



## Bonded labour in India

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### Abstract

Bonded labour, it is a practice in which employers give high interest loans to workers who work at low wages to pay off debts. Bonded labour was historically associated with ruler economies where peasants from economically disadvantaged communities were bound to work for the landlords. Bonded labour denotes over exploitation of man power extraction of labour and service against the payment of less than the minimum wages and even without wages. Although bonded labour is illegal, law against it is rarely enforced, particularly in cases where people in power benefit directly from exploiting others. Bonded labour flourishes where corruption, poverty and discrimination are common. Limited access to justice, education and jobs for discrimination groups makes it difficult for them to get out of poverty.

**Keywords:** bonded labour, man power, workers, wages

### Introduction

Bonded labour is a system in which borrowers are forced to repay their loans through labour. Here, the employers give loans at very high interest rates. As the loan amounts to be repaid are unreasonably high, the time required to pay off is very large, thereby creating a vicious cycle of generational inequality. Bonded labour system is 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.

### Characteristics of bonded labour system

- Existing caste discrimination in this society being born as Dalit or tribal.
- Existing class discrimination being born into the lower class.
- Absence of regular means of livelihood to meet regular expenses.
- Emergency expenses such as marriage and child birth.
- More than one family member incurring debt leading to inherited family debt often resulting in child labour.
- Inability to amass minimum capital.
- Non-existent negotiating power.
- Working conditions, atmosphere and hours become very taxing.

### Bonded labour system abolition act 1976

#### Features of the law

- Recognizes the overlapping nature of forced labour and bonded labour in customary relationships and the materialization of this interrelationship in contract labour and inter-state migration and further makes it illegal.
- Holds all past and present agreements and customs of bonded labour void thus relieving every bonded labourer for the present or future liability of bond debt reimbursement from the date of commencement of the legislation.

- Penalizes in any advance made in pursuance of bonded labour or compulsion of any person for bonded labour after its commencement.
- The punishment for such conduct is imprisonment not exceeding three years and with fine up to two thousand rupees.

### Bonded labour: enactment stands anemic

- Non-recognition of newer forms of bonded labour.
- Non-availability of definitive figure of bonded labourers.
- Lack of initiative on the part of state governments.

### Definitive figures of bonded labour

Refusal on the part of state governments to acknowledge the existence of this evil within their jurisdiction in evitable leads to the non-conducting of periodic surveys.

### International obligation for bonded labour

- India is obliged to end modern slavery by 2030 under the sustainable development goals (target 8.7) of ending forced labour, human trafficking and child labour.
- India has ratified the ILO abolition of forced labour convention 1975 (No.105)
- India also aspires to improve its rank (53<sup>rd</sup> out of 167 countries in the year 2018) in the global slavery index.

### Constitutional Provisions

- Article 21 deals with the right to life and personal liberty.
- Article 23 of the constitution prohibits forced labour.
- Article 24 prohibits the employment of children (below the age of 14 years) in factories etc.
- Article 39 directs the state to secure the health and strength of workers, men and women, and to see that tender age children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.

**Reasons for the persistence of bonded labour**

- The lac of awareness among workers and employers.
- Low conviction rates.
- Social bias towards Bonded labour.
- Migratory nature of Bonded labour.
- Weaker implementation of Bonded labour system abolition act 1976.
- Punishment for forced labour (section 374 IPC-unlawful compulsory labour) is not appropriate.
- Lac of proper coordination at the national and regional level, and among governments.

**Conclusion**

The bonded labour system abolition act 1976 has been passed to provide for abolition of bonded labour system with a view preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental there to. it was stated in the objects and reasons of the act that there still exists in different parts of the country a system of usuary under which the debtor or his descendants

Or dependents have to work for the creditor without reasonable wages or with no wages in order extinguish the debt. At times several generations work under bondage for the repayment of a paltry some which has been take by some ancestor. The interest rates are exorbitant and such bondage cannot be interpreted as the result of any legitimate contract or agreement. The system implies the infringement of the basic of human rights and destruction of the dignity of human labour.

**References**

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