

Bonded Labour System (Abolition) Act, 1976

Bonded labour is one of the most **cruel and dehumanizing forms of exploitation** that has existed in India for centuries. It is a system where a person is forced to work for an employer — often a landlord or moneylender — to repay a debt, sometimes inherited from their parents or grandparents. The worker receives little or no wages, cannot leave, and lives in conditions of virtual **slavery**.

This system thrived on **poverty, illiteracy, caste discrimination, and social powerlessness** — mainly trapping Dalits, Adivasis, and other marginalized communities in endless cycles of debt and servitude.

What is Bonded Labour?

Simple Definition

Bonded labour is a situation where a person pledges their **labour or services** as security against a loan or advance, and is forced to work under unfair, exploitative conditions with no freedom to leave.

Who Were Mainly Affected?

- Scheduled Castes (Dalits)
 - Scheduled Tribes (Adivasis)
 - Landless agricultural labourers
 - Stone quarry and brick kiln workers
 - Domestic workers, especially children
 - Women in rural areas
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Historical Background

Why Did Bonded Labour Exist?

Bonded labour in India has deep roots in the **feudal agrarian system** — the *jajmani* system, *vetti* (forced labour), and *hali* system of Gujarat were all forms of bonded servitude. Caste hierarchy ensured that lower caste people had no alternative but to accept exploitative terms.

After Independence, the **Constitution of India** explicitly prohibited forced labour:

- **Article 23** — Prohibits traffic in human beings, *begar* (forced labour without wages), and other similar forms of forced labour
- **Article 24** — Prohibits employment of children below 14 years in hazardous work
- **Article 39** — Directs the State to ensure that workers are not forced by economic necessity into conditions unfit for human dignity (DPSP)

However, despite constitutional guarantees, bonded labour continued to exist widely. A national law with enforcement mechanisms was needed — and thus the **Bonded Labour System (Abolition) Act, 1976** was enacted.

The Bonded Labour System (Abolition) Act, 1976

When and How Was It Passed?

- Enacted on **25 October 1976** during the Emergency period
 - It was passed as an **Ordinance** first and later converted into an Act
 - Came into force with **immediate effect** from the date of enactment
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Key Definitions Under the Act

1. Bonded Labour System

Any system under which a debtor or his/her descendant is required to:

- render service to the creditor
- for little or no wages
- without freedom to leave or seek alternative employment
- in consideration of an advance or debt

2. Bonded Labourer

A person who performs bonded labour — whether voluntarily or not — as a result of any custom, tradition, contract, agreement, or other instrument.

3. Bonded Debt

Any advance — in cash or kind — received or presumed to have been received by a bonded labourer.

Main Provisions of the Act

(Section 4) Abolition of Bonded Labour System

From the day this Act started, bonded labour is abolished and every bonded labourer is automatically freed

After this Act, no person can:

- a. Give any advance/loan under the bonded labour system
- b. Force anyone to do bonded labour or any forced labour.

Agreement, Custom, etc., to be Void (*Section 5*)

Any deal, custom, or tradition that forces a person (or their family member) to work as a bonded labourer is completely null and void — it has no legal value.

Freed Bonded Labourers Are Not Liable to Repay Debt (*Section 6*)

All bonded debts are permanently cancelled from the day this Act commenced, and no court can entertain any case to recover them. All seized property must be returned, pending cases dismissed, and bonded labourers imprisoned for debt released immediately.

Property of Freed Bonded Labourer Cannot Be Seized (*Section 7*)

All property of a bonded labourer that was mortgaged or held as security for a bonded debt is automatically freed from that mortgage or charge, and must be returned to the labourer immediately. If there is any delay in returning the property, the labourer is entitled to claim compensation (mesne profits) from the person who was holding it.

(*Section 8*) Freed bonded labourer not to be evicted from homestead, etc

A freed bonded labourer cannot be evicted from the home he was living in as part of his bonded labour arrangement, and if evicted, the Executive Magistrate shall restore his possession as soon as possible.

Employer Cannot Accept Bonded Labour (*Section 9*)

Since all bonded debts are cancelled by this Act, the creditor cannot accept any repayment of that cancelled debt — even if the bonded labourer offers to pay.

Punishment if creditor still accepts payment:

Jail up to 3 years + Fine

The court can also order the creditor to deposit that money back in court so it is refunded to the labourer

Section 10: The State Government gives powers to the District Magistrate to implement this Act, and the DM can further assign these powers and duties to his subordinate officers within specified local limits.

Section 11: The District Magistrate and his officers must actively work to protect the economic interests of freed bonded labourers so that they never fall into bonded debt again.

Section 12: Every District Magistrate and his officers must regularly inquire if any bonded or forced labour is still being practiced in their area, and if found, must take immediate action to stop it.

6. Vigilance Committees (*Section 13*)

Every **District Magistrate** is required to constitute a **Vigilance Committee** in each district and sub-division. The committee must include:

- Members of local authority
- Social workers and representatives of scheduled castes and tribes
- Government officials

Functions of Vigilance Committees **Section 14**

- Identify and free bonded labourers
 - Ensure proper implementation of the Act
 - Provide rehabilitation to freed labourers
 - Advise the District Magistrate on matters related to bonded labour
 - Monitor that freed labourers are not re-bonded
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Section 16 – Anyone who **forces a person to do bonded labour** after this Act shall be punished with **jail up to 3 years + fine up to ₹2000**.

Section 17 – Anyone who **gives a bonded debt** (advance) after this Act shall be punished with **jail up to 3 years + fine up to ₹2000**.

Section 18 – Anyone who **enforces any custom, contract, or agreement** that makes a person work as a bonded labourer shall get **jail up to 3 years + fine up to ₹2000**, and out of the fine recovered, the bonded labourer will be paid **₹5 per day** for each day he was forced to work.

Section 19 – Anyone who **fails to return property** to a freed bonded labourer within 30 days shall be punished with **jail up to 1 year + fine up to ₹1000**, and out of the fine recovered, the labourer will be paid **₹5 per day** for each day the property was withheld.

Role of Social Workers

Social workers play a vital role in the implementation of this Act:

- **Identification** — conducting surveys in villages, quarries, and farms to identify bonded labourers
- **Awareness** — educating workers about their rights under the law
- **Advocacy** — filing Public Interest Litigations (PILs) and complaints
- **Rehabilitation support** — helping freed labourers access government schemes
- **Community organizing** — building collective power among marginalised communities
- **Documentation** — recording cases of bonded labour for legal and policy purposes

Organizations like **Bandhua Mukti Morcha** (founded by Swami Agnivesh) have worked tirelessly to free bonded labourers and advocate for stronger enforcement.

Conclusion

The Bonded Labour System (Abolition) Act, 1976 was a **landmark step** in India's journey toward social justice and human dignity. It gave legal teeth to the constitutional promise of Article 23 — that no human being shall be subjected to forced labour.

However, a law alone cannot abolish a system rooted in **poverty, caste, and power imbalance**. True abolition requires:

- Strong enforcement by district administrations
- Meaningful rehabilitation of freed labourers
- Economic empowerment of vulnerable communities
- Active civil society participation
- Sustained political will

As long as poverty and inequality exist, the threat of bonded labour will remain. The fight against it is not just a legal struggle — it is a **struggle for the soul of social justice in India**.

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