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Bonded Labour System in India

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This Article covers about the Bonded Labour system in India. Bonded labour or bondage labour is the bond between the creditor and the debtor wherein the debtor fails to pay off his debts and is bound to work for the creditor for a certain time period until he repays his debts. It is generally the relationship between the employer and employee is often characterized by unsettled and exploitative payment agreements which are beneficial to the employer. This article focuses on the sectors where bonded labour is prevalent. The sectors include Agriculture, Stone quarries, among the tribal sector. Finally, it covers about Bonded Child Labour and Modern Slavery in India.

Keywords: *bonded labour, creditor, debtor, child labour, modern slavery, tribal sector.*

INTRODUCTION

This paper's main goal is to outline the current nature and pattern of bonded labour occurrence in India. Forced labour and human trafficking are prohibited by Article 23 of the 1949 Indian Constitution. The legislation defining and outlawing bonded labour, however, was only enacted by Parliament in 1976. In 1978, the first comprehensive study was conducted to evaluate the type and scope of bonded labour. In order to define the phrase "bound labour," the Supreme Court of India has issued a number of rulings in the intervening years. Additionally, it has appointed Commissioners to the Court and issued several directions to the Central and State

governments, directing them to report instances of bonded and forced labour and to zealously carry out their enforcement.

CONCEPTUAL AND DEFINITIONAL ISSUES RELATING TO BONDED LABOUR

Forced labour, slavery, servitude, and debt bondage are all defined and outlawed by the UN Conventions and ILO Conventions on Forced Labour. The League Nations adopted the slavery convention in 1926, which was followed by the first ILO Forced Labour Convention, 1930. Article 2(1) of the Convention defines Forced labour as "any work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily". Debt bondage is one type of "forced labour," and is therefore encompassed under the concept of "forced labour". According to the ILO's Committee of Experts on the Application of Conventions and Recommendations, despite the fact that Convention 29 on Forced Labor does not directly mention it. The ILO's Worst Forms of Child Labor Convention, 1999 (No. 182) expressly covers child serfdom, debt bondage, and forced labour.

A special type of forced labour known as debt bondage derives its element of compulsion from debt. Debt bondage is described as "the status or condition arising from a debtor's pledge of his personal services or those of a person under his control as security for a debt if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively. Compulsion, whether legal or illegal, defines forced labour, slave labour, and servitude.

Bonded labour is characterised by an employer-employee creditor-debtor relationship that extends to other family members, is of unlimited duration, and includes unfavourable contractual terms that are not permitted by law or even by the current state of the market. Bonded labour arrangements are frequently strengthened by tradition or coercion. Because of this, even though employees may willingly join bonded labour arrangements out of necessity, they are not entirely economic contracts. Once employees join these relationships, they are marked by a number of asymmetries and substantial departure costs that weren't stipulated in the contract as the employee initially understood it.

The Indian Constitution guarantees all citizens certain fundamental rights, which are all violated by forced labour. Article 23(1) in Part iii of the Indian Constitution states that "Traffic in Human Beings and Beggar and Other Forms of Forced Labor Are Prohibited and punished by law." The definition of bound labor is provided in Section 2 of The Bonded Labor System Abolition Act, 1976, and excerpts from that section are published in full as Annex 1 to this report. According to the Act, "bonded labour" refers to any work performed under the "bonded labor system." Under this form of forced or partially forced labor, the debtor and creditor enter into an oral or written contract.

The Supreme Court in the *Asiad Workers* case¹ has addressed the scope of "bound labor," which is forbidden by the 1976 Act. Since "the Article strikes at forced labor in whatever form it may manifest itself, because it is a violation of human dignity and is contrary to basic human values," the courts have made it clear that the 1976 Act is derived from Article 23(1) of the Constitution, whose scope is much wider than Article 4 of the UDHR.

According to the Act and later Supreme Court rulings, one of the key results of the bonded labor relationship is the payment of the laborer at wages that are lower than the going rate in the market or the legally required minimum wage. The payment of wages below the legal minimum is both a cause and an effect of a substantial incidence of credit bondage, even if this clause is contentious in certain industries where market wages are typically lower than the legal minimum (such as in agriculture in various regions).

The most important thing to keep in mind in this situation is that (a) merely having a creditor-debtor relationship between an employee and an employer does not indicate a bonded labor relationship; rather, the latter must also result in other involuntary restraints on the employee; and (b) in the context of India, a creditor-debtor relationship is not even a necessary condition of bondage because the Indian legal definition of bondage incorporates various categories of forced labor, while still treating the creditor-debtor relationship as an important part of bondage.

¹ *People's Union for Democratic Rights & Ors v Union of India & Ors* AIR (1982) SC 1473

INCIDENCE AND NATURE OF BONDED LABOR IN INDIA

In India, bonded labor was prohibited by an ordinance passed in 1975 and later by law in 1976. The Gandhi Peace Foundation and the National Labor Institute conducted the first comprehensive study of bound labor between May and December 1978, and they estimated that there were 2.62 million bonded laborers nationwide. The above estimate was based on a survey of 1000 villages in 10 states. According to the survey, scheduled castes (SC) made up 61.5% of the bonded laborers and scheduled tribes (ST) made up 25.1%. (ST). 89% of the employers were in the agricultural industry. Intergenerational bondage, child bondage, loyalty bondage, bondage through land allotment, and widow bondage were the categories used in the survey to classify bondage. The National Commission on Rural Labor (NCRL) believed that the major type of bondage in India was still the enslavement of agricultural labourers. The Commission found that States and districts with a high proportion of rural workers, inadequate irrigation and agricultural production, and subpar infrastructure had higher rates of agricultural labour bondage. However, there were also bonded workers in the plantation industry. For instance, Assam and Tripura's plantations utilised bonded workers from Orissa and Bihar.

Although it is acknowledged that they have not been sufficiently surveyed, the NCRL identified the following non-agricultural industries as having a high incidence of bonded labour: stone quarries; migrant labour; brick kilns; the system of joginis and devdasis; fishermen; forest labour; bidi workers; carpet weavers; pottery; weavers; head loaders; child labour in match and fireworks; and carpet weaving.

The NCRL discovered a high prevalence of migrant bonded labour, including Bihari labour in the plantations of Assam, the fields of Punjab, Haryana, and Uttar Pradesh, as well as in Gujarat's seaports and brick kilns, sugarcane fields, and stone and slate mines. The Commission brought up female bondage as a result of social and economic circumstances and identified the devdasis of Karnataka and the joginis of Andhra Pradesh.

The Commission took note of the intriguing and important issue of bonded migrant labour being imported and exported from the same location. While workers from other states are held in servitude in the quarries of Andhra Pradesh, workers from that state move to work in quarries

and kilns in Haryana, Punjab, and Madhya Pradesh. Similar to this, there was a two-way flow of migrant slave labour from Singhbhum and Chattisgarh as well as in and out of the sugarcane estates of Maharashtra and Gujarat.

The Supreme Court in the case “Public Union For Civil Liberties vs State of Tamil Nadu and Ors²”, appointed a two-person commission on March 6, 1995, made up of Mr. Siraj Saith and Mr. Felix Sugirtharaj, to examine the Government of Tamil Nadu's affidavit in Writ Petition No. 3922 of 1985, which claimed that there were only isolated instances of forced labour in the State of Tamil Nadu. On October 31, 1995, the Commission delivered its report to the Court (Sugirtharaj and Sait, 1995, referred to as the Tamil Nadu Commissioners' Report 1995). The Commissioners came to the conclusion that there were over one million bonded workers in Tamil Nadu, distributed throughout 23 districts and 20 occupations, and that 10% of these workers were child-bonded labourers (with a greater rate among girls). Bonded labourers from Scheduled Castes (SC), Scheduled Tribes (ST), and Most Backward Castes (MBC) made up 76% of the total. In the quarry industry, there was a higher concentration of low-caste people. The factor of bondage was discovered to be debt in almost every instance.

The Supreme Court ordered all state governments to gather data on the prevalence of bonded labour, identify bonded labourers, and rehabilitate them in May 1994 during a hearing on a Writ Petition filed by the People's Union for Civil Liberties (PUCL) in April 1985 regarding the hiring of bonded labour in Tamil Nadu and Madhya Pradesh. The State governments subsequently conducted surveys to learn more about the reality of bonded labour. The numbers acquired and published by the State governments, however, turned out to be severely understated in the majority of situations.

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² *Public Union For Civil Liberties vs State of Tamil Nadu & Ors* AIR (1997) SC 568

published by the State governments, however, turned out to be severely understated in the majority of situations.

S. No	State	Identified in the 1996 Surveys	Identified and Released till March 31, 2004	Rehabilitated
1	Andhra Pradesh	0	37,988	31,534
2	Bihar	106	13,370	12,552
3	Karnataka	19	63,373	57,121
4	Madhya Pradesh	18	12,822	11,897
5	Orissa	0	50,010	46,882
6	Rajasthan	0	7,488	6,331
7	Tamil Nadu	25,008	65,573	65,573
8	Maharashtra	2	1,398	1,319
9	Uttar Pradesh	237	28,195	28,195
10	Kerala	0	823	710
11	Haryana	0	551	49
12	Gujarat	0	64	64
13	Arunachal Pradesh	3626	3526	2992
14	Chhatisgarh	0	124	124
15	Punjab	0	69	69
16	Uttaranchal	0	5	5
17	Total	29,016	285,379	265,417

The Group felt that the process of identifying, releasing, and rehabilitating bonded labourers had gained momentum as a result of the NHRC's activities through its Special Rapporteur system. For instance, 1,069 cases of bonded labour had been identified in Karnataka as of 2001, and a further 1,212 cases were under investigation. Since the survey of 1996–1997, 10,850 cases had been found in Tamil Nadu. 3,122 instances of bonded labour in Andhra Pradesh had been reported, largely in 2001.

Despite the difficulty in finding systematic, unofficial assessments of bonded labour, there are a number of surveys conducted in various regions and industries that provide insight into the persistence of the issue. Additionally, nonprofit organisations that have taken on issues involving bonded labourers and have been in charge of the identification and release procedure have gathered a wealth of material. Although the results of these surveys and statistics are frequently rejected by State governments or other official investigating authorities, we make reference to them in the analysis that follows.

INCIDENCES OF BONDED LABOUR BY SECTORS

Bonded Labour in Rice Mills and Brick Kilns

Here's an instance of bonded labour that was reported in the state of Tamil Nadu³. In the Tiruvallur District of Tamil Nadu, cases of bonded labour are commonly reported in rice mills and brick kilns. The district has more than 500 rice mills, and according to NGOs, there are more than 1000 bonded families there, some of whom have been employed by the same company for two or three generations.

The majority of rice mill owners have close political ties to a few of the area's ruling castes. People who work in rice mills frequently come from the Irular group, a scheduled tribe whose traditional occupation was catching rats and snakes. When they still lived in the forests, they had a system of light interdependence with the nearby settlements, trading honey, wax, firewood, etc. for goods produced by those villages. The Irulas' traditional way of life was made illegal with the Forest Protection Bill of 1976, and the majority of them were forced to pursue new lines of work. Whole families work together to help their parents reach quotas while living in appalling conditions in the rice mills' factories.

Their mobility is severely constrained until the employees are frequently intimidated and mentally damaged. The workers' ignorance of the situation is possibly much more startling than the conditions. The fact that workers have little freedom and get a pitiful living – often simply a subsistence allowance for food paid in kind – is something they are unaware of. Some even express gratitude to their employer because he makes sure they can survive each day. Therefore, persuading children to view debt as a financial payment rather than a responsibility is one of the key obstacles. It is possible to view the plight of the brick kiln employees in Tiruvallur as a less severe type of bondage. Up until the arrival of the rains, brick kiln labour is seasonal and lasts six to seven months.⁴

A broker who offers a wage advance typically recruits workers from less wealthy

³ C Churchill & I Guerin, 'Microfinance-led strategies to eliminate bonded labour' (*ILO Working Paper*, 2004) <www.ilo.org/public/english/employment/finance/download/churchguer.pdf> accessed 01 January 2023

⁴ K Upadhyaya, 'Bonded Labour in South Asia: India, Nepal and Pakistan' in *The political economy of new slavery* (Palgrave Macmillan, London 2004) 118-136

neighbourhoods (which was advanced to him by the kiln owner). Despite the unpleasant working environment, earnings are only slightly above the poverty line. Although there is some freedom of movement and little physical violence often used to regulate employees, the advance imposes a moral duty to spend the entire season at a certain kiln. Workers often have few other economic opportunities during the slow season because they frequently hail from arid regions. As a result, their main method of raising money is to guarantee their labour for the upcoming season, starting a never-ending loop of obligations.

Under these circumstances, the ILO is collaborating with IRCDS and MSSS to pursue the creation of bonded labour free zones in particular district blocks. The free-zone strategy incorporates a triangular intervention that includes: a) microfinance-driven services for vulnerable employees; b) initiatives to induce employers to voluntarily improve working conditions and eradicate bondage; and c) legal enforcement for the worst types of bonded labour (or for intransigent employers).

Bonded Labour among Tribals

This is a study conducted in Kalrayan hills of Tamil Nadu where the inhabitants of that hill are tribals. In Tamil Nadu's Kalrayan Hills, this study was done. Malayali Tribe members live on Kalrayan Hill. They were Karalar Warriors who had travelled from Kancheepuram. They are believed to have moved onto the hill and subsequently defeated the local Vedars. Another account claims that they arrived from Gingee and made their home on the hill during the Muslim invasion of the Carnatic. 19 The hillmen are classified as a Malayali tribe in census statistics dating back to 1981. Over many centuries, three Jagirdars ruled over the Malayali tribes. Three Jagirdars are claimed to have received rights from King Krishna Devaraya of the Vijayanagar Kingdom (1378 AD) as payment for their assistance in a military operation.⁵

They had paid taxes for more than a century and had benefited from these lands even during the British administration. The management of the hill under the rule of the Jagirdars was a classic case of tribal people being taken advantage of. The hill tribes worked the land by paying

⁵ O Mendelsohn, 'Life and struggles in the stone quarries of India: A case-study' (1991) 29(1) Journal of Commonwealth & Comparative Politics 44-71

the Jagir's taxes and providing them with "bound labourers" for a number of generations. Their predicament was that they were denied access to even the most basic necessities, such as schools, hospitals, communication, roads, etc. In addition, they were required to sell their goods solely to Jagirdars or to the contractors they hired. After a protracted period of quiet, the Government of Tamil Nadu was pushed by these inhumane Jagirdar tactics to assume control of the hill from them.

Bonded Labour in Agriculture, from Pannaiyal to Casual and Contractual Workers

The Tamil Nadu region of Coimbatore has a long history of bonded labour. Early records include those made by Francis Buchanan, who visited the region in 1801 and observed that labourers were provided with housing and an advance of money and grain at the start of the year. The landowner would prevent workers from leaving if they were unable to pay back the advance before the end of the year. This shows that labour employment with a system of advancements was not created during the British era, but rather had its origins in the region prior to the introduction of colonial power, Cederlo F, says.

He points out that while the system of advancements was likely "oppressive" in the late nineteenth century, the power dynamics between labour and capital were significantly different in the eighteenth century. The level of advancement was exceedingly high, and employers had very little control over their workforce.

According to Washbrook, the latter few decades of the eighteenth century were the "Golden Age" for labouring groups, whereas the beginning of "agricultural labor's protracted march towards "modern" impoverishment" occurred in the nineteenth century. According to Cox's Gazetteer from 1933, 28% of the rural labour force was permanently engaged as "farm employees," as noted by Baker in his study of pannaiyaal (permanent farm servants) in Tamil Nadu from the late eighteenth century to the 1930s.

There is evidence that the pannaiyaal system prospered in the Coimbatore region of Tamil Nadu, where our case-study villages are located, much later than in other locations. The rise of commercial crops and industrial processing of cotton from 1900 to 1930 "probably led to the increased numbers of permanently hired labourers on the farms," claims Cederlof, drawing on

her research of the Palladam³ area of the Coimbatore district (1997, p. 113). The region's primary Dalit group, the Matharis, joined the growing pannaiyaal in agricultural labour as the demand for more permanent farmhands was exacerbated by the growth of irrigated crops and the number of wells. In contrast, over the same time period, the number of permanent farm employees started to decrease in other regions of Tamil Nadu.

For instance, according to Basu, bonded labour among the Paraiyar Dalit caste in the Chingleput area decreased as landowner migration to the metropolis increased in the first half of the 20th century. Additionally, the expansion of labour markets outside of the villages and the intensification of agriculture caused a restructuring of labour (including greater reliance on casual labour and tenants), emigration, and a loosening of ties within communities. It's interesting to note that this resulted in higher wage rates and shorter working hours for individuals who were left behind.

Such changes did not occur in the dry region around Tiruppur until the 1940s and 1950s, and even more so starting in the 1970s, when new urban and industrial options started to make the permanent farm servant a less desirable option for both landowners and agricultural labourers. A first wave of change began to take place in the Tiruppur region in the late 1940s when two events caused the pannaiyaal population to drop precipitously. First, there was a drought that lasted from 1947 to 1953, and at the same time, the area was being electrified.

As a result, the majority of agricultural labour is now structured through the direct hiring of daily labourers for a set daily wage (known as "coolies" or "contracts") (task-based agreements). In India today, there are a wide variety of contractual arrangements to be found; in fact, there may be several different contractual arrangements in any given village. Additionally, within each contractual arrangement, there may be a wide variety of terms and conditions that are influenced by gender, caste, and age (see Carswell, 2012; Rogaly, 1996). In Mannapalayam, some tasks (like harvesting and processing tobacco) are typically performed under contract, and in some circumstances (like processing tobacco), payment is made on a piece-rate basis. But, crucially for the purposes of this essay, there is little proof that labourers are still hired on a pannaiyaal basis today.

Bonded Labour in Stone Quarries, Crushers, and Mines

The National Commission on Rural Labor's Study Group on Bonded Labor found that a number of States, including Haryana, Uttar Pradesh, Madhya Pradesh, Rajasthan, Karnataka, and Tamil Nadu, have a high incidence of bonded labour in sandstone, marble, and slate mines, stone quarries, and crushers (Ministry of Labour 1991b).

The Bandhua Mukti Morcha filed a complaint with the NHRC in 1999 alleging that 20 people – men, women, and children – were being held as bonded labourers in a stone quarry in Gurgaon, Haryana. The district administration acknowledged that they had not received minimum wages, but it refused to acknowledge that they had been forced into bonded labour. The workers were sent to Rajasthan after receiving some wage arrears. 29 people, including 10 children, were living in the open close to Jaipur city in Rajasthan, according to the Commission's own investigation. They were members of the nomadic Banjara tribe and had travelled to Haryana in 1994 to sell their goods.

While they were there, a stone quarry's contractor made them an intriguing offer of employment. After a year, they were refused pay, but arrangements were made with a local business to provide them with daily meals on credit in their place. They were kept confined to their homes when they protested and sought pay. They somehow got in touch with the NGO in 1999. The Haryana government only issued release certificates to the bonded labourers after the NHRC investigated the situation.

BONDED CHILD LABOUR AND MODERN SLAVERY IN INDIA

DEFINITION OF CHILD LABOUR: Child labour, according to the International Labor Organization (ILO), is work that is detrimental to a child's physical and mental development, and robs them of their youth, potential, and dignity. It refers to work that interferes with their capacity to attend regular school or work that in any way impacts their ability to have a healthy childhood. It also refers to labour that is psychologically, physically, emotionally, socially, or ethically harmful. All jobs performed by children should be considered child labour and should be stopped.

DEFINITION OF MODERN SLAVERY: The use of force, coercion, exploitation of weakness,

deception, or other methods to recruit, move, harbour, or receive men, women, or children for the purpose of exploitation is modern slavery. It entails keeping someone in a position of servitude, slavery, or forced work, as well as aiding their movement with the goal of exploiting them shortly after. It includes forced domestic servitude, forced marriage, forced labour, forced crime, and sex trafficking.

PATTERNS OF WORK

Agricultural Work: India is primarily a rural nation: The majority of working children –70% – live in rural areas. They help with home-based cottage industries, crop watering, harvesting, weeding, and sowing. Cotton farming and tea plantations are significant industries in various regions of the nation. Although they encounter workplace hazards, children who labour in agriculture-related activities typically live with their families and may not be subjected to abuse or harsh treatment. However, they frequently lack access to education and quality medical care.

Construction Work: Many kids are employed at brick-making facilities, stone quarries, and construction sites for homes, structures, and highways. The majority of the task entails hauling and lifting hefty goods. Together with their families, children participate in these endeavours. They frequently move to the site's location.

Roadside Eateries and, Vehicle Repairs: Rapid urbanisation and population growth have increased the demand for auxiliary services. Infrastructure development, vehicle transportation, food trucks, and domestic help are a few of these. Children are used as assistance in a number of jobs. There are eating establishments where kids work as helpers in the kitchen, serving, and cleaning throughout the majority of urban areas as well as along roads and highways. Cars, three-wheelers, and bicycles are just a few of the mechanical means of transportation available in India. Many are really ancient and require regular maintenance to keep them operating. This type of automobile repair is a significant sector that frequently uses children as helpers.

Rag Picking and Organized Begging: These kids work as couriers, roadside vendors, and rag collectors while they survive on the streets. It is known that organized gangs traffic in children or abduct them, forcing them to beg. Due to their lack of a home, these kids are abused in all ways. These kids are prone to alcohol and tobacco addiction, and marijuana, opium, and

injectable drug addiction are on the rise. Drug use among them begins between the ages of 9 and 13. These kids have also reportedly engaged in sexual favours for cash to purchase drugs.

Child Sex Workers: According to reports, more than 40% of sex workers in India are minors. The most horrific type of sexual labour is done in brothels, but it can also be done under the pretence of massage parlours, tourist attractions, fictitious marriages, etc. Children are frequently sexually exploited in crowded areas, such as bus and train terminals. From poor families in rural areas, many are trafficked or persuaded to engage in sex work with the promise of employment.

LEGAL PROTECTIVE MEASURES FOR BONDED CHILD LABOUR

In 2017, India ratified all significant international conventions pertaining to child labour, including ILO Conventions 138 and 182 (against the worst forms of child labour), and it amended the Child Labor Act to make it illegal for any child under the age of 18 to work in dangerous occupations or processes. There are many laws and rules that specify the minimum age for employment and for dangerous jobs. Laws forbid child trafficking, forced labour, and commercial sexual exploitation of children. In addition to outlining essential areas such as survival, health and nutrition, education and development, protection, and participation, the recently released National Plan of Action for Children also addresses a number of issues related to child labour and child trafficking.

A few significant laws are the Criminal Law (Amendment) Act of 2013, Bonded Labor System (Abolition) Act of 1976,⁶ and the Child and Adolescent Labor (Prohibition and Regulation) Act of 1986,⁷ which forbids the employment of children under the age of 14 in any capacity. In order to strike a "balance" between a child's need for education and the socioeconomic realities and social fabric of the nation, the government recently amended the child labour laws to permit children younger than 14 to work in family businesses and the entertainment industry (with the exception of circuses). Teenagers (aged 14 to 18) are not permitted to work in any dangerous industries.

⁶ Bonded Labor System (Abolition) Act 1976

⁷ Child and Adolescent Labor (Prohibition and Regulation) Act 1986

Section 79 of The Juvenile Justice (Care and Protection of Children) Act, 2015⁸, is another crucial regulation that makes it illegal and punishable by jail time for anybody to keep a child in bondage for employment. According to Section 11 of the Right to Free and Compulsory Education Act of 2009⁹, the appropriate Government should provide preschool education for every kid between the ages of 6 and 14.

Law and regulatory implementation: The Government has established a number of institutional systems for enforcing various child labour laws and regulations. Local police, child welfare committees, and State and local administrative authorities are in charge of putting them into action. In putting numerous laws, policies, and initiatives into effect, the National Human Rights Commission and the National Commission for the Protection of Child Rights both play well-defined responsibilities. These steps haven't been enough to stop child labour. Laws are broken, and those who hire and exploit minors are rarely held accountable. The families do not immediately see any advantages to sending their children to school, while some financial assistance is provided through employment.

CONSTITUTIONAL SAFEGUARDS AGAINST BONDED LABOUR

According to the Indian Constitution, labour must be treated with dignity as human beings, moral beings, and a citizen. As a result, it solemnly represents a character of rights for the average person, especially the Indian labourers who have long suffered from social and financial injustice. It mandated that the nation develop a new framework for a social-economic relationship with labour. The constitution's founders were cognizant of the fact that no community can flourish if a small number of its members are subjected to forced labour. Due to this, they have devoted a great deal of time and effort to guarantee workers' rights against exploitation and the right to all other freedoms necessary for a respectable lifestyle.

Relevance of the Constitution's Third Article

The benchmark for Indian labour regulations is Part III of the Indian Constitution. The fundamental rights of every citizen are outlined in Part III¹⁰ (Articles 12 to 35) of the

⁸ Juvenile Justice (Care and Protection of Children) Act 2015, s 79

⁹ Right to Free and Compulsory Education Act 2009, s 11

¹⁰ Constitution of India 1950, part III

Constitution. These rights include equality before the law, freedom of speech and expression, the right to one's place of birth, and the ban on child labour factories. Below is a selection of a few key articles on forced labour:

Article 14¹¹: According to labour legislation, Article 14's definition of equality before the law is "Equal compensation for equal effort." The legislation is not absolute, however, and is subject to limitations like physical ability and the requirement that both skilled and unskilled labourers be paid meritoriously.

Article 19(1)(C)¹² : Citizens have the freedom to create groups or unions under this article. This Article serves as a conduit for the Trade Union Act, 1926. It enables the formation of labour unions. Trade unions give people the ability to fight back against injustice and savagery committed against workers.

In the cases of *Damyanti Naranga v The Union of India*¹¹ and *O. K. Ghosh and Others v E. X. Joseph*, the Apex Court ruled that Article 19(1)(c) is not merely limited to the creation of unions or associations, but that the right can only be effective if it is determined to consist within. It also includes the right to carry on with the association in the form that the Union's founding members willingly chose.

Article 21: The Article 21 right to life has broad and unfettered application. There is more to life than just being an animal. More than only bodily survival is meant by it. ¹² The Supreme Court declared in Maneka Gandhi's case¹³ that the right to "life" encompasses the right to live with human dignity and gave Article 21 a new meaning by holding that it is not just limited to physical existence. In *State of Maharashtra v Chandrabhan*, the Court invalidated and ruled that a provision of the Bombay Civil Service Rules, 1959, which called for the payment of a suspended government employee only a meagre subsistence allowance of one rupee per month following his conviction during the suspension period, violated Article 21 of the Constitution.

Article 23: Since "bound labour" falls under the definition of "forced labour" in Article 23, it is prohibited. Article 23 has a broad scope and prohibits "beggar and other forms of forced labour"

¹¹ Constitution of India 1950, art 14

¹² Constitution of India 1950, art 19(1)(c)

as well as "trade in human people" wherever it occurs. Every type of forced labour, including "beggar," is forbidden and falls within Article 23's prohibitions, regardless of whether the individual being compelled to do the service is paid or not. 15 The Bonded Labour (Abolition) Act of 1976, which outlaws all forms of bonded labour and declares the practise illegal, makes bonded labour an offence punishable by law today.

CONCLUSION

In India, there has been a never-ending fight to abolish the bonded labour system. There are a number of issues that need to be addressed and resolved. The dominating caste system in India and the country's great poverty are, nevertheless, the two main causes of the bonded labour system as it exists today. Even though the Act and Article 23 of the Indian Constitution declare the system to be unlawful, it is nonetheless widely used today due to a number of implementation-related problems. Although the NHRC continuously urges the state governments to carry out surveys and offer rehabilitation to the bonded labourers, the outcomes are still appallingly bad for the reasons outlined above. Despite having statutory recognition, a law will be considered insufficient if it does not enforce its existence even at the lowest levels of society. As a result, both preventative and reformative methodologies must be used. It is imperative to strongly criticise and eradicate the bonded labour system from society's base. The proper use of already-existing laws and regulations might do wonders and truly free Indian society from these kinds of oppressive structures that impede social prosperity.