because the country has so far not attained the capacity to guarantee it, and not because it considers it any the less fundamental to life, advisedly, therefore, it has been placed in the chapter on Directive Principles. Article 41 which enjoins upon the State to make effective provision for securing the same within the limits of its economic capacity and development".

- **Article 39(e), (f) and 42-**

These articles contains the most important principles for the bonded labourers. The framers of the constitution, through these articles show a great concern towards the welfare of workers and their well being. The Courts may not enforce the Directive Principles as such. But they must interpret law so as to further and not hinder the goals set out in the Directive principle.<sup>48</sup>

**According to article 39(e)**, "The State shall, in particular, direct its policy towards securing— (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;"<sup>49</sup>

**According to article 39(f)**, "The State shall, in particular, direct its policy towards securing— that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."<sup>50</sup>

**According to article 42**, "The State shall make provision for securing just and humane conditions of work and for maternity relief."<sup>51</sup>

---

<sup>47</sup> Delhi Development Horticulture Employees, Union v. Delhi Administration A.I.R. 1992 S.C. 789,795

<sup>48</sup> UPSE Board v. Hari Shankar. A.I.R. 1979 S.C. 65

<sup>49</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

<sup>50</sup> Ibid

<sup>51</sup> Ibid

In *Bandhua Mukti Morcha v. Union of India*<sup>52</sup> the Supreme Court read Articles 21 and 23 with such Directive Principles as Articles 39 (e) and (f) and 41 and 42 to secure the release of bonded labour and free them from exploitation. The Court has observed in this connection.

"This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly Articles 41 and 42".

There must not only be effectiveness in the release of bonded labourers but also of their proper rehabilitation after release. The S.C. has insisted upon effective rehabilitation of the freed bonded labourer families.

In *Shivaswamy v. State of Andhra Pradesh*<sup>53</sup> the Court observed that Rs. 738/- paid for family as financial assistance to the repatriated bonded labourers, set free from bonds, were inadequate and not in conformity with Article 42 which required the State to make provisions for just and human conditions of work.

In *M.C. of Delhi v. Female workers (Muster Roll)*,<sup>54</sup> the Maternity Relief has been extended to women (muster roll) employees, working on daily wages.

In *Bandhua Mukti Morcha*<sup>55</sup> case the situation of labourers working in some of stone quarries in Faridabad District has been described in the following words:

"Beside these cases of bonded labour, there are innumerable cases of fatal and serious injuries caused due to accidents while working in the mines while dynamiting the rocks or while crushing the stones. The stone dust pollution near crushers is so serious that many a valuable lives are lost due to tuberculosis while others are reduced to mere skeletons. The workers are not provided with any medical care, what to speak of compensating the poor workers for injury or for death."<sup>56</sup>

The condition of bonded labourers in mine is not much better. The residential accommodation is not worth the name- with scanty clothing, not even a thatched roof to fend against the icy winds and winter rain or against the scorching heat in mid summer,

---

<sup>52</sup> A.I.R. 1984 S.C. 802. System Act 1976 violates Article 21 and 23.

<sup>53</sup> A.I.R. 1988 S.C. 1863

<sup>54</sup> A.I.R. 2000 S.C. 1274.

<sup>55</sup> A.I.R. 1984 S.C. 802. System Act 1976 violates Article 21 and 23.

<sup>56</sup> Ibid

with impure and polluted drinking water accumulated during rainy season in the ditches, with absolutely no facilities for schooling or child care, bearing all the hazard of nature and pollution and ill treatment, these thousand of sons and daughters of Mother India epitomize the wretched of the earth."<sup>57</sup>

- **Article 39(A)- To provide free legal aid.**

“The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”<sup>58</sup>

This article was added in the constitution to give legal aid to the economically backward classes of people. The bonded labourer are in very much need of this new provision. In *Premchand Garg v. Excise Comissioner*<sup>59</sup> it has been held that Court also comes under the definition of State, therefore Courts are also under obligation to provide legal assistance and justice to the bonded labourers. Supreme Court has taken a lead in this respect and is doing tremendous job in providing free legal aid and justice to bonded labourers.

From the on going study it has been clear that there are ample of provisions regarding the elimination of exploitation of bonded labourers and we have obtained a little success yet much more is still to be done. Even after 70 years of Independence, the situation of workers is unsatisfactory and exploitation still continues.

## **3.2 LEGISLATIVE FRAMEWORK**

### ***3.2.1 BONDED LABOUR SYSTEM (ABOLITION) ACT 1976-***

When the India became independent, the expectation of the citizens increased. Many political parties were formed but neither of them fulfilled the promises. Social and economic inequality continued due to which a tension created among the under privileged sections of the society.

---

<sup>57</sup> Ibid

<sup>58</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

<sup>59</sup> A.I.R. 1963 S.C. 96

As a result, the Bonded Labour System ordinance, 1975 was promulgated on 24 October 1975 by the Indian President. It was replaced by the **Bonded Labour System (Abolition) Act 1976**. The Act was additionally amended in November, 1985.

Certain measures have also been taken as, the Ministry of labour has launched the Centrally Sponsored Scheme since May 1978 for the rehabilitation of freed bonded labourers. Under the scheme the Government of India extends rehabilitation assistance @ Rs. 20,000/- per freed bonded labourers w.e.f 01.05.2000. The expenditure is shared by the Central and State Government on 50-50 basis.

### **1. Objectives of bonded labour system (abolition) act 1976-**

The presence of bonded or forced labour in huge parts of our nation was an appalling and disgraceful element of our social life which sobbed for pressing consideration. Being thoroughly off key with our new financial request, this malice and noxious practice must be wiped out and out by presenting suitable enactment. Consequently Bonded Labor System (Abolition) Ordinance, 1975 was proclaimed by president on Oct 24, 1975 which was later supplanted by Bonded Labour System (Abolition) Act, 1976 this Act tries to accommodate the annulment of fortified work framework with a view to keeping the monetary and physical abuse of the weaker area of the general population.

The object of the Act is to accommodate welfare of the reinforced workers who should be in a feeble position by the reason of their being in unbargaining conditions. A critical object of the Act is likewise to regularize the state of the bonded workers for the issues associated therewith. Beforehand the reinforced workers were disorderly unfit to take care of their own interest.

The objectives of the Bonded Labour Legislation may also be pointed out categorically in other words as follows.

(1) The Act was enacted with the purpose to prevent the continuance of any type of bonded labour (forced labour).

(2) The Act was likewise instituted with a view to preventing the economic and physical exploitation of the weaker sections in the community for issues associated therewith or incidental thereto.

(3) This was made under the guiding principles of Directive Principles with the amalgamated impact of Fundamental Rights and also to guarantee the dignity of the individual which is proclaimed in the preamble of our Constitution.

(4) The open objective of the Act is identification, release, and rehabilitation of bonded labourers which are essential necessities for the liberty and freedom of the individual.

(5) This Act is also a part of the labour welfare legislation to protect the labour community and to help them in walk towards the accomplishment of economic and social justice which is guaranteed by and for the people of India.

## **2. Statutory definition of bonded labour-**

The statutory definitions relating to bonded labour is as follows-

Section 2(e)- "bonded labour" means any labour or service rendered under the bonded labour system;

Section 2(f)- "bonded labourer" means a labourer who incurs, or has, or is presumed to have, incurred a bonded debt;

Section 2(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) for 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 subsection (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 subclauses (2) to (4), is "bonded labour system" within the meaning of this clause].<sup>60</sup>

The ambit of 'bonded labour' prohibited by the 1976 Act has been clarified by the Supreme Court in a number of judgements, including the 'Asiad workers' Case (1982) and the 'Bandhua Mukti Morcha' Case (1984). The Court has clarified that the 1976 Act is derived from Article 23 (1) of the Constitution whose ambit is much wider than Article 4 of the Universal Declaration of Human Rights, since "the Article strikes at forced labour in whatever form it may manifest itself because it is violative of human dignity and is contrary to basic human values" (Supreme Court judgment in the Asiad case)."<sup>61</sup>

---

<sup>60</sup> <https://www.childlineindia.org.in/CP-CR> Downloads/BondedLabourSystem(Abolition)Act1976andRules.pdf

<sup>61</sup> People's Union for Democratic Rights and Others v. Union of India and Others, A.L.R. 1982 S.C. 1473, p. 1486.

After having gone through the statutory definition of Bonded Labour System (Abolition) Act, 1976 Supreme Court widened the statutory definition of the bonded labour to its logical end in *Bandhua Mukti Morcha v. Union of India*.<sup>62</sup> The definition (given by Justice Bhagwati) reads as follows: "It is of course true that strictly speaking, a bonded labourer means a labourer who incurs or has or is presumed to have incurred a bonded debt and a bonded debt means an advance obtained or presumed to have been obtained by a bonded labourer under or in pursuance of the bonded labour system."<sup>63</sup>

It is further held that, "whenever" it is shown that a labourer is made to provide forced labour, the Court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is, therefore a bonded labourer.<sup>64</sup>

### **3. Salient features of bonded labour system (abolition) act 1976:**

A significant component of Act is its attention to the requirement for hardware identifying with its usage. This is in sharp appear differently in relation to different enactments which all things considered overlooked the issue of execution and neglected to indicate the institutional course of action for upholding the arrangements and the authorities in charge of implementing the statute, the following are the fundamental highlights and features of the Act-

(1) Bonded labour is proclaimed illegal. Every bonded labour stand liberated or discharged from an obligation to render bonded labour. No individual is allowed to make an advance under, or in pursuance of the bonded labour system.

(2) No person shall compel any individual to render any bonded labour or other form of forced labour.

(3) If the member of a family or dependent of any person has to do any work or render any service due to the existence of any custom or tradition or contract, then such custom, tradition or contract shall be void.

---

<sup>62</sup> A.I.R. 1984 S.C. 802

<sup>63</sup> Id., at 826.

<sup>64</sup> Id., at 827.

(4) Under section 6 of the Act every obligation of bonded labourer to repay any bonded debt have been extinguished, no other proceeding shall lie for the recovery of any such debt. Every decree or order for the recovery of bonded debt shall be deemed to have been fully satisfied. Every attachment made for the recovery of bonded debt shall stand vacated. Also the possession of any property belonging to a bonded labourer or a member of his family or other dependent shall be restored if, it was forcibly taken over by any creditor for the recovery of the bonded debt.

(5) The Act is expected to free the mortgaged property of the bonded labour. Any property vested in a bonded labourer which was under any mortgage, charge, lien or other encumbrances in connection with any bonded debt stand freed and discharge and if the possession of the said property was with the mortgagee or other holder of the charge, lien or encumbrance will be restored to the possession of the bonded labourer.

(6) Freed bonded labourers shall not be removed from estate or other residential premises which he was occupying as part of consideration for the bonded labour.

(7) The creditors are prevented from accepting payment against the extinguished debt.

(8) The state government is left with the primary obligation of achieving the objectives of this act. The State Government may authorize the District Magistrates to carry out the provisions of the Act. The District Magistrates are under a duty to be vigilant against the existence of bonded labour system and to provide for the economic and social rehabilitation of the released bonded labourers."

The Bonded Labor System(Abolition) Act, 1976 is the most comprehensive and effective piece of legislation ever enacted by the Parliament.

### ***3.2.2 CENTRALLY SPONSORED SCHEME FOR REHABILITATION OF BONDED LABOUR:***

So as to help the State Government in their assignment of physical and mental restoration of discharged bonded labourers, the Ministry of Labour propelled a Centrally Sponsored Scheme on 50: 50 bases in May, 1978 for rehabilitation of bonded labourers. This plan has experienced subjective changes every once in a while and has been logically changed. The rehabilitation help has since been improved to Rs. 20,000/ - per bonded labour w.e.f May 2000 and on account of seven North Eastern States 100% focal help in the event that

they express their failure to give their offer. The adjusted plan additionally gives for budgetary help to the State Governments/UTs for leading review of bonded labourers, mindfulness age exercises and effective assessment.

Definite guidelines have been issued to the State Governments for actualizing the scheme. The State Governments have additionally been encouraged to incorporate the Centrally Sponsored Scheme for rehabilitation of bonded labourer with other ongoing poverty alleviation schemes for example, Swaran Jayanti Gram Swaraj Rozgar Yojana (SJGSRY), Special Component Plan for Scheduled caste, Tribal Sub Plan and so on in order to pool assets for significant recovery of bonded labour.

### **1. Components of scheme for rehabilitation of bonded labour-**

The Centrally Sponsored Scheme for rehabilitation of bonded labourer [modified in May 2000] has the following components:

- > Each State Government is required to recognize those Districts where bonded labour has taken profound roots, to analyse reasons behind the existence and recommend remedial measures.
- > Conduct surveys on a regular basis to discover rate of bondage, causes and types of bondage, and so forth.
- > Government of India gives a whole of 2 lakhs for every sensitive District to conduct surveys. This sum or amount is given to a particular District once in 3 years.
- > A yearly allow of Rs. 10 lakhs for each State Government is provided for awareness programmes.
- > Each State Government is required to conduct five Evaluatory examines in 5 regions, districts of the State each year through reputed research associations, academic foundations, NGOs.
- > Rehabilitation grant has been improved to Rs. 20,000/- per free bonded labour, which is to be shared by the Central and State Government on 50-50 basis. Out of this, Rs. 1000/- are required to be paid quickly on arrival of a bonded labour as subsistence allowance.

From on going investigation it might be inferred that the Bonded Labour System (Abolition) Act, 1976 criminalizes all debt contracts and responsibility emerging out of bonded labour system in India. It is the authoritative satisfaction of India's constitutional authorization against 'begar' and 'forced labour'. It liberates all bonded labourers, drops any previous unpaid debts against them, forbids the creation of new contracts relating to bondage, and requests to the monetary restoration of freed bonded workers by the State. It additionally criminalizes all endeavors to force a man to participate in bonded labour, with maximum punishment of three years in jail and a 2,000 rupee fine.

The statutory meaning of the bonded labour system covers the greater part of the framework's numerous changes in modern India. There are variations from one landlord to another as far as wages paid, the sum advanced, regardless of whether the advance is viewed as a type of credit or a kind of wage, the hours worked every day also, days worked every year, and the workers relative freedom from the bondmaster. In spite of these distinctions, all are bonded labour inside the meaning of the Act. It is the thing that they have in common that decides their bonded status, they are working for nominal wages , and they are not allowed to cease their work.

In spite of these comprehensive provisions, very few vigilance committees have been made or are actually working. The extent to which bonded labourers are identified, released, and rehabilitated by Government officials is negligible. The result is that the rights given under Bonded Labour System (Abolition) Act, 1976 are never realized by the vast majority of those persons the Act was meant to protect.

## **CHAPTER 4**

### **ROLE OF NON-GOVERNMENTAL ORGANISATIONS**

#### **(NGO'S)**

#### **4.1 ROLE OF NGO'S-**

The State Government and the administrative machinery set up for the abolition of bonded labour has left a gap. And this gap has been filled by the NGO's and the individuals which are concerned about the issue of bonded labour system. They have done a lot of work and are still doing such as filing of FIR for the release of bonded labourers, raising awareness among the weaker sections of the society and to help them in obtaining rehabilitation grants from government, collecting the research data, organising awareness programmes etc. Maybe the most huge advances picked up by NGOs for the benefit of bonded labourers, has been the utilization of public interest litigation, to bring the impact of the Supreme Court to bear on State Government which have neglected to carry out their duties.

NGOs in India have played a very significant role in applying solid pressure to the Government. One of the main activists from NGO Bandhua Mukti Morcha for this issue is Swami Agnivesh. He has been in the bleeding edge against bonded child labour. there are also numerous different NGOs likewise worry with the issue, for example, Bachpan Bachao Andolan (BBA) in Delhi Peoples Union for Democratic Right, People Union for Common Liberties, Volunteer for Social Justice, Rural Litigation and Entitlement Kendra, Jeevika, Akhil Bharatiya Samaj Seva Sansthan and so on.

We can easily get their works, reports and papers at the national as well as international level regarding the bonded labour studies in India. It's never an easy task to completely abolish the bonded labour system in India but they have proved their commitments of Indian society.

#### **4.1.1 BANDHUA MUKTI MORCHA/ BONDED LABOUR LIBERATION FRONT-**

BMM is one of the leading Non-Governmental Organization in India. It was founded in 1981 by Swami Agnivesh who continues its chairman. It is working to abolish bonded labour.

Bonded labour was legally abolished in India in 1975 but it remains prevalent due to the weak enforcement of the law by State Governments. Estimate of the problem varies. Official figures include 1993 estimates of only 251,000 bonded labourer<sup>65</sup> while BMM says there are 65 million bonded child labourers and a large number of adults. A 2003 project by Human Rights Watch has reported major problem with bonded child labour in silk industry.<sup>66</sup>

BMM is one of the vocal organizations, it has been fighting and raising voice against human rights violations of socially and economically weaker section of society and has stood firmly for restoration of rights of the disadvantaged, underprivileged and the exploited people, has raised its voice against pernicious bonded labour system in the country.

The administrative and political concern to enforce the prohibitive laws of the land has failed to obtain any result against this evil. But the Bandhua Mukti Morcha has achieved success in releasing of over 176,000 bonded labourers, among which 26,200 were bonded child labour, from their ruthless working conditions and grasp of their employers. The organisation is not only concerned with the releasing of bonded labourers but also concerned with their rehabilitation through primary education. A large number of them have been rehabilitated. From the carpet industry itself, about a thousand children have been rescued and restored to their parents, their rehabilitations has been monitored effectively. BMM has started a campaign for the provision of formal and full time

---

<sup>65</sup> Statement by Observer for India to the United Nations Working Group on contemporary Form of Slavery (para 81) Reports 1, September 7, 2006 quoted in <http://en.wikipedia.org/wiki/bandhuamuktimorcha>.

<sup>66</sup> Small Change, Bonded Child Labour in Indian Silk Industry, Human Rights Watch, January 2003 accessed at 2 September 2006, available at [http://en.wikipedia.org/wiki/bandhua\\_mukti\\_morcha](http://en.wikipedia.org/wiki/bandhua_mukti_morcha).

education for these children along with the supply of nutritious food to each one of them. BMM has also been raising the issue of food security to these poor families.

BMM has conducted two raids on 29th May and 7<sup>th</sup> September, 2007 at Garhi, New Delhi and Kilokari in Defence Colony, New Delhi, respectively and released over 100 bonded child labourer, who were working illegally in the embroidery factory.

Bandhua Mukti Morcha has been making a demand for the creation of a National Commission on Bonded Labour with judicial and financial powers. But successive Governments have failed to do so. Bandhua Mukti Morcha has therefore constituted a Citizen's Commission on Bonded and Child labour with eminent person of political, social and judicial integrity as members. They include former judges of the Supreme Court of India eminent artist, journalist, lawyers and social activists.<sup>67</sup>

**Contribution of BMM:** There are the following measures taken by BMM-

1. Non-formal education
2. Capacity building and skill development through vocational training.
3. Awareness campaign.
4. Rescue and rehabilitation of bonded labourers.

**(i). Non-formal Education-**

BMM run a non-formal school for children and training center for girls, who belong to the backward and poor families and unable to go to any skill development training center at Garhi, New Delhi. Additionally, it runs one non formal school for children at Golan District Mirzapur U.P. with the financial help from Carpet Export Promotion Council. New Delhi.

**(ii). Capacity Building and skill development through vocational training.**

BMM runs vocational training centres on different trades at Dayanand Shilp Vidyalaya, Garhi (New Delhi) and Shivpuri (Madhaya Pradesh).

---

<sup>67</sup> Swami Agnivesh, Slavery of a kind available at <http://www.swamiagnivesh.com/about>.



BMM provides skill formation training courses for those girls who are unable to get training in the cutting & tailoring, computer and beauty therapy skills from any other private training centre with the financial help from Agni Foundation, the Netherlands. The rapidly changing face of Delhi's economy has opened new avenues of employment for like Beauty Therapy and this had to be taken into account. Three skills courses for girls are running at the Garhi center.

In the same way as Garhi, the BMM is providing vocational training in different aspects to weaker and marginalised sections of the society in Bansheri, District Shivpuri (M.P.). The Ministry of tribal affairs is providing financial assistance. 25 young women and 30 men from Saharia Tribal Community in Bansheri Dist. Shivpuri (M.P.), is getting training in Dari weaving and tailoring. Most of these trainees were earlier bonded labourers and they were rehabilitated near the training center at Mukti Gram Banskheri and they have been provided with stipend of Rs. 1000/- per month during the training period. Also, vocational training in cutting and tailoring has been provided to 30 women at village Anandpur and Dheekwar, Dist- Alwar (Rajasthan) and also sewing machines and materials are provided to them. At the end of the course monthly test is conducted to check the progress of the trainee and certificate is also issued to them. This also resulted in empowerment of women.

### **(iii). Awareness campaign-**

BMM makes people attentive against the exploitation through awareness programmes. Since more than last two decades, it has been campaigning for the rights of labourers specially the labourers of unorganised sectors. Different modes of awareness has been used by BMM like street plays (Nukkad Natak), wall- writings, leaflets and handbills posters and educational camps and rallies etc to educate them about their rights.

One of the important techniques used to create awareness among unorganised labourers is awareness rallies. The main focus of the rallies is on the abolition of the bonded labour, child labour and alcoholism habit from the society and nation as well. Such Awareness Rallies were organized in all the three blocks of project area.

It always tries its level best to notify the labourers for their minimum wages in different trade. It organized camps for the labourers from time to time, to inform them about the

welfare laws designed for them, particularly the Bonded Labour System (Abolition) Act 1976, Minimum Wage Act 1948, and so on.

#### **(iv). Legal Action-**

Apart from direct action through persuasion and pressure, BMM has successfully fought legal battles in Courts including Supreme Court for liberation of bonded labour and their subsequent rehabilitation. In the case of stone quarry workers in Faridabad, a long legal battle has emerged. It was started in the year 1982, yet it is going on. It now hinges on provision of houses to ex-bonded labourers. Under the direction of the Supreme Court, a piece of land has been earmarked by the local administration for this purpose.<sup>68</sup>

Now, it has to follow the cases of bonded and child labour, with the National Human Rights Commission, New Delhi for their liberation, and rehabilitation and payment of due wages. This way of taking legal action in respect of bonded and child labour has proved speedy and effective.

In the long run, it can be said the main objective of BMM is to identify adult bonded labour, child bonded labour, child labour in the various sector of the economy, freed them from slavery and follow up their rehabilitation by the Government under the law.

#### **4.1.2 BACHPAN BACHAO ANDOLAN(SAVE THE CHILD MOVEMENT)-**

Bachpan Bachao Andolan is a Non-Governmental Organization in India. It has developed as an association of thousands of individual supporters under the pennant of 'Bachpan Bachao Andolan' and in addition system of more than 780 NGOs, Trade Unions, Human Rights Organization and so forth devoted towards the abolition of child labour and quality education for all in India. The group was established by Kailash Satyarthi in 1980. Bachpan Bachao Andolan has discharged over 76,000 child and bonded labourers since 1980.

Bachpan Bachao Andolan has been instrumental in the field of eradicating the social shame of child labour, for as long as 30 years. It has successfully started the movement against child labour crosswise over 147 nations by method for giving significant training in order to empower the mistreated and the under-special kids to pick up flexibility from the monetary abuse, they are subjected to. Since couple of years back, the association has

---

<sup>68</sup> A Profile of Bandhua Mukti Murcha, available at <http://www.agnimanthan.com/trust2asp>.

been effectively arranging such amusement nights committed for the sake of this social cause. The fundamental feature behind sorting out such occasions is to blessing a night to keep in mind for the youngsters in order to bring back a grin all over. Arranging such philanthropy occasions additionally encourages in gathering stores for the NGO as the occasion continues will be useful in helping the NGO to pick up force towards the respectable social reason.

Bachpan Bachao Andolan (BBA) is not a conventional NGO or a typical institution, it is the ray of hope in millions of hearts, the first dream in their eyes. the first smile on their faces. It is the sky and wings together for innumerable children, excluded from human identity and dignity, with a desire to fly in freedom. It is the tears of joy of a mother who finds her rescued child back in her lap after years of helplessness and hopelessness. It is a battle to open the doors of opportunities, a fire for freedom and education in the hearts and souls of thousands of youth committed to wipe out the scourge of slavery and ignorance from the face of mankind.<sup>69</sup>

BBA is the first lamp lit by those who didn't believe in cursing the darkness, they dared to hold fire in their hands, determined to dig out spring from stones. In an age of ignorance, neglect and denial on the issue of child servitude, these ordinary youth had a vision to see beyond heavens. Equipped with a strong will to demolish age-old myths and misconceptions about child labour, they fought mighty criminals, slave masters and mafia with exemplary courage.<sup>70</sup>

BBA has triggered a ripple effect in India and in international community. The tide is turning in favour of children, a ray has multiplied itself into a sun which is constantly supplementing brightness and warmth to the lives of unprivileged children. We need more support...BBA calls you to join hands in bringing a smile - the smile of freedom, love and peace, on the face of every child in this world.<sup>71</sup>

It gets grievances from guardians and accumulates data from different sources, salvages them with the assistance of authorities of Government, what's more, bring them back together with their families. It guarantee their education and recovery utilizing different state provisions, and through its own healing cum-education focuses. Since 1980, in

---

<sup>69</sup> Kailash Satyarthi Satapathi Founder, Founder Vision, available at <http://www.Bba.org.in>.

<sup>70</sup> Kailash Satyarthi Satapathi Founder, Founder Vision, available at <http://www.Bba.org.in>

<sup>71</sup> Ibid

excess of 76,000 bonded child workers have been liberated from brick kilns, stone quarries, residential work, lodging, horticulture and unified work and so forth. BBA has a noteworthy effect in their lives by reestablishing their adolescence, freedom and dignity.

It also works to prevent child labour, bonded labour and trafficking through preventative measures. BBA also runs campaigns on local, national and international level to change society's attitudes towards child labour as well as improve Government policy and legal provisions. BBA has also established a programme of Bal Mitra Grams (child friendly villages) where the communities are sensitized to effects of child labour, and children receive a quality education and a chance to participate in local Governance structures.

01 November 2007, New Delhi: In yet another rescue operation on complaint filed and lead by the child rights NGO Bachpan Bachao Andolan "BBA" (Save the Childhood Movement), 75 child labourers between the ages 7 and 15 years were rescued from the Khanpur area of South Delhi.<sup>72</sup>

All child labourers rescued were natives of Bihar, namely Araria, Motihari and Sitamarhi Districts. Most had been trafficked from their villages and sold into bondage by unscrupulous labour recruiters cum traffickers. Some like Kader, 12- year-old boy from Araria District was shockingly kidnapped 2 months back to be sold as a slave. Kader says his parents would be worried sick about him since for the last 2 months they do not know where he has been. He does not even know the name of the employer for whom he has been working.<sup>73</sup>

Since Jan 2008, BBA has rescued over 800 child bonded labourers from 7 different States from zari embroidery units, hotels/dhabas, shellac handicrafts industries to mention a few. All these children have received statutory economic rehabilitation of a minimum of Rs. 20,000 each under the Bonded Labour System (Abolition) Act, 1976. The total amounts to INR 16,000,000 (INR 16 million). In addition, a fine of Rs 20,000 was collected from the employers for each rescued child.<sup>74</sup>

---

<sup>72</sup> Child Labourers Rescued From Zari Sweetshop, available at <http://www.globalmarch.org/gap/childlabourin-zari-sweetshop.php>.

<sup>73</sup> Ibid

<sup>74</sup> 62 Child Bonded Labourers Rescued on the Eve of World Day Against Child Labour, available at [http://www.globalmarch.org/events/62\\_bonded\\_child\\_labour\\_rescued.pdf](http://www.globalmarch.org/events/62_bonded_child_labour_rescued.pdf)

On 6 May, 2010: Fifty-four child labourers were rescued by authorities from button-making units in south Delhi on Thursday and 10 of their employers taken into custody.<sup>75</sup> This was the fourth such operation in the national capital in the last eight days in which a total of 145 children were rescued from various parts of the capital. The Delhi Task Force on Elimination of Child Labour, police and Labour Department officials conducted raid in Govindpuri area following a complaint filed by child rights NGO Bachpan Bachao Andolan (BBA).

On 3rd May 2010, 16 child labourers were rescued from a bakery unit in Rohini while three children were rescued by authorities from an electric sockets manufacturing unit in west Delhi on 4th May.<sup>76</sup>

#### **4.1.3 RURAL LITIGATION AND ENTITLEMENT KENDRA(RLEK)-**

Country Litigation and Entitlement Kendra (RLEK) is a Non-Governmental Association that works with networks in the hill State of Uttarakhand. The Kendra has advanced following quite a while of battle against monstrosities distributed to underprivileged and underestimated communities in the area. It started in the late 1970s, when a group of youngsters began improvement work among tribal communities in the zone of Jaunsar-Bhar in Dehradun District. Fundamental imbalances and injustices denied these communities of their basic human rights. The young groups primary purpose was on strengthening and liberation of bonded labour, with uncommon spotlight on ladies. This would be critical to their exertion for rebuilding of rights to these minimized communities. RLEK battled for network and also people in Courts of equity and the Government was compelled to pass new Acts as per the different choices of the Courts. The Acts were simply the beginning stage. Individuals must be sorted out and activated.

After two decades of work without any external support, RLEK formally registered under the Societies Registration Act, 1860 as a Non Profit Organisation in 1989 under registration number 1044/ 1988 - 89. It is registered by the Ministry of Finance, Government of India under Section 35AC of Income Tax Act which allows donors 100% income tax deduction on their contributions, and under the Foreign Contribution

---

<sup>75</sup> 54 Child Labours Rescued in Delhi, BBA, May 7, 2010, <http://childlabournews.org/?p=288>.

<sup>76</sup> Ibid

(Regulation) Act (FCRA), 1976. The State Government of Uttaranchal also recognises RLEK as a charitable organisation.

Following are the target of the RELEK.

- To deal with financial and social issues of poor people and unprivileged, especially ladies, by sorting out them into community based groups.
- To enable women and construct limits by giving data and learning with respect to neighborhood self-administration.
- To assemble women through training, networking and by giving institutional help, to challenge decisions and bring gender equality in local self governance.
- To provide education to tribals, wanderers and other minimized groupsthrough formal and creative non-formal projects.
- To work for preservation, natural improvement, and the spreading of consciousness of environmental issues.
- To include interest of timberland subordinate networks in preservation what's more, supportable woods administration while protecting customary rights.
- To sharpen, raise the level of consciousness of lawful rights in poor people, and make a unit of para-legal workes in underestimated groups.
- To build up a culture of humanism through advancement of social equity and to secure qualifications for denied segments of society through Public Interest Litigation and advocacy.

RLEK took an initiative to help free large groups of such bonded labour. Volunteers of the association were joined by sharpened youth from the Jaunsar area with an end goal to achieve all settlements in the district's unpleasant territory. All geological and topographical hindrances were defeated to spread mindfulness of laws through printed and oral media. The grapevine conveyed the 'memorendum of freedom, to the furthest comers. RLEK drove an educated populaton to equity, and ensuring deliverance.

RLEK carried out a complete study in the Jaunsar area and came across 128 instances of such injustice. In nearly 30 years, hardly any land settlements had taken place. The rightful owners were deprived of claim over their land and ownership was given to the wrong people. The bonded labourers could not take possession of the allotted land. The

situation was brought to the notice of the Supreme Court by RLEK. The SC ordered the State Government to facilitate the allotment of land to the freed labourers.

#### **4.1.4 THE AKHIL BHARATIYA SAMAJ SEVA SANSTHAN:**

The Akhil Bharatiya Samaj Seva Sansthan (ABSSS), framed in 1978, has assumed a noteworthy part in intervention. It distinguished as many as 7,000 bonded labour in Manikpur and Mau squares and in the Shankargarh square. The ABSSS began work for rural development under the District supported programmes. They took up land issues and provided training in Government land records at the village level; in excess of 2,000 Kol families profited from such mediation. The ABSSS assumed a major part in the rescue, discharge, and rehabilitation of around 5,000 bonded labourer in the Mau and Manikpur squares. The association is at present working to built pressure groups of Kol workers and bonded labourers from different segments of society to sensitize Government authorities and politicians about their issues.

There are other organisations also like Patha Kol Vikas Samiti (PKVS), Manikpur and Sankalp which have been involved in intervention measures. These organisations has played a very fundamental role in compelling the State government and also District administration to allocate rehabilitation packages to released labourers. These organisation started Self Help Groups for bonded labourers.

#### **4.1.5 JEEVIKA (JEETA VIMUKTI KARNATAKA):**

Jeevika is a NGO situated in Kamataka which attempts an extensive range of remedial measures to handle the evil of bonded labour. It is evaluated that about 21% of Bonded workers in Kamataka are children below the age of 18. These children are denied the joys of childhood and an basic education, and are compelled to go with their parents to work on the land of the landowner so as to pay-off the debt.

Jeevika undertakes a lot of measures for the rescue of children from bonded labour. These measures include conducting awareness campaigns across villages in Karnataka, petitioning local administrators (and police) to mediate and remedy situations where bonded labour is identified etc. The most important programme undertaken by Jeevika in this regard is the Back to School Programme.

The Back to School Programme is positioned on the belief that every child below 14 is entitled to free education. This is a 'bridged' programme that focuses on children who do not go to school or have discontinued from school. These children are tutored and their skills nurtured until they are considered to be fit to join the formal schooling system. Jeevika's activists ensure that the children are placed in Government schools at the appropriate level.<sup>77</sup>

Jeevika operates two Back to School Centres. One is at the town of Anekal where nearly 120 children currently reside. More than 200 children have graduated from the residential bridge programmes conducted in the Anekal Centre. The Malur Centre has now 100 children comprising of 2 bridge course centres, one boys and one for girls.

#### **4.1.6 JEEVA JYOTHI-**

This Non Governmental Organisation is based on Chennai. It was started in 1994 to protect, promote and advance the rights and lives of poor sections of people.

Jeeva Jyoti has been working towards achieving a Child labour free society. Jeeva jyothi takes up a holistic approach to tackle with the problem of child labour. Since this is a by-product of the Increase poverty in the recent years. The only realistic solution lies with empowering of the family of these children. The various programs and activities of Jeeva Jyothi are targeted towards achieving the above mentioned goal. Jeeva Jyothi has till date reached out to more than 1000 child labourers in the project area.<sup>78</sup>

Jeeva Jyothi intervention with children in bonded situations has found a major breakthrough in the Nerkalams of northern Chennai. There Jeeva Jyothi has school enrolled more than 1400 children of the bonded labourers and most of children below the age of 5 in the contact areas of Jeeva Jyothi utilises the Jeeva Jyothi balawadi's (playschools) in the area.<sup>79</sup>

#### **4.1.7 VOLUNTEER FOR SOCIAL JUSTICE-**

Volunteers for Social Justice (VSJ) a human rights organization based in phillaur Jalandha came into existence in 1985 through the initiative of Shri Jai Singh. In 1982, he

---

<sup>77</sup> Jeevika (Jeeta vimukti Kamatika) Malur, Kodar District Kamatika, available at <http://www.Ashanet.org/projects/project-view.php?p=481>

<sup>78</sup> [www.Jeeva\\_jyothi.org/child\\_labour.htm](http://www.Jeeva_jyothi.org/child_labour.htm).

<sup>79</sup> Ibid



established the Brick Kiln and Construction Workers Union, and succeeded in revising wage rates for brick kiln workers. Slowly he extended his work to agricultural labourers in Punjab. Jai Singh himself being a Dalit came in close contact with agricultural labourers who are invariably dalits. He also started organising agricultural labourers into the Khet Mazdoor Union.<sup>80</sup>

In 2001, VSJ intensified its activities in releasing bonded agricultural labourers where help from Action-Aid was also taken. A campaign of awareness against Bondage was launched in Punjab that finally ended in Chandigarh in 2001. At the end of the campaign a rally was held in Chandigarh and a memorandum on the condition of bonded labour was submitted to the Governor of Punjab, whereby he was requested to end the tradition of bondage. Another similar bicycle campaign was launched in August 2003 from the village Dalel Singh Wala in District Mansa. The campaigners passed through the Districts of Bathinda, Mukatsar, Moga, Amritsar, Kapurthala, Ludhiana, Patiala, Chandigarh Ambala, Kurukshetra, Panipat, Sonapat and finally terminated it in Delhi on the 15th September 2003 where, once again, a memorandum on the plight of bonded labourers was submitted to the President of India. Further on 28-29 February 2005. VSJ also organised a National Conference of bonded labourers at Chandigarh in which there was widespread participation from different parts of the country. Under Jai Singh's leadership a team of workers has been constituted, including a project coordinator, a legal advisor, activists and volunteers. He also maintains office staff: documentation officer, typist and a supervisor for the Transit Camp. computer operator, an accountant, office assistant, driver and a cook.<sup>81</sup>

---

<sup>80</sup> Manjeet Singh, CEC working paper report on bonded labour in Punjab Analyzing the effectiveness of the programme for the Eradication of the Bonded Labour System, available at <http://www.library.prospect.org.uk/id/2009/01447>, <http://www.library.prospective.org.uk/id/2009/01147/2009-9.09>, [http://www.prospect.org.uk/id/pdf/19728-601147996.pdf/as/2009-01147-Attachment-Bonded Labour-in-the-Punjab-report](http://www.prospect.org.uk/id/pdf/19728-601147996.pdf/as/2009-01147-Attachment-Bonded%20Labour-in-the-Punjab-report).

<sup>81</sup> Ibid

## **CHAPTER-5**

### **JUDICIAL RESPONSE**

Judiciary plays a wide role in Democratic countries. In past years, the Indian judiciary has showed sympathy and understanding towards the poor through the Public Interest Litigation (PIL). Under the concept of public interest litigation the judiciary is giving protection to weaker sections through legal mechanism.

When the legislature and the executive fail to deliver goods, it is for the courts to come to the rescue of the poor by evolving new juristic technique of social change. The P.I.L. as an instrument of social change promises to dispense justice to untouchable, bonded labourers, undertrials, women in protective homes, ill-paid migrant construction workers and the victims of flesh trade. It is because of this new strategic of pro bono litigation that the poor and the down trodden have been able to seek justice from the courts.<sup>82</sup>

It is only through the PIL that some of the bonded labourers have appear before the court for their freedom. Several important judgments have been declared as a result of public interest litigations admitted as a writ petition by the Supreme Court under Article 32 of the Constitution. Names of the cases in which these judgments were pronounced and a gist of the directions contained in them are listed as under-

#### **5.1 ASIAD WORKERS CASE-**

In *People's Union for Democratic Right vs. Union of India*<sup>83</sup>, popularly known as Asiad Project case, the Supreme Court treated a letter written by a social action group as writ petition. The letter was based on a report made by a team of three social scientists who were commissioned for the purpose of investigating and inquiring into the conditions under which the workmen engaged in various Asiad projects were working. The latter

---

<sup>82</sup> Parma Nand Singh, *Vindicating Public Interest through Judicial Process: Emerging Trend and Issues*. 10, India Bar Review (1983), 683 at 688.

<sup>83</sup> AIR 1982 SC 1473. Also See Sanjit Roy vs. State of Rajasthan, A.I.R. 1983 SC 323.

alleged the violation of various labour laws in respect of workmen engaged in the above projects. The authorities entrusted with the task of executing the projects engaged contractors for the purpose who in turn engaged workers through Jamadhars for carrying out the assigned work. The Jamadhars engaged the workers who were entitled to an approved minimum wage of Rs. 9.25 per day. It was alleged that the wages were paid to the workers through Jamadhars who deducted Rs. 1 per day per workers as their commission and paid only Rs. 8.25 by way of wage to the worker. It was also alleged that the provisions of the Employment of Children Act, 1933 were also violated because children below the age of 14 were employed by the contractor in the construction work of the various projects. The petitioner also complained that workers were denied proper living conditions and medical and other facilities to which they were entitled under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970. The other laws which were violated, included Minimum Wages Act 1948, Equal Remuneration Act, 1976, Article 24 of the Constitution, the Employment of Children Act, 1938 and Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979. In reply the respondent denied violation of the provisions of the laws except to the extent that the workers did not get the minimum wages of Rs. 9.25 per day.

One of the initial objection which was raised by the respondent was that the petitioner had no locus standi to maintain the writ petition as he was not the aggrieved party. In other words, only the workmen whose legal rights are violated could approach the court for judicial redress. The contention was repelled by the court by saying that, "Public interest litigation is brought before the court not for the purpose of enforcing the right of one individual against another as happens in the case of ordinary litigation but it is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of large number of people who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed."<sup>84</sup>

The court was quite emphatic in holding that in a country like India where there is a considerable poverty, illiteracy and ignorance, it would result in closing the door of justice to the poor and deprived section of the community if the traditional rule of standing was

---

<sup>84</sup> Id at 1477

blindly adhered to. Therefore, there was a need to relax this rule so that Justice may become easily available to the lowly and the lost.<sup>85</sup>

Therefore, the court observed that in the present case the workmen whose rights are alleged to have been violated are poor, ignorant, illiterate humans who, by reason of their poverty and social and economic disability are unable to approach the court for judicial redress and hence the petitioner have under the liberalised rule of standing locus standi to maintain the present petition espousing the course of workman.<sup>86</sup>

The other doubt said by the respondent linked to the non-applicability of 32 article as in their opinion violation of the labour laws did not involved any breach of fundamental right. The court negative the argument of the respondent by saying that the right conferred on the workmen under these laws are intended to give basic human dignity to the workmen and if the worker are deprived of any of these rights and benefits, the state action would clearly be violative of the provisions of articles 14, 21, 23 and 24 of the Constitution. The court held that the duty was cast on the state to see that no person violates the fundamental rights guaranteed to citizens. Since a person whose fundamental rights are violated, is unable to protect himself against the powerful opponent so it becomes the duty of the state to ensure that the fundamental rights of the individual are protected.

Dealing with the question whether labour or service which is engaged for less than minimum wage by the State or any other person would come within the meaning of forced labour, the court observed that the word 'force' should be taken to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service for remuneration which is less than the minimum wage. If this is the case and the person is made to work for remuneration which is less than the minimum wage the labour or service provided by him clearly falls within the scope and ambit of the words, 'forced labour' under article 23 and such a person can move the court for the enforcement of his fundamental right.<sup>87</sup>

---

<sup>85</sup> Id at 1482

<sup>86</sup> Id at 1483

<sup>87</sup> Id.,at 1490

Interestingly^ the court issued directions to the Union of India to hold an enquiry into the circumstances leading to the situation and take necessary legal action against the contractors including their prosecution or recovery of the amount short fall. The court further directed that in the near future the government should ensure that wages shall be paid by the contractors to the workers directly without the involvement of any Jamadars and no amount of conuission shall be deducted or recovered from the wages of the workmen. The court also appointed ombudsman to see that the provisions of labour laws are strictly implemented and benefits distributed to the worker.<sup>88</sup>

The above judgment of the apex Court shows that the public interest litigation is achieving new dimensions for ensuring responsibility of the public authorities towards the poor and deprived. In fact, the State or public authority should welcome this move because it is primarily intend to correct wrongs or to redress injustice done to the poor and weaker section of the community whose welfare should be the paramount consideration of the state or public authority.

## **5.2 BANDHUA MUKTI MORCHA CASE-**

Bandhua Mukti Morcha<sup>89</sup> adds new dimension to the concept of public interest litigation in the area of identification, release and rehabilitation of bonded labour. Here the petitioner has been an organisation solely devoted to the cause of release of bonded labourers in the country. The petitioner made a survey of some of store quarries in Faridabad district near Delhi and discovered that a large number of labourers from different states of the country were working in those stone quarries under inhuman and intolerable conditions and a majority of them were bonded labourers. A letter was addressed to one of the judges of the supreme court containing signataures and thumb marks of the alleged bonded labourers. The petitioner alleged violation of the provisions of the Constitution and non implementation of the laws relating to the labourers working in these stone quarries. The [letter was treated as a writ petition by an order of the court dated 26th February 1982 and the court was pleased to appoint commissioners to inquire into the matter and to submit a report to this effect. The report which was submitted to the court on 2nd 'March 1982 pointed out inter alia that the conditions of the workers were

---

<sup>88</sup> Id, at 1491-92

<sup>89</sup> A.I.R. 1984 SC 802

very bad and some of them were even suffering from tuberculosis. It was highlighted in the report that there were no facilities for medical treatment or schooling for children and the people were staying in Jhuggies for shelter and had no clothes to wear and were shivering from cold. It was exposed that all those workers were bonded labourers who were not permitted to leave the job. Most of the labourer complained that they got very little of wages from the mine lessees or owner of the stone crushers because they were required to purchase explosives with their own moneys. The report concluded by saying that these workmen, "presented a picture of helplessness, poverty and extreme exploitation at the hands of moneyed people" and they were found, "leading a most miserable life and perhaps beasts and animals could be leading more comfortable life than these helpless labourers."<sup>90</sup>

When the petition came up for hearing, the court\* directed the respondents to file a reply and also appointed one more commissioner from the Indian Institute of Technology to carry out a detailed socio-legal investigation and submit a scheme for improving the conditions of these workers in the stone quarries. The state of Haryana was directed to give all assistance to the investigator. Later/on the investigator submitted a comprehensive report on the conditions in which the workmen engaged in stone quarries and stone crushers live and work. It also made various recommendations for improving the living conditions of these workmen.<sup>91</sup>

One of the preliminary objections raised by the respondents related to the maintainability of the petition under Article 32 of the Constitution. The court expressed surprise over the manner in which the State Government showed its urgency to raise this objection so as to avoid an enquiry by the court as to whether the workmen are living in bondage and under inhuman condition. Sounding a note of caution Justice Bhagwati observed: "The government and its officers must welcome Public Interest Litigation, because it would provide them an occasion to examine whether the poor and downtrodden are getting their social and economic entitlements or whether they can continue to remain victims of deception and exploitation at the hands of strong and powerful sections of the community."<sup>92</sup>

---

<sup>90</sup> Id., at 809.

<sup>91</sup> Id., at 810.

<sup>92</sup> Id., at 81 .

The court expressed surprise by saying that if a complaint is made on behalf of workmen that they are held in bondage and living in miserable condition, it is difficult to understand how such a complaint can be thrown out on the ground that it is not violative of the fundamental right of the workmen.<sup>93</sup>

Giving a new interpretation to the term "appropriate proceeding" contained in Article 32(1)<sup>94</sup> Justice Bhagwati observed that, "there is no limitation in regard to the kind of proceeding envisaged in clause (1) of Article 32 except that the proceedings must be, 'appropriate' and this requirement of appropriateness must be judged in the light of the purpose for which the proceeding is to be taken, namely, enforcement of a fundamental right."<sup>95</sup> The learned judge continued by saying that the framers of the Constitution did not lay down any particular form of proceeding for enforcement of a fundamental right. They also did not stipulate that such proceeding should conform to any rigid pattern or formula because they knew that in a country like India where there is so much poverty, ignorance, illiteracy, deprivation and exploitation, any instance on a rigid formula of proceeding for enforcement of a fundamental right would become self defeating.<sup>96</sup> In view of this position, the court observed that a simple letter by member of the public acting bonafide can be legitimately regarded as appropriate proceedings.

The Court was deeply shocked that the provisions of various statutes<sup>97</sup> dealing with the labourers have been violated so much so that the State of Haryana showed its reluctance even in admitting the existence of bonded labour knowing fully the fact that it was very much prevalent in the area. The Court found that the mode of payment to the workmen employed in stone quarries and crushers was such that after deduction of the amounts spent on explosives and drilling of holes, what was left to the workmen was less than the minimum wage. The Court directed to change the present system of payment and

---

<sup>93</sup> Ibid. In this context the court made reference to Articles 21, 39(e) and (f), 41 and 42 of the Constitution of India.

<sup>94</sup> Article 32(1) reads, "the right to move Supreme Court by appropriate proceedings for enforcement of the rights conferred by this part is guaranteed."

<sup>95</sup> Bandhua Mukti Morcha Case, Id., at 813-14.

<sup>96</sup> Ibid.

<sup>97</sup> The legislative enactment which were alleged to have been violated included, the Mines Act, 1952, Inter State Migrant Workmen (Regulation and Abolition) Act, 1970, The Minimum Wages Act, 1948 and The Bonded Labour System (Abolition) Act, 1976. See Id. at 817-24.

restrained the mine lessee or the Jamadhars from making any deduction whatsoever out of the wages of the workmen.<sup>98</sup>

Regarding the bonded labour perspective in the stone quarries and stone crushers, the court regretted that the government of Haryana has not constituted any vigilance committee in this regard. The court observed that it was a serious omission on the part of the State in not having constituted the vigilance committee. Whether the bonded labour existed or not but the constitution of the Committee was a statutory obligation. This in fact has impeded the process of identification. The court drew the attention of the government towards effective rehabilitation of bonded labourer. In the opinion of the court the concept of rehabilitation should have the following four main features:

(a) Psychological rehabilitation must go side by side with physical and economic rehabilitation.

(b) The physical and economic rehabilitation should include all major components like, agricultural, animal husbandry, promotion of traditional arts and craft wage employment, health, education, medical care and protection of civil rights.

(c) The different components of the rehabilitation schemes sponsored by the central and state governments require skillful integration so as to avoid duplication

(d) The bonded labourers selected for rehabilitation should have a choice between the various alternatives for their rehabilitation so that they do not slide back to debt bondage.<sup>99</sup>

After issuing the above broad guidelines the court, while allowing the petition directed the government of Haryana to draw up a scheme or programme for, "a better and more meaningful rehabilitation of the bonded labourers."<sup>100</sup>

Commenting on the decision of the apex court in the present case, Sh. Y.R. Haragopal Reddy<sup>101</sup> observed that the decision has set a new style to improve the difficulty of bonded labourers. The decision also recognised the right of bonded labourer to live with

---

<sup>98</sup> Id., at 823-24.

<sup>99</sup> Id., at 828.

<sup>100</sup> Ibid. For a summary of the directions issued by the court to the government of Haryana as well as the Union government, see id., at 834-837.

<sup>101</sup> Supreme Court on Bonded Labourers: Future of new Constitutionalism, (1984) Coachin University Law Review, 539-546.



human dignity and accord legitimacy to public interest litigation under Article 32 of the constitution. It is submitted that the ruling of the highest court of the land is clearly reflective of the emergence of the apex court of India as the people's court which has been providing redress to the victims of bondage.

### **5.3 NEERJA CHAUDHARY'S CASE-**

*Neerja Chaudhary Vs State of Madhya Pradesh*<sup>102</sup> is another significant decision of the apex Court where the judiciary has found the indifferent and insensitive attitude of the Administration of State in identifying, discharging and revitalizing the bonded workers in the country. The petitioner, who was the civil rights journalist in a top newspaper had addressed a letter to one of the judges of Supreme Court on 20 September, 1982.<sup>103</sup> The petitioner in his report stated that there were bonded labourers working in the stone quarries in Faridabad. Out of these labourers, 135 bonded labourers had been released in March 1982 by an order of Supreme Court and they were sent back to their respective villages in the State of Madhya Pradesh. The government promised to rehabilitate them. But the petitioner visited three villages, namely Kunda, Pandharia and Bhairavapura in Mungli Taluka of Bilaspur District in September 1982 and found that most of the released bonded worker of these villages had not yet been rehabilitated.<sup>104</sup>

At the preliminary hearing, the court asked the state government for furnishing the information with regards to the framing of rehabilitation scheme. It also asked for providing information regarding constitution of vigilance committee and the steps which have been taken by such committee to rehabilitate 135 released labourers who were living in Bilaspur District. The Assistant Labour Commission filed an affidavit, for various steps taken by the Government for identification release and healing of bonded labourers.<sup>105</sup> The state was unable to mention the accurate number of rehabilitated bonded workers and it only state that some steps were taken for their rehabilitation.

---

<sup>102</sup> A.I.R. 1984 SC 802.

<sup>103</sup> The letter was directed to be treated as writ petition but for the sake of completeness, the advocate who appeared on behalf of the petitioner filed a regular writ petition in substitution of this letter. A.I.R. 1984 SC 802

<sup>104</sup> Out of 135 released bonded labourers, about 75 belonged to these three villages and 45 out of them were from village Kunda. 75 of these bonded labourers belonged to Scheduled Castes. Id., at 1101.

<sup>105</sup> The figures supplied by the government in its affidavit showed that in all 1531 bonded labourers were identified in the year 1978, 75 in 1980, 57 in 1981 and 114 in 1982

The Court noticed that majority of the bonded labours belong to SC and ST or other backward classes and judicial notice has to be taken of this fact and they cannot be permitted to stand trial for proving the factum of bonded labour. Justice Bhagwati observed that whenever it is shown that a labourer is compelled to render forced labour then the court would raise a supposition that he is obligatory to do so in consideration of an advance money received by him. Thus he becomes a bonded labourer and the court shall assume that such worker is a bonded labourer and is at liberty to take the advantage of provision of the Act, till the creditor or the government.<sup>106</sup> This seems to be the test which has been approved by the court for determining whether a workmen is a bonded labourer or not. The court expressed surprise over the assertion of the State government that it was seeking the cooperation of the members of the legislative assembly and panchayats in the task of identification, release and rehabilitation of bonded labourers. The court observed that these agencies can be of no help in this task. Even commissioner and collector, who usually remain very busy because of multifarious duties cannot be of much use in eradicating this practice because they have to relied upon there subordinates like Tehsildars or Patwaris who may be more sympathetic towards the exploiting class and not the exploited. Similarly, Panchayats being dominated by vested interests can play a very little role. In view of this the court stressed the need for involving social action groups operating at the grass root level in the task of identification, release and rehabilitation of bonded labour.<sup>107</sup>

The Court therefore, issued direction to the State government to include in the vigilance committees representatives of Social Action Groups for identification, release and rehabilitation of bonded labour. In the light to this directive a survey was carried out<sup>108</sup> and the Report exposed the inadequacies of the State administration in regard to the implementation of the programme of identification, release and rehabilitation of bonded labourers. It also made a number of suggestions and recommendations for improving the existing state of affairs. One such suggestion related to the reorganisation and activation of vigilance committees. Commenting on the suggestions the court suggested the following steps to be taken:

---

<sup>106</sup> A.I.R. 1984 at 1103

<sup>107</sup> A.I.R. 1984 at 1104

<sup>108</sup> The survey which was undertaken in April 1981, covered the district of Satna, Panna, Bastar, Raigarh and Jabalpur. See, *id.*, at 1105.

(a) The officers appointed for handling problems of bonded labour should be properly trained and sensitised so that they feel attached to the misery and suffering of the poor and carry those work with total dedication which may inspire confidence in the minds of the poor included the bonded labour.

(b) There should be constant check and supervision over the activities of the officers handling the problems of bonded labourers.

(c) An intensive survey of the areas which have been traditionally prone to the system of the debt bondage should be undertaken by the vigilance committees with the help of social action groups operating in such areas.<sup>109</sup>

It was exclusive case under which the court obliged the state government to apply the directions which were issued in support of bonded labourers.

---

<sup>109</sup> Id., at 1105-6.

## CHAPTER- 6

### CONCLUSIONS AND SUGGESTIONS

#### 6.1 CONCLUSION-

An in-depth study of the evil system of bonded labour as done by researcher reveals that the existence and continuance of bonded labour system is a crime and outrage against humanity.

The system of bonded labour is a vicious circle because each factor is responsible for further subjugation and apathy of the bonded labourers. It is a relic of colonial and feudal system and it is still continuing. This phenomenon has taken its roots from the social customs and tradition which treats it as normal practice. The following system has been resulted in the formation of unequal classes of society in terms of superiority and inferiority. These superior classes exploits the lower classes in every form. This exploitation affects the psychology of the labourers and they think it as their destiny. Due to their illiteracy they are not able to find any jobs outside. This social and economic poverty of an individual forces him to enter into the system of bonded labour. They are provided with low wages and they cannot do any other job. Even if they adopt the method of distress migration they have to face the same vicious circle again.<sup>110</sup>

Under the bonded labour system the debtor takes loan from the creditor and the amount of loan is altered in such a way that the debtor becomes incompetent to pay it afterwards. In order to pay off loan he has to render services to the creditor. Many a times, the debtor dies so his successors or descendents has to repay the loan amount to the creditor and it continues from generation to generation till the debt is repaid.

There are so many factors which are responsible for the existence of bonded labour which includes poverty, illiteracy, cheating, unemployment or sudden loss of unemployment, crisis and so on. Once a person becomes bonded labourer he/she has to serve his master till the last breath and he becomes a bonded labourer forever. The labourers are often subjected to physical and sexual violence. They have to work like a machine day and

---

<sup>110</sup> Legal Awareness: Bonded Labour in India, [http://praveen\\_dalal.blogspot.com/2005/05/bonded-labour-in-india.html](http://praveen_dalal.blogspot.com/2005/05/bonded-labour-in-india.html).

night without the concern of their age, health and sex. They have to do every single thing which they are ordered to do without saying no to their master.

Due to the poor social economic conditions he finds himself totally helpless to do anything for his release. The bonded labour system is a practice against human dignity and it violates the basic human right of an individual.

Bonded labour system in India is not a new phenomenon. It can be traced back since ancient times. In ancient era it was practiced in the name of slavery. Slavery is the worst kind of bondage. In modern India it is known by different names such as debt bondage, contract labour, forced labour and serfdom. Bonded labour has also acquired some regional names such as Hariya, Sevak, Janaour, hali, Padiyal, Puniyal, Gothi, Vetha, Sepi etc.

This cruel system of bonded labour infringes the basic human rights and the liberty of a human worker. It is one of the worst form of infringement of human rights. They are often treated as an animal. An animal can also wander freely from one place to another but these labourer cannot. Both the national and the international laws have tried their best to abolish this evil system.

The Indian laws have protected the dignity, freedom and equality of bonded labourers. The Indian legislature has legislated at its best to provide basic human rights to the bonded labourers. At the International level various conventions, declarations and covenants have been made to abolish the bonded labour system. The Universal Declaration of Human Rights 1948 under its article 4 prohibits the practice of slavery and bonded labour. Also the International Labour Convention No. 29 is also concerned with forced or bonded labour.

The Indian constitution has provided legal provisions relating to the bonded labour system. The Constitution makers were conscious with the problem of bonded and forced labour therefore they made various mandatory provisions for the abolition and rescue of bonded labour system. The preamble provides dignity equality and social justice to every individual which also includes bonded labourers.

Under article 23, 24 Indian constitution has provided most important freedom that is Right against exploitation. If a prson is subjected to slavery, bonded or forced labour or immoral traffic then he has the right to forfeits his freedom.

Although the rights given under part III of Indian constitution is valuable to bonded labourers but the directive principles are also of equal importance. The directive principles give directions to the Central and the State government to to secure citizens right to adequate means of livelihood, work, equal pay for equal work for men and women, health and strength of workers, opportunities and facilities to develop in healthy manner and in condition of freedom and dignity.

But since the directive principles of the state policy are not enforceable by the law so the state cannot be compelled to provide the facilities to individual. Also no serious efforts have been made by the government to give effect to provisions of article 23, 24, 39 and 45 and thus the philosophy is only confined to paper declaration.

Accordingly the Government of India reported another financial approach like twenty points economic, programme in July, 1975 for the enhancement of the socio-economic states of the lower segments of the society. Based on this declaration, the Bonded Labour System (Abolition) Ordinance, 1975 was proclaimed by the President of India stretching out its execution to the entire of India with a hope to satisfy the constitutional objective, to find this fiendishness once for all and to guarantee freedom to its nationals ensured under the constitution. The Act was further amended in to take the 'contract and inter-state migrant workers' under the sphere of the Act in November 1985.

The question of the Act is to keep the economic and physical abuse of the weaker area of the general population. It has given a command that bonded labour framework will stand abrogated and each bonded labour will be free from the date of commencement of this Act.

In *Neeraja Chaudhary v. State of M.P.*<sup>111</sup> it was also made clear in the Bonded Labour System (Abolition) Act, 1976 that failure of any action on the part of the State Government in implementing the provisions of this legislation would amount to be the clear violation of Article 21 apart from Article 23 of the constitution. The Supreme

---

<sup>111</sup> A.I.R. 1984 S.C. 1099.

Court has rightly held that it was the obligation of the State Government to ensure total eradication of the Bonded Labour System<sup>112</sup>.

The Government of India has reliably kept up a Pro-dynamic way to deal with the issue of constrained or forced labour in the nation since the entry of Bonded Labour System (Abolition) Act 1976, the Government of India has attempted numerous appreciated initiatives in connection to bonded labour. In spite of the fact, the Act does not characterize rehabilitation, the Ministry of Labor has since launched a plan under which the National and State Government contribute similarly to the rehabilitation help stipend of Rs. 20,000 to each liberated bonded labour.

In spite of all positive facts the arrangement of bonded labour is profoundly settled in India, that the existence of enactment banning Bonded labour system Act isn't giving deterrent impact. Numerous State Governments which have initial responsibility for executing the 1976 Act, have failed in their obligations as they have not guaranteed that the vigilance committees are legitimately set up and completely functional or properly recognized the occurrence of bonded labour in their regions. In numerous instance District Officials and District Judge are either ignorant of the provisions of the law or denied the presence from claiming bonded labour in zones under their jurisdiction, making the identification and release of bonded labour to a great degree difficult. The restoration procedure is undermined by delay in issuing discharge certificates, corruption and a backslide of those liberated bonded labour into debt bondage without reasonable work is just alternatives. It is essential with respect to the Government to pay attention for weaving them into a social fabric of the advancement procedure.

The Supreme Court is conscious and emphasized the seriousness of the problems of bonded labour by observing that there was one feature of our national life which was ugly and shameful and which cried for urgent attention and that was the existence of bonded labour or forced labour on the large part of the country"<sup>113</sup>

The introduction of PIL and the consequent widening of the concept of locus standi encouraged public spirited citizens and social organisations to come forward and fight for the causes of the lesser mortals. In the arena of abolition of bonded labour, Bandhua

---

<sup>112</sup> Id, at 1101.

<sup>113</sup> A.I.R. 1982 S.C. 1473 at p. 1486; 1982 lab IC 1646 at p. 1160.

Mukti Morcha v. Union of India<sup>114</sup> is the pioneer case. In this case the Court opined that if the provisions of the Act were properly implemented it should have by this time brought about complete identification, freeing and rehabilitation of bonded labourers<sup>115</sup>.

The Court found that in the State of Haryana the vigilance committee was not constituted in light of the fact that, as indicated by the State Government no bonded labour system existed inside the State. With a specific end goal to wash off its hands, the State additionally set forward a fake understanding to the term bonded labour. As indicated by the State, in the stone quarries there might have been forced labours yet they were not bonded labourers inside the meaning of the Act.

Rejecting the argument of the State the Court had taken a practical move towards interpreting the term 'bonded labour' and said that there would be no occasion for a labourer to do forced labour, except when he had received some economic advance from the employer and just because he has not returned the advance, he has to do some forced work.<sup>116</sup>

In People's union for Democratic Rights v. Union of India<sup>117</sup>, The Court held that under Article 23 a person is not only protected against state but also against a private person and further the court held that services provided or rendered by labour will come under the scope of forced labour under Article 23 if, such person is rendering services to the creditor with less than minimum wages.

The unfortunate truth is that the State Governments which are charged with bringing social and economic justice under our constitution conspire are effectively limited by the class of vested interest during the process of eradication of bonded labourer. The truth of the matter is that neither the legislature bodies nor the executive are true in their efforts in handling the issue and in this way weakening the efforts of judiciary. In fact there is no lack for the plans either in the Bonded Labour System (Abolition) Act, 1976 or in the directions issued by the Supreme Court. In such bleak situation the NHRC brought a beam of expectation towards the liberation of Bonded Labor System.

---

<sup>114</sup> A.I.R 1984 S.C. 802: 1984 Lab IC 560.

<sup>115</sup> Id., at 582.

<sup>116</sup> Ibid.

<sup>117</sup> A.I.R. 1982 S.C. 1473 at p. 1486; 1982 lab IC 1646 at p. 1160.



## **6.2 TESTING OF HYPOTHESIS-**

The researcher has tested the **first hypothesis** and found out that the system of bonded labour is still prevalent in India because the weaker section in India are not getting effective assistance through the machinery framed by the law. State government is not taking proper steps which has been justified in research.

The researcher has tested the **second hypothesis** and analysed that the second hypothesis and analysed that however the law have been made and implemented to some extent still the lower classes in India is not literate. This is regarded as the most important reason for the existence of bonded labour because the people are not aware of the laws.

## **6.3 SUGGESTIONS-**

The detailed and thorough dicussion contain in the above chapters is apparent that bonded labour and forced labour is as yet pervasive in specific parts of the nation which is one of the best social ulcer that should be removed with all its causes and roots forthwith and immediately, if quick economic change of the nation is desired. Since we are living in twenty first century, yet at the same time there are a huge number of helpless individuals who are living their lives worst then the animals. As the issue is profoundly ingrained in the framework a comprehensive program must be figured for the progression of many individuals working as bonded labourers. A couple of important suggestions have been incorporated by the researcher which are as per the following:

**i).** Under section 2(f) and 2(g) of Bonded Labour System(Abolition) Act, 1976, the definition of bonded labourers and bonded labour system is vague and does not include all aspects of bondage. So it is recommended that proper amendment should be made in these sections so as to include all forms of bonded labour/forced labour.

**ii).** As long as labourers are not made aware of their rights and laws there will be no use of enacting such legislations. Even a thousand number of legislations would not be sufficient to liberate them. Public awareness and education is most important. So, in order to the effective implementation of the laws, it is suggested that awareness programmes, training

workshops and camps must be organised in regular intervals in the areas having bonded labourers.

**iii).** Recently Parliament has enacted the Right to Education Act, 2010. Under the said act the District Magistrates have the duty to identify, discharge and rehabilitate bonded labourers. The district magistrates are very busy person. They have multiple duties to perform. So, it can be suggested that a proper amendment must be made to form a separate cell for the release of bonded labourers and also for the effective implementation of the said act.

**iv).** The procedure of identification and release of bonded labourers is a procedure of revelation and change of non creatures into human beings. What is required for is assurance, dynamism and feeling of social duty with respect to organization/executive to wipe out this cruel practice.

**v).** The activities of officers who are charged with the task of security, identification, discharge and rehabilitation of bonded labourers and liquidation of their debt must be checked constantly. The officers should be trained in such a manner that they understand the sufferings and sorrow of the poor people and carry out their functions in proper manner. National commission on Bonded Labour and child should be established.

**vi).** The vigilance committee must undertake the door to door survey of area which has been effected by the system of bondage debt. It should be done with the assistance of NGO's and social action groups which are operating in that area so that process of identification and release can go side by side.

**vii).** In order to beat this social evil, mobile courts should be established in the affected areas. This may be a effective step towards the abolition of bonded labour system. The member of the court must possess the power to punish the guilty with adequate punishment with the help of speedy trial.

**viii).** The economic and social inequality is now atleast not an obstacle in filing writ petition for the freedom of these labourers. The poor people should be aware of such fact and also that the courts is now a court of justice and the court of poor.

**ix).** The bonded labourers which have been released shortly must be released on permanent basis by the state government. Employment centres should be established so

that the released bonded labourers can get employment having equal wages for equal task and minimum wages. The liberty to work is only a directive principle. It is not mandatory one. The right to work should be given to every bonded labourer.

**x).** The radio and television are great source of communication. So demonstration can be done through radio, newspaper and also television for attracting the attention of the society to abolish this cruel system because the system requires the speedy eradication.

## **LIST OF CASES**

- 1). People's Union for Democratic Rights and Others v. Union of India AIR 1982 S.C. 1473
- 2). M.C. Mehta v. State of Tamil Nadu A.I.R. 1997 S.C. 699.
- 3). Vishal Jeet v Union of India'. A.I.R. 1990 S.C. 1412
- 4). Bandhna Mukti Morcha v. Union of India A.I.R. 1997 S.C. 2218.
- 5). Olga Tellis v. Bombay Municipal Corporation A.I.R. 1986 S.C. 180
- 6). Shivaswamy v. State of Andhra Pradesh A.I.R. 1988 S.C. 1863
- 7). Premchand Garg v. Excise Comissioner A.I.R. 1963 S.C. 96
- 8). People's Union for Democratic Right vs. Union of India AIR 1982 SC 1473.
- 9). Neerja Chaudhary Vs State of Madhya Pradesh A.I.R. 1984 SC 802.

## BIBLIOGRAPHY

1. ALL INDIA CONGRESS COMMITTEE, NEW DELHI : Report of the Congress Agrarian Reforms Committee (7 Jantar Mantar Road, 1949)
2. ANDHRA PRADESH : Compendium of instructions on Bonded Labour: Hand book of govt. orders memos, circular instructions on bonded labour. (Govt. of Andhra Pradesh, 2006)
3. ARORA, UP AND PANDEY LP and Ors. : Nurturants of bonded labour. (Indian Academy of Social Sciences, Allahabad, 1977)
4. BERMAN, JAN : Labour bondage in West India, Oxford, 2007
5. DEBI, MAHASWETA AND GHOSE, NIRMAL : Bonded Labourin India. (Original in Bangla translated into Hindi by Anand Swaroop Verma). (Radhakrishna Prakashan, New Delhi)
6. DINGWANEY, MANJARI : Bonded Labourin India. (Rural Labour Cell, New Delhi)
7. DUBEY, ANAND K. : Social justice and bonded labour in India. (Printwell Pub., Jaipur)
8. HAMILPURKER, Dr. J L : Changing aspects of Bonded Labourin India. (Himalaya Pub. House, New Delhi, 1989)
9. HOLLUP, ODDWAR : Bonded Labour: Caste and cultural identity among Tamil plantation workers in Sri Lanka (Sterling Publishers Private Ltd., New Delhi ,1994)
10. INDIAN ACADEMY OF SOCIAL SCIENCES, ALLAHABAD : Social cost of bonded labour, (Indian Academy of Social Sciences, Allahabad,1977)
11. INDIAN INSTITUTE OF PUBLIC ADMINISTRATION, NEW DELHI : Rehabilitation of Bonded Labourin Jabalpur District, Madhya Pradesh An assessment. (Indian Institute of Public Administration, New Delhi, 1981)
12. INDIAN SCHOOL OF SOCIAL SCIENCES,CALCUTTA : Bonded Labourin India : A shocking tale of slave labour in rural India, with introduction by Dr. M. K. Pandhe. (Indian School of Social Sciences, Calcutta, 1976)
13. INTERNATIONAL LABOUR OFFICE, CONFERENCE, 98TH SESSION, 2009 Cost of coercion : Global report under the follow up to the ILO Declaration on Fundamental Principle and rights at work. (International Labour Office, Geneva,2009) <http://www.ilo.org/wcmsps/groups/public/>
14. JAIN, MAHAVEER : Bonded Labour: Justice through judiciary. (Manak Publications, New Delhi, 1997)
15. JOSHI, VIDYUT : Bonded Labourin Gujarat. (Gandhi Labour Institute, Ahmedabad, 1985)
16. KAMBLE, N D : Bonded Labourin India. (Uppal Publishing House, New Delhi, 1982)
17. KARNATAKA, DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYAT RAJ : Two days consultation on Bonded Labourin Karnataka : Report. (Institute of Social Sciences, Banglore, 2000)
18. KULKARNI, PM : Rehabilitation of bonded labourers in Karnatak. (Institute of Social and Economic Change, Bangalore, 1988)

19. LAL BAHADUR SHASTRI NATIONAL ACADEMY OF ADMINISTRATION, MUSSORIE (UTTARANCHAL), INDIA
20. Reading on Bonded Labour and minimum wages : Indian Administrative Service Professional Course, 1987) Report of study group on Bonded Labour conducted on behalf of National Commission on Rural Labour 1991)
21. LAL, A K : Politics of poverty : A case study of bonded labour, (A.N.S Institute of Social Studies, Patna, 1977)
22. LAL, RASH BIHARI : Bonded Labour in Gujrat : Does it exist in Gujrat ? (Tribal Research and Training Institute Gujrat Vidyapeeth : Ahmedabad, 1977)
23. MISHRA, LAKSHMIDHAR : Burden of bondage : An enquiry into the affairs of the bonded quarry mine workers of Faridabad in association with V.V. Giri National Labour Institute, NOIDA. (Manak Pub. Pvt. Ltd. 1997)
24. MISHRA, LAKSHMIDHAR : Annotated bibliography on forced/Bonded Labour in India (Part - II – Articles/monographs/reports). (International Labour Office, Bangkok 2002).