

## Chapter-9

### BONDED LABOUR

9.1 The system of bonded labour is an outcome of certain categories of indebtedness, which have been prevailing for a long time involving certain economically, exploited, helpless and weaker sections of the society. This system emerged from the uneven social structure characterized by feudal and semi-feudal conditions.

9.2 The issue of 'bonded labour' came to the forefront as a national issue, when it was included in the old 20-Point Programme in 1975. To implement this, Bonded Labour System (Abolition) Ordinance was promulgated which was later on replaced by the Bonded Labour System (Abolition) Act, 1976. Salient features of the Act are given below:

- On commencement of this Act the bonded labour system stood abolished and every bonded labourer stood freed and discharged free from any obligation to render bonded labour.
- Any custom, agreement or other instrument by virtue of which a person was required to render any service as bonded labour was rendered void.
- Liability to repay bonded debt was deemed to have been extinguished.
- Property of the bonded labourer was freed from mortgage etc.
- Freed bonded labourers were not to be evicted from homesteads or other residential premises which he was occupying as part of consideration for the bonded labour.
- District Magistrates have been entrusted with certain duties and responsibilities for implementing the provisions of this Act.
- Vigilance committees are required to be constituted at district and sub-divisional levels.

- Offences for contravention of provisions of the Act are punishable with imprisonment for a term which may extend to three years and also with fines which may extend to two thousand rupees.
- Powers of Judicial Magistrates are required to be conferred on Executive Magistrates for trial of offences under this Act. Offences under this Act could be tried summarily.
- Every offence under the Act is cognizable and bailable.

#### CENTRALLY SPONSORED PLAN SCHEME FOR REHABILITATION OF BONDED LABOUR

9.3 In order to assist the State Governments in their task of rehabilitation of released bonded labourers, the Ministry of Labour launched a Centrally Sponsored Scheme since May, 1978 for rehabilitation of bonded labourers. Under this Scheme rehabilitation assistance of Rs.20,000/- per freed bonded labour is provided, which is shared by the Central and State Governments on 50:50 basis; in the case of the Seven North Eastern States, 100% central assistance is provided if they express their inability to provide their share. The Scheme also provide for financing of the following activities.

9.4 Rs.2 lakh per sensitive district can be provided to concerned State Government to conduct survey for identification of bonded labour once in three years.

9.5 Central assistance of Rs.10 lakh each year can be sanctioned to each State Government to undertake awareness generation activities relating to bonded labour system.

9.6 Rs.5 lakh per year can be sanctioned to each State Government to study the impact of poverty alleviation programmes and financial assistance provided by various Government sources so far.

9.7 Besides above, the State Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes such as Swaran Jayanti Gram Swa Rojgar Yojana (SJGSRY), Special Component Plan for Scheduled Castes, Tribal Sub-Plan etc. Accordingly, the rehabilitation package provided by the concerned Stated Governments for the freed bonded labourers includes the following major components:

- Allotment of house-site and agricultural land;
- Land development;
- Provision of low cost dwelling units;
- Animal husbandry, dairy, poultry, piggery etc.;
- Training for acquiring new skills; developing existing skills;
- Wage employment, enforcement of minimum wages etc.;
- Collection and processing of minor forest products;
- Supply of essential commodities under targeted public distribution system;
- Education for children; and
- Protection of civil rights

9.8 Details of bonded labourers identified/released and rehabilitated up to

20.12.2004 as reported by the respective State Governments and the Central assistance released so far under the above mentioned Centrally Sponsored Scheme are given in the **Table 9.1**

9.9 Further, an amount of Rs.356.00 lakh has so far been released to various State Governments viz., Haryana, Punjab, Rajasthan, Tamil Nadu, Karnataka, Uttar Pradesh, Orissa, Bihar, Jharkhand, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Uttaranchal and Maharashtra for conducting survey of Bonded Labour, evaluatory studies and awareness generation.

### **ROLE OF THE NATIONAL RIGHTS COMMISSION**

9.10 The Apex Court in its order dated 11.11.1997 in PUCL Vs. State of Tamil Nadu & Others has directed that the National Human Rights Commission (NHRC) to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order, a Central Action Group has been constituted in the NHRC. This group is holding regular Meetings with the representatives of the State Government at State Headquarters. Senior Officers of the Ministry of Labour and Employment participated in the sensitization workshop on bonded labour at Bangalore, Allahabad, Patna, Chandigarh and Delhi, which was organized by NHRC. The need to sensitize the functionaries dealing with identification, release and rehabilitation of bonded labour at all levels was stressed in these workshops.

Table 9.1

## STATE-WISE NUMBER OF BONDED LABOURERS

Name of the State	Number of Bonded Labourers		
	Identified and Released	Rehabilitated	Central assistance provided (Rupees in lakhs)
Andhra Pradesh	37,988	31,534	850.00
Bihar	13,3593	12,775	383.48
Karnataka	63,373	57,121	1571.78
Madhya Pradesh)	13,087	12.162	163.26
Orissa	50,029	46,901	903.34
Rajasthan	7488	6331	72.42
Maharashtra	1,398	1,319	9.55
Uttar Pradesh	28,195	28,195	573.02
Kerala	823	710	15.56
Haryana	551	49	0.93
Gujarat	64	64	1.01
Arunachal Pradesh	3,526	2,992	568.48
Tamil Nadu	65,573	65,573	1661.94
Punjab	69	69	6.90
Chhattisgarh	124	124	12.40
Uttaranchal	5	5	0.50
<b>Total</b>	<b>2,85,886</b>	<b>2,65,924</b>	<b>6794.57</b>

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