

## Chapter-9

### BONDED LABOUR

9.1 The Bonded Labour System stands abolished throughout the country with effect from 25<sup>th</sup> October, 1975 with the enactment of Bonded Labour System (Abolition) Act, 1976. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It made the practice of bondage a cognizable offence punishable by law.

9.2 The Act is being implemented by the State Governments concerned. 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 labourer was 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 With a view to supplement the efforts of the State Governments; a Centrally Sponsored Plan Scheme for rehabilitation of bonded labour was launched by this Ministry in May, 1978. Under the Scheme, State Governments are provided Central assistance on matching grants (50:50) basis for the rehabilitation of bonded labour. The said Plan Scheme has been drastically modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour, awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/-per identified bonded labour to Rs.20,000/-per identified bonded labour. Further, in the case of Seven (7) North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution.

9.4 Besides , 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 State 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

9.5 Details of bonded labourers identified/released and rehabilitated up to 30.11.2006, 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**

9.6 Further, an amount of Rs.420.00 lakh has been released up to 31.03.2006 to the State Governments of Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tami Nadu, Uttar Pradesh and Uttaranchal for conducting survey of Bonded Labour, evaluatory studies and awareness generation upto 31.03.2006.

## **SPECIAL GROUP**

9.7 A Special Group in pursuance of PMO constituted under the Chairmanship of the Secretary (Labour and Employment) with the representatives of Director General, Factory Advice Service and Labour Institute (DGFASLI), Ministries of Railways and Urban Development has,inter-alia, reviewed the implementation of the Bonded Labour System (Abolition) Act, 1976 by holding six region-wise meetings with the representatives of the State Governments/UTs. at Kolkata, Shillong, Guwahati, Mussorie, Thiruvananthapuram and Ahmedabad during the year.

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

9.8 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, with the collaboration of the Ministry of Labour & Employment, is holding sensitization workshop on bonded labour at State Headquarters to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour. During the year 2005-06, four such sensitization workshops have been organized.

9.9. The **Table 9.2** shows that as a result of concerted efforts made by the Government through various anti-poverty programmes, awareness, sensitization, etc. the incidence of bonded labour reported from States are declining.

Table -9.1

Number of Bonded labourers identified, released and rehabilitated under the Centrally Sponsored Scheme up to 31.03.2006 and during 2006-2007 (30.11.2006)						
Name of the State	Number of Bonded labourers				Central assistance provided upto 31.03.2006 (Rs. in lakh)	Central assistance provided During upto 30.11.2006 (Rs. in lakh)
	Identified and Released Upto 31.03.2006	Identified and Released During 2006-2007 upto 30.11.2006	Rehabilitated Upto 31.03.2006	Rehabilitated during 2006-07 upto 30.11.2006		
Andhra Pradesh	37,988	-	31,534	-	850.00	-
Bihar	13,792	-	12,974	-	403.38	-
Karnataka	63,437	-	57,185	-	1578.18	-
Madhya Pradesh	13,125	-	12,200	-	164.49	-
Orissa	50,029	-	46,901	-	903.34	-
Rajasthan	7,488	-	6,331	-	72.42	-
Tamil Nadu	65,573	-	65,573	-	1661.94	-
Maharashtra	1,404	-	1,325	-	10.10	-
Uttar Pradesh	28,385	58	28,385	58	593.32	5.80
Kerala	823	-	710	-	15.56	-
Haryana	582	-	80	-	4.03	-
Gujarat	64	-	64	-	1.01	-
Arunachal Pradesh	3526	-	2,992	-	568.48	-
Chhattisgarh	124	-	124	-	12.40	-
Punjab	69	-	69	-	6.90	-
Uttaranchal	5	-	5	-	0.50	-
Jharkhand	196	-	196	-	19.60	-
West Bengal	32	-	32	-	3.20	-
<b>TOTAL</b>	<b>2,86,612</b>	<b>58</b>	<b>2,66,680</b>	<b>58</b>	<b>6868.85</b>	<b>5.80</b>

Table 9.2

Year	Incidence of Bonded Labour reported
1997-1998	6000
1998-1999	5960
1999-2000	8195
2000-2001	5256
2001-2002	3929
2002-2003	2198
2003-2004	2465
2004-2005	866
2005-2006	397
2006-2007(Upto 30.11.2006)	58

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