



THIRUTHANGAL NADAR COLLEGE

(Belongs to the Chennaivazh Thiruthangal Hindu Nadar Uravinmurai Dharma Fund)

Selavayal, Chennai-51.

A Self-Financing Co-educational College of Arts & Science

Affiliated to the University of Madras

Accredited with 'B' Grade by NAAC

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NAME OF THE DEPARTMENT: Criminology & Police administration

SUBJECT : society & social problems

TOPIC : Bonded labor

STAFF NAME : Mini N

A hidden crime that exploits labourers for profit.

- Bonded labour - or debt bondage - is probably the least known form of slavery today, and yet it is the most widely used method of enslaving people. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay

- Bonded Labour is an oppressive form of forced labour
- due to a debt or other obligation (customary, caste-based, economic consideration), the labourer forfeits certain basic rights and freedoms that are guaranteed by the Indian Constitution.
- Physical violence, verbal insults, brute force and sexual abuse are often common elements in bonded labour making it a serious human rights crime.

- The origin of bonded labour can be traced back to ancient times whereby, the Hindu society was divided into caste structures.
- The oppressed caste strata did not have sufficient means for their own sustenance due to which they often depended on higher castes for their own survival.
- Due to extreme scarcity of resources on the part of debtor, he had nothing to offer as security. Thus, the creditor and debtor entered into an agreement where the debtor pledged his person and work in lieu of unsatisfied debt.

- "There still exists in different parts of the country
- under which the debtor or his descendants or dependents have to work for the creditor without reasonable wages or with no wages in order to extinguish the debt.
- At times, several generations work under bondage for the repayment of a paltry sum which had been taken by some remote ancestor.
- The interest rates are exorbitant and such bondage cannot be realized as a result of any legitimate contract or agreement.
- The system implies the infringement of the basic human rights and destruction of the dignity of human labour."

- We have to understand the terms ‘bonded labour system’ and ‘bonded labour’. The ‘bonded labour system’ refers to
- “the relationship between a creditor and a debtor who obtains loan owing to economic compulsions confronting his day-to-day life, and agrees to abide by the terms dictated by the creditor”
- The important term of agreement is that the debtor agrees to mortgage his services or services of any or all the members of his family for a specified or unspecified period.
- The debtor either works without receiving any remuneration or if at all there is any remuneration, it is much less than the minimum wage (notified under the Minimum Wages Act) or the prevailing rate of market wage.

- The agreement has other consequences too, such as, forfeiting the debtor the freedom of employment, denial of freedom of movement in any part of the country, and denial of the right to sell at market value any of his property or product of his labour
- The term ‘bonded labour’ has been defined by the National Commission on Labour as “labour which remains in bondage for a specific period for the debt incurred”. The Commissioner for Scheduled Castes and Scheduled Tribes explained the term bonded labour in its 24th report as “persons who are forced to work for the creditors for the loan incurred either without wage or on nominal wage”.

- The 1976 Bonded Labour (Abolition) Act defines ‘bonded labour system’ as “the system of forced labour under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by succession”.

◦ The ‘bonded labour’ is different from ‘contract labour’ employed in industries, mines, plantations and docks, etc. Contract labour includes workers who are not directly recruited by the establishment, whose names do not appear on the pay-roll and who are not paid wages directly by the employer. In theory, contract labourers in India are covered by the Factory Act, 1948, the Mines Act, 1952, the Plantations Labour Act, 1951 and the Dock Workers Act, 1948 so as to give them benefits as are admissible to labour directly employed.

- Apart from various constitutional provisions, there is a specific legislation to prohibit bonded labour i.e. The Bonded Labour System (Abolition) Act, 1976 .
- Bonded labour system as defined under The Bonded Labour System (Abolition) Act, 1976: "bonded labour means any labour or service rendered under the bonded labour system"

The Bonded Labour System (Abolition) Act 1976

- Under Section 4 of the act, the primary relief that was awarded to the bonded labourers with the commencement of the act was that the bonded labour stood discharged from any sort of obligation to provide bonded labour.
- Under Section 5 of the act, any custom/agreement whereby bonded labour existed was rendered void and inoperative.
- Prohibition was casted on institution of any suit before any civil court vis-à-vis recovery of bonded debt.
- "Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied."

- Under Section 7 of the act, any property which is under mortgage vis-à-vis bonded debt shall stand freed on commencement of the act.
- Any person detained in civil prison in pursuance of the bonded debt shall be freed as per the provisions of the act.
- Under Section 8 of the act, a bonded labour who has been freed shall not be evicted from homestead