



THE BONDED LABOUR SYSTEM (ABOLITION) ACT, (1976)

Owing to a lack of resources, labourers have nothing to give as security to debtors and as a result, the creditor and debtor come to an agreement in which a bonded labourer agrees to provide their labour to the creditor for little or no wages until the debt is paid or the period of debt expires which in some cases results in exploitation of labourers as well as the degradation of their health.

These labourers and their subsequent generations are compelled to work in industrial facilities, the brick business, farms and many hazardous industries for debt with an increasing nature of interest rates over time.

Consequently, Parliament approved the Bonded Labour Abolition Act, 1976 under which the bound labours have been exempted from their bondage duty and their obligations have also been waived.



ABOLITION OF THE BONDED LABOUR SYSTEM

This Act abolishes the bonded labour system. It forbids making any advances or compulsion of providing their labour against any debt. Any agreement, custom, tradition, contract or any such instrument which binds any person or their family members for labour and service is void as per the provisions of this Act.

PROTECTION TO AUTHORITIES

No suit, prosecution or other legal proceedings shall lie against any enforcing authority for anything which is in good faith done or intended to be done under this Act.

KEY PROVISIONS

EXTINGUISHMENTS OF LIABILITY

This Act extinguishes the past or current responsibility of such bound labour, prohibiting courts from hearing any claims for the recovery of any bonded debt.

RESTORATION OF PROPERTY

The Act also provides for the restoration and recovery of any immovable or movable property given or taken over forcibly from the labourer. It also lays down provisions for releasing such property from any mortgage, debt, or charges.

In the case of a delay in the returning of the property, such labourer is entitled to mesne profits as decided by the civil court within whose jurisdiction such property is located.

DUTY OF DISTRICT MAGISTRATE

The Act empowers the state government to delegate authority and impose duties on the District Magistrate (DM). The DM has to promote the welfare of the freed bonded labourer by investigating within their local limits and seeing if anyone is enforcing bonded labour. The DM is empowered to take appropriate action against anyone found doing so.

ESTABLISHMENT OF VIGILANCE COMMITTEE

The act empowers the state government to form Vigilance Committees in each district and subdivision for: -

- Advising authorities on how to carry out the provisions of this Act.
- Providing economic and social rehabilitation to bonded people released.
- Keeping track of the number of offences for which cognizance has been sought under this Act.
- Defending or permitting to defend bonded labourer or their family for any suit brought against them for the recovery of any bonded debt.

PENALTIES

- Every offence under this Act is cognizable and bailable.
- The act prescribes punishment in form of monetary fine or imprisonment or both for persons who are found to be violating the provisions of the act.
- Anyone abetting in committing any such offence mentioned under this act will get punishment for 3 years imprisonment and a fine of up to 2,000 rupees.
- If any person fails to restore possession of any property to such bonded labourer, they shall be punishable for imprisonment for 1 year or with a fine of 1,000 rupees or both.

- If any such offence mentioned under this Act is committed by any company, every such person responsible for the charge of the company shall be liable to be punished accordingly.
- Further, out of such fine recovered, payment would be made to such bonded labour at the rate of 5 rupees per day for a period such bonded labour was extracted or for a period such property was not restored to them.



ACTION POINTS

National Human Rights Commissions have long pressed state governments to undertake surveys and rehabilitate bonded labourers, but the outcomes have usually been disappointing. There is a lack of practical enforcement of the provisions of the Act. Researchers have also pointed out that the current monetary fine is absurdly low given that the perpetrators are largely wealthy and influential.

As per a report by Human Rights Watch, the Indian government fails to gather even remotely accurate or credible information on bonded labour. NGOs suggest that the number of successful convictions should be published to make everyone aware of the consequences of engaging in this practice.

Researchers have stated that the NGOs should be encouraged by the Government to collaborate in this effort of eradicating the practice of debt bondage functioning as watchdog for the Government's policies.

In a recent report by Freedom Fund, multiple local NGO's are leading an intervention campaign working towards reducing unfair labour practices in different Indian states. These NGOs are performing direct, on-the-ground interventions to release workers from debt bondage and other forms of forced labour in areas where bonded labour is most widespread.

ORGANISATIONS

Here are some organisations working towards eradication of bonded labour in India.

- Bachpan Bachao Andolan
<http://www.bba.org.in/>
- Canara Organisation for Development and Peace (CODP)
<http://www.codpindia.com/default.asp>
- Center for Environment and Energy Development-India (CEED)
<http://ceedindia.org/>
- Jeeta Vimukti Karnataka (Jeevika)
<http://vimuktitrust.org/>