Chapter 9

Conclusion and Suggestions
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An in-depth study of the pernicious system of bonded labour as undertaken by researcher reveals that the existence and continuance of bonded labour system is a crime and outrage against humanity.

The phenomenon of bonded labour is a vicious circle where each factor is responsible for further subjugation and apathy of the bonded labourers. It is a relic of colonial and feudal system, which is still continuing. This relic is deeply rooted in the social custom and traditions treating it as normal practice. This result in the creation of a hierarchical pattern of society forming unequal classes in terms of superiority and inferiority. The so-called higher classes then commit all sorts of atrocities upon the considered lower classes. The perpetual and unabated exploitation of these labourers affects their psychology and they start considering it as their acceptable destiny. These labourers are illiterate it is why they do not get suitable jobs. The lack of jobs coupled with their social and economic poverty further makes them vulnerable to the system of bonded labour. There is an inequitable distribution of wealth as well as in the form of disproportionate land and assets. This results in surplus labour market than demand and leads to unemployment, underemployment and disguised unemployment. The recourse to loans and debts is then taken to by these labourers to meet their essential expenditures. They are provided low wages while working for the loan giver and are not allowed to work somewhere else. Even if they adopt the method of distress migration they have to face the same vicious circle again.1

Bonded labour system represents a relationship between a creditor and debtor, it is a system of usury (lending of money) under which the debtor or his descendants have to work for the creditor without reasonable wages or with no wages in order to extinguish the debt. As the most important terms of that agreement, the debtor agrees to pledge his service or any member of the family for a specified or unspecified period. At times, several generations work under bondage for the repayment of the money which had been taken by some remote ancestor in the past. Thus the relationship between a creditor and the debtor is a
life long alliance. Such bondage can not be interpreted as the result of any legitimates contract.

In India, bonded labour system is not a new phenomenon. It has a long history of it existence. It can be traced since time immemorial. In ancient time it was practiced in the name of slavery. Now in modern India it is known by different names such as serfdom, debt bondage, contract bondage, bonded labour and forced labour. Slavery practiced in ancient India was the worst form of bondage. The nomenclature changed after the Slavery Abolition Act, 1843. To evade the provisions of the Act, the vested interests gave it another name such as serfdom. debt bondage and bonded labour system. In various region of the country bonded labourers acquired regional names, such as Jeeta, Harwaha, Hariya, Sevak. Baramasya, Janaour, Hali, Halios, Naga, Muliya, Padiyal, Puniyal, Adiamer Chersumar, Auchillia, Kurichious, Mappile, paniyans, Adyas, Wynand, Pulayans. Jassigula, paleres, Gothi, Vethi, Salkari, Chakar, Nit Mazdoor, Sagari, Sepi, Veta. Begar and so on.

After Abolition of Zamindars in 1950, the rent collecting intermediaries became Bhumidhar or Sirdar by showing themselves as self cultivator and the serfs attached to lands were evicted which threw the poor serfs to starve. The landowners employed these poor fellows on very low wages, for which they agreed very easily to save themselves from starvation, wages paid to them was meager, not sufficient even to have roti and chutney once in twenty four hours, therefore they took loans from their master to eat and for marriage of their daughter and sons. Their earning were so low that they could not repay the debt and became bonded for generations.

This pernicious system of bonded labour implies the infringement of the basic human rights and destruction of the dignity of human labour. It is one of the worst forms of abuse of human right. They are treated as chattel under this system they are deprived of their dignity, equality and freedom and are unable to live a life of human being. They become mere a plaything in the hands of few privileged persons, the system of bonded labour is prohibited both at the National and International levels. National as well as International laws have tried its level best
to make bonded labourer human beings by conferring various inalienable human rights.

Under Indian constitution their dignity, equality, freedom have been protected. Under national law the Indian legislatures have legislated to bestow the human rights to the bonded labourers, under International law various conventions, declarations and covenants have tried to stop the abuse of human rights, Article 4 of the Universal Declaration of Human Rights 1948 prohibits the practice of slavery in all its forms and bonded labour. The UN Supplementary Convention on the Abolition of Slavery the Slave Trade and Institutions and Practices Similar to Slavery which most countries have ratified and the International Labour Conventions No. 29 concerning forced or compulsory labour form the key international instruments banning bonded labour. It is a negation of all the values and principles reflected in the ILQ constitution and constitution of India. Philadelphia Acceleration (1944) and Declaration on the Fundamental Principles and Rights at Work (1998). It is anathema to civilized human conscience and can not be tolerated in any manner, in any form and in any part of territory of a country.

Though efforts, at National and International levels through various covenants, conventions, organizations and charters were made to eradicate this social canker.

India is a sovereign democratic republic with a free press, a parliament and an independent judiciary. Our country has clear constitutional and legal provisions relating to elimination of bonded labour system. Founding fathers were well aware of the problem therefore they made various directory and mandatory provisions to rescue the bonded labourers from the curse of bondage. The preamble provides social justice and dignity to every individual of this country and specially to poor and down-trodden which includes bonded labourers.

The constitution of India through various Articles ensures social and economic equality, freedom of movement and distributive justice to the people. The bonded labour system is against the philosophy and spirit of the constitution.

Freedom from exploitation guaranteed under Articles 23, 24 is the most important of all the freedoms, therefore if a person is subjected to slavery, immoral
traffic or forced labour or is paid less than minimum wages and is not provided adequate facilities of work. He is subjected to exploitation and forfeits his freedom.

Furthermore Article 45 emphasize upon free and compulsory education for child up to the age of 14.

Though the rights guaranteed under Part-III of the constitution are valuable to the bonded labourers, the Directive Principles contained in Part- IV is no less important. The Directive Principles seeks to give certain directions to the legislatures, the Central and the State Governments to secure citizens right to adequate means of livelihood, work, equal pay for equal work for men and women, health and strength of workers, opportunities and facilities to develop in healthy manner and in condition of freedom and dignity. Just and human condition of work and free legal aid to poor, since the directive principles are not enforceable in a Court of law, and may not be possible to compel the State through judicial process to make provisions by statutory enactment or executive fiat for ensuring these basic essentials, but where legislations are already enacted by State providing basic requirements to bonded labourers, the State can be obliged to ensure observance of such legislation. But no serious efforts were made by the Government for many years to translate the philosophy of Articles 23, 24, 39 and 45 and so on; into action and thus the constitutional philosophy of total abolition of bonded labour system remained only confined to paper declaration.

In response to the constitutional provision against the practice of agrestic slave or bonded labour system in India various States and Union Territories passed legislations of one or other kind to stamp out this pernicious practice of bonded labour, but none of it displayed any serious enthusiasm towards the effective implementation of such legislations. Thus, these enactments however could not solve the problem. It then required a uniform law to deal with this system.

As a result the Government of India announced a new economic policy like 20 points economic, programme on July, 1975, for the amelioration of the socio-economic conditions of the weaker sections of the society in which it proclaimed: “Bonded Labour wherever it exits, will be declared illegal”. On the basis of this proclamation, the bonded Labour System (Abolition) Ordinance, 1975 was promulgated by the president of India extending its execution to the whole of India.
with a hope to fulfill the constitutional goal, to root out this evil once for all and to ensure freedom to its citizens guaranteed under the constitution. The Act was further amended in November 1985 to bring the ‘contract and inter-state migrant workers’ under the purview of the Act.

The object of the Act is to prevent the economic and physical exploitation of the weaker section of the people. It has given a mandate that bonded labour system shall stand abolished and every bonded labour shall be free from the date of commencement of this Act.

Thus the use of bonded labour in all its permutations whether of children or adults, explicitly violates India’s Bonded Labour System (Abolition) Act 1976 which could be regarded as the most comprehensive, bold and progressive piece of social welfare legislation even enacted by the Indian parliament.

In *Neeraja Chuadhry v. State of M.P* it was also made clear in the Bonded Labour System (Abolition) Act, 1976 that failure of any action on the part of the State Government in implementing the provisions of this legislation would amount to be the clear violation of Article 21 apart from Article 23 of the constitution. The Supreme Court has rightly held that it was the obligation of the State Government to ensure total eradication of the Bonded Labour System. It is submitted that this system is still continue to disfigure the social and economic field in the country. The philosophy of its total abolition remained merely on papers than in practice. Thirty six years after its passage, the goals of the Bonded Labour System (Abolition) Act to punish employers of bonded labour and to identify, realease, and rehabilitate bonded laboures have not been met and efforts to do so are sporadic and weak at best, the bonded labour system continues to the thrive, with millions of adult and children tangled inside it in this country even after more than six decades of independence. The enactment miserably failed to remove the shameful scar from the Indian Social Scene due to lack of proper identification of the bonded labours, ignorance of their rights and entitlements and obstruction by vested interest. The vested interests have all resources (education, wealth, legal advice, and political power) at their command. The intended beneficiaries of legislation are poor, illiterate and ignorant.
The Government of India has consistently maintained a pro-active approach to the issue of forced or bonded labour in the country since the passage of Bonded Labour System (Abolition) Act 1976, the Government of India has undertaken many welcome initiatives in relation to bonded labour. Although the Act does not define rehabilitation, the Ministry of Labour has since launched a scheme under which the National and State Government contribute equally to the rehabilitation assistance allowance of Rs. 20,000 due to each freed bonded labourers.

Despite of all positive steps the system of bonded labour is deeply entrenched in India, that the existence of legislation outlawing Bonded Labour System (Abolition) Act, 1976 is not providing deterrent effect. Many State Governments which have primary responsibility for implementing the 1976 Act. have failed in their duties as they have not ensured that the vigilance committees are properly set up and fully functional or properly identified the incidence of bonded labour in their regions. In many instance District Officials and District Magistrate are either ignorant of the provisions of the law or deny the existence of bonded labour in areas under their jurisdiction, making the identification and release of bonded labourers extremely difficult. The rehabilitation process is undermined by delay in issuing release certificates, corruption and a relapse of those freed bonded labour into debt bondage in the absence of sustainable employment is only options. It is important on the part of the Government to pay urgent attention for weaving them into a social fabric of the development process.

It was in this state of affairs the Supreme Court stepped into the scenario and extended its hands to the bonded labourers so as to save them from the Shackles of bondage. The Supreme Court found solution to certain unsolved problems which stood in the way of the proper implementation of the Bonded Labour System (Abolition) Act, 1976.

The Supreme Court is conscious and emphasized the seriousness of the problems of bonded labour by observing that there was one feature of our national life which was ugly and shameful and which cried for urgent attention and that was the existence of bonded labour or forced labour on the large part of the country.\textsuperscript{4}
This cry of Apex Court remained fresh till today. Supreme Court deserves appreciation in this matter for playing an important role to make the right to live with human dignity a living reality for millions of Indians. It also protected them from exploitation through PIL, even a letter, telegram or newspaper report have been entertained, “as writ” to enable the have-nots to make their fundamental right. “to live with human dignity” a reality.

The introduction of PIL and the consequent widening of the concept of locus standi encouraged public spirited citizens and social organisations to come forward and fight for the causes of the lesser mortals. In the arena of abolition of bonded labour, *Bandhua Mukti Morcha v. Union of India* is the pioneer case. In this case the Court opined that if the provisions of the Act were properly implemented it should have by this time brought about complete identification, freeing and rehabilitation of bonded labourers. The Court found that in the State of Haryana the vigilance committee was not constituted because, according to the State Government no bonded labour system existed within the State. In order to wash off its hands, the State further put forward a fake interpretation to the term bonded labour. According to the State, in the stone quarries there might have been forced labourers but they were not bonded labourers within the meaning of the Act.

Rejecting the argument of the State the Court had taken a pragmatic approach in interpreting the term ‘bonded labour’ and said that there would be no occasion for a labourer to do forced labour, unless he had received some advance or other economic consideration from the employer and under the pretext of not having returned such advance, he is required to do some forced labour. Therefore, whenever it is shown that there existed forced labour, the Court would raise a presumption that he is required to do forced labour in consideration of an advance or other economic consideration received by him and hence he is considered as a bonded labourer.

Identification and release of bonded labourers is only one part of the duty of the State. Unless and until the freed labourer were effectively rehabilitated their condition will be much worse than what it was before. The Court directed the Government of Haryana to chalk out scheme or programme for a better and more
meaningful rehabilitation of the released bonded labourers within a period of three months.

On the careful scrutiny of Bandhua Mukti Morcha case it can be seen that the watch dogs are the real culprits. The ostrich-like attitude of the State machinery in fact obliterated a beneficial piece of social welfare legislation. The authorities bestowed with the duty to implement the legislation virtually winked-their eyes when they heard the clarion call for the emancipation of bonded labourers. The timely interference of the Court helped releasing men from life long bondage. The interference of the Court irritated the authorities instead of opening their eyes. The Court found solutions to the problems as to how the Act can be properly implemented? What are the responsibilities of the Government? what role the voluntary organisations have to play in eradicating bonded labour system? How can the benefits of social welfare laws be assured to weaker sections? How the proof of bonded labour be brought to the Court? And how the labourers can be represented before the Court? This decision is the first step taken by the Supreme Court in its crusade against bonded labour system.

In People's Union for Democratic Rights v. Union of India, The Court held that Article 23 was designed to protect the individual not only against the State but also against private citizens. It further held that where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him will squarely fall with in the scope of the expression forced labour under Article 23.

Analysis of Bandhua Mukti Morcha along with Asiad Workers cases would reveal that Justice Bhagwati's presumption of bonded labour test' may sometimes lead to confusion. In Asiad Workers case Justice Bhagwati coined an equation that labour for less than minimum wage is forced labour. In Bandhua Mukti Morcha the same judge coined another equation that whenever there exists forced labour the Court will presume that it is bonded labour. By taking together both these equations one can logically reach the conclusion that labour extracted by paying less than the minimum wages is bonded labour. This logical conclusion will create a problem. Under Section 16 of the Bonded Labour System (Abolition) Act, 1976 whoever practices bonded labour system in any form after the commencement of
the Act shall be punished with imprisonment which may extend to three years and also with fine which may extend to 2000 rupees, whereas the nonpayment of Minimum Wages under the Minimum Wages Act, 1948 will entail maximum 6 months imprisonment or a fine of 500 rupees or both. Now, by taking together both Asiad Workers case and Bandhua Mukti Morcha it can be seen that Justice Bhagwati by judicial construction, converted the nonpayment of minimum wages into bonded labour and therefore it can be regarded as judicial enhancement of punishment in disregard to legislative directive. Even though after the decision in Bandhua Mukti Morcha the legislature came forward and amended the Bonded Labour System (Abolition) Act, 1976 so as to include any form of forced labour also within the definition of bonded labour,\textsuperscript{11} the problem still remains as unsolved because of the earlier decision of Justice Bhagwati in the Asiad Workers case.

Just after few months of the decision in Bandhua Mukti Morcha, the question of rehabilitation of freed bonded labourers again came before the Supreme Court in Neeraja Chaudhary v. State of Madhya Pradesh\textsuperscript{12}. The Supreme Court reaffirmed its earlier stand in Bandhua Mukti Morcha and held that the violation of the provision of the Act is a violation of Article 21 of the Constitution.\textsuperscript{13} Since the Act contains provision for rehabilitation of freed bonded labourers, it is constitutional imperative to rehabilitate them and therefore the Court directed the Government to rehabilitate the freed bonded labourers within one month\textsuperscript{14}. The Court also found that without rehabilitation there is no meaning in proceeding with the programme of abolition of bonded labour system.

In Mukesh Advani v. State of Madhya Pradesh\textsuperscript{15} the Supreme Court by way of PIL, again came to the rescue of bonded labourers. In this case the matter before the Court was that those labourers brought from Tamil Nadu were subjected to permanent bondage. They were living in sub-human conditions and working with meagre wages. The Court appointed the District Judge Bhopal as Commission to enquire into the matter. The Commission revealed that at the time of investigation all bonded labourers stood released. However, instead of stopping there, the Court gave directions to the Government both the Central and the State- to take steps to prevent recurrence of bonded labour\textsuperscript{16}
In this case due to the timely interference of the Court bonded labourers of the stone quarries at Raisan were liberated. But it does not mean that the Central as well as the State Governments were very much eager to outlaw bonded labour system. The subsequent cases revealed that in order to unearth this inhuman practice, India has to go a long way. The case of Sivaswamy\(^1\) revealed the narrow pedantic approach of the State Government in carrying out the earlier directives of the Supreme Court for the release and rehabilitation of bonded labourers. In this case the Government of Andhra Pradesh, In order to carry out an earlier direction\(^1\) of the Supreme Court, chalked out a rehabilitation scheme for the released bonded labourers. Under this scheme Rs. 738/- were given to the freed bonded labour families who were repatriated to the State. The Supreme Court found that the financial assistance given to the repatriated families were quite inadequate for rehabilitation and opined that unless there is effective rehabilitation the purpose of the Act will be frustrated\(^1\). The Court further observed that unless there is cooperation from the citizens to abolish bonded labour, the beneficial legislation would remain on paper with a mere statutory declaration\(^2\). Criticising the inaction on the part of the administrative authorities in implementing the provisions of the Act Justice Ranganath Misra observed\(^2\)

"... even those on whom the statute cast the responsibility of implementing the provisions of the Act do not appear to be in a situation to respond. It is difficult for the Court to entertain repeated complaints of this type and devote attention by way of monitoring the administration of the Act."

Is this a word of caution or a sign of disappointment? Even after repeated directions from the Supreme Court, Government failed to devote least attention to carry out the provisions of the Act. If there is complete inaction on the part of the Government to carry out the directives of the Court, what more the Court can do? It is quite natural if one ask such a question after reading the decision of the Supreme Court in Bandhua Mukti Morcha v. Union of India\(^2\), In this case the petitioner approached the Supreme Court with a petition for contempt action alleging that the directions of the Court in its earlier decisions\(^2\) were, not being implemented even after the lapse of 8 years. On the basis of this petition the Court appointed a commission and the report of the commission revealed that not only
that the directives were not complied with but also the stone quarrying operations resulted in serious ecological problems. The Supreme Court expressed its displeasures on this attitude of the Government and observed that the Government should act as a welfare State and should ensure the welfare of the workers. The Court admitted its inherent limitation but even then gave certain directions with the hope that if the directions were worked out there would be no bonded condition.

The decision of the above is important in two respects. Firstly by this decision the Supreme Court once again clinched the fact that without the actual cooperation of the Government the eradication of bonded labour system will be a far cry. All the efforts hitherto-made by the Court had only a very little impact on the eradication of bonded labour system and unless and until some active steps were taken by the administrative machinery, all the efforts of the Court will be a futile exercise. Secondly, the Apex judiciary admitted its inherent limitation to proceed with its crusade against bonded labour. Will it be considered as a sign of disappointment of the Supreme Court? A constant observer of the Indian judicial trend may never tempt to ask such a question. At the same time, one may hope that the judiciary will find out sharp tools to meet new challenges.

The highest Court of the land in T. Chakkalaokai, thought it better to appoint directly Additional Chief Secretary of State as an officer to ensure compliance of Court’s order and to suggest ways and means for proper rehabilitating of bonded labourers identified by him. He was asked to complete this task within a period of six month of receipt of appointment order from the Court.

The Court might be of the view that in this way serious and proper attention be given to eradicate bonded labour by fixing the responsibilities upon Additional Chief Secretary.

In Shanker Mukharjee case, the SC held that the Contract Labour Act, 1970 is a welfare legislation that must be interpreted liberally in favour of the labourers. The Court further held that the system of contract labour is just another form of bonded labour and it should be abolished due to its baneful effect.

In PUCL v. State of TN, the Supreme Court appreciated the role of NGOs in the prevention of bonded labour and their emancipation. The Court further
observed that the approach of judiciary should be benevolent toward bonded labourers.

The Supreme Court of India has taken cognizance of the issues on more than one occasions, has given a broad, liberal and expensive interpretation of the definition and has issued a number of directions to the Central and State Governments on the subject and has now entrusted the responsibility for observing the extent of compliance with its direction vide order dated, 11-11-1997 to the National Human Rights Commission. The later is now directly monitoring the pace and progress of implementation of these directions and will be reporting to the Apex Court.

These are some positive developments, despite of that the magnitude of the problem, however remain very large. The problem of debt bondage which is a hangover from ancient and medieval India got accentuated on account of the faulty land tenurial policy introduced by the colonial rulers and has now acquired myriad forms in the wake of globalization of the economy.

The unfortunate reality is that the State Governments which are charged with bringing social and economic just under our constitution scheme are successfully restrained by the class of vested interests in the process of eradication of bonded labour. The fact is that neither the legislatures nor the executives are sincere in their efforts in tackling the problem and thereby diluting the sincere efforts of the judiciary. In fact there is no dearth for the schemes either in the Bonded Labour System (Abolition) Act, 1976 or in the directions issued by the Supreme Court. In such grim scenario the NHRC brought a ray of hope towards the emancipation of Bonded Labour System.

Even though a number of positive steps have been taken, a lot more remains to be done by way of planned, coordinated, concerted and convergent efforts. This can not be the task of one Ministry or Department or Agency; it has to be the concern of this whole Nation. Besides, in view of the onerous magnitude and complexities of the problem, State Governments and District Administrations can not single handedly do justice to it. They would do better by enlisting the involvement and support of voluntary agencies and social action groups which are non-political or apolitical, which are grass root level oriented, which have
flexibility of structure and operations and which have the clarity of perception and
depth of social commitment to complement and supplement the efforts of Government.

It is only through such an alliance between Government and NGOs on the one hand and introduction of structural reforms in land, labour and capitals on the other that it would be possible to strike at the root of the problem. It is necessary and desirable that this problem be approached through non formal or unconventional strategies at all stages and with recognition of the importance of human dignity, decency, security, equality and freedom presence of a kind, compassionates considerate and caring civil society with all section being naturally imbued with a firm determination to put an end to the social scourges would make all the difference.

Moreover, as long as the bonded labourers are not made aware of their exploitations and are not organized systematically to demand there Rights, no laws design for their protection will make any impact on their lives. To abolish this pernicious social canker there is a urgent need of committed machinery and it must have sufficient support from lawyers, social activist, voluntary organization and publics spirited persons, with the help of mass media to generate awareness about not only the act and constitution privileges but also the implementing organization and opportunities of subsequently social economic rehabilitation.

Finally to sum up: it is opined that “No law can be successful unless it enjoys the support of the public” on the basis of the above study it can be said that what has been hypothiesed by the researcher, has been proved correct. Bonded labour is a crime and outrage against humanity. Under this system bonded labourers are living in miserable conditions and living a life worst than animals. Their life, liberty and pursuit of happiness are at stake under this system of bonded labour, they work from generations to generations in order to repay the debt taken by their remote ancestor.

Bonded labour system is not a one time event, It can re-occur at any point of time in an industry/occupation and process. It is an ugly and shameful feature of our society and affront to basic human dignity.
Despite of various National and International laws, various legislative measures and constitutional provisions and Court verdicts in their favour their condition is not improved. They are still living in the exile of civilization State Governments are not performing their duty effectively. There are some States who expresses ignorance about this phenomenon and other simply denies the very existence of this evil practice without constituting vigilance committees. Where they are constituted they are not performing the task assigned to them under the Act, 1976 in terms of identifying and releasing bonded labourers. Various NGOs have engaged to rescue the bonded labour from the clutches of employer. Being illiterate bonded labourers are not aware of their rights provided for them under National and International laws. Despite of all positive efforts and Supreme Court verdict in their favour, their is no improvement in their living condition and now new forms of bonded labour are emerging.

Suggestions:

The detailed and exhaustive discussion contain in the foregoing chapters is evident that bonded labour and forced labour is still prevalent in certain parts of the country which is one of the greatest social canker that need to be abolished with all its causes and roots forthwith and without any further delay, if rapid socio-economic transformation of the country is desired. Because we are living in twenty first century, but still there are millions of unfortunate and helpless people who are living a life worst than animals. As the problem is deeply ingrained in the system a comprehensive programme has to be formulated for the liberalisation of millions of people serving as bonded labour. A few valuable suggestions have been incorporated by the researcher which are as follows:

1. The definition of bonded labourers and bonded labour system in sections 2(f) and 2(g) of the Bonded Labour System (Abolition) Act, 1976 are ambiguous and incapable of including all the aspects of bondage, therefore it is suggested that amendment be made in these sections covering all types of forced labour/bonded labour.

2. Public awareness and education is must. As long as labourers are not made aware of their rights, there is no use of enacting legislations. As long as labourers are not aware of these laws, even one hundred laws would not
suffice to liberate them. Therefore it is suggested that training workshops and camps must be organized periodically in the areas having bonded labourers, provide the knowledge about the main provisions of the Act.

Access to justice, freedom and equal opportunity are only possible through education. Bonded Labourers will have to be told that law is on their side. The mass education may aware them of legal provisions of the Act, passed from time to time for their welfare and benefits. They should be made conscious of their basic rights. Adult literacy, education programme may also be a right steps in this direction through Central Board of Workers Education.

Right of education can only assure dignity of individual. Rightly the Supreme Court has elevated it to the status of Fundamental Rights and recently Parliament has enacted Right to Education Act, 2010.

3. Under the Act District Magistrates are duty bound to identify, release and rehabilitate bonded labourers. As Chairman of District Vigilance Committees District Magistrates are very busy person and have multifarious duties to attend, therefore it is suggested that amendment be made to constitute a separate cell for the emancipation of bonded labourers and for the implementation of the said Act which include identification, release rehabilitation, and for the implementation of Right to Education Act, 2010.

4. The process of identification and release of bonded labourers is a process of discovery and transformation of non beings into human beings. What is needed for is determination, dynamism and sense of social commitment on the part of administration/executive to wipe out this inhuman practice.

5. There must be constant check and supervision over the activities of the officers charged with the task of security, liquidation of their debt, identification, release and rehabilitation of bonded labourers. The officers should be properly trained and sensitized so that they may feel a sense of involvement with misery and sufferings of the poor and carry out their functions properly. National Commission on Bonded Labour and Child with Chairman and members acquainted with the provisions of social security legislation for check and supervision should be established. It
should be accountable for its working to the nation through Parliament and Assemblies.

6. The door to door country wide intensive survey of area, which have been traditionally prone to this system of bondage debt should be undertaken by vigilance committees with assistance of NGOs and the social action groups operating in that area so that the process of identification and release may go side by side. Such as burden may also lie on the Council for Advancement of People’ Action for Rural Technology “CAPART”.

7. Poor should be familiar with the fact that the Courts have now a days been the Court of justice and the Courts of poor. The economic inequality now can be no hurdle at least in filing writ petition for the liberation of these down-trodden and to provide new ethos in the justicing system.

8. Establishment of Mobile Courts in the affected areas may be effective step to overcome the evil. The members of the Court should be provided with ample power to award the guilty severe punishment without delay through summary trial. The members of the M. Court may be person with specialization in labour laws so that minor offences may be tried at the spot.

9. The State Government must rehabilitate the released bonded labourers on permanent basis. Employment centre be established in every State to provide them permanent job with minimum wages and equal pay for equal work. The right to work is not a Fundamental Right but only a Directive Principle and not mandatory one. The right to work should be made mandatory for the bonded labourers.

This right may protect the interest of the bonded labourers so that they may not be bewildered.

10. The institution of social reformers must be registered under Registration of Societies Act. Village & Baradari Panchyats along with Volunteers & Social action group can play important role for it. Money lenders, who are still carrying on the business without the prior permission of the authority, may be searched out by these reformers and cases may be filed against
them to prosecute them. Proper implementation of penal provision will improve the position and periodical inspection will bring better results.

11. Central and State Government may allocate more funds specially for the welfare of the bonded labourers to overcome basic problems of ignorance, illiteracy, poverty and other socio-economic compulsions. It is submitted that funds released for the rehabilitation of these bonded labourers should be raised. Care should be taken that the fund goes in proper hands and not in bottomless pit. Sincerity, honesty and dedication can add to the success of this thought.

12. Demonstration and propaganda through Radio, Newspapers and T.V. may be given wide publicity to attract the attention of the society to abolish this social evil. Since the system of bondage, being a social evil requires its eradication at the earliest.

13. NGOs and Social action groups operating at the grass root level should be fully involved with the task of identification and release of bonded labourers.

14. Every officer who is placed in charge of identification, release and rehabilitation of bonded labourers should be made fully conscious of his/her responsibilities. He/she should be imbued with a sense of dedication, urgency and seriousness of concern which are necessary for successful accomplishment of the task. They should have positive and proactive attitude and approach towards abolition of bonded labour system and should exercise their powers judiciously, diligently and with empathy and sensitivity.

15. A release certificate to each of the bonded labourers so released should be issued forthwith by the concerned authorities. The certificate which should be in the local language only should be handed over to the persons so released simultaneously.

16. Rehabilitation must follow in the quick footsteps of identification and release; if this is not done than it will be remedy worst than malady because without rehabilitation released bonded labourers would be driven by poverty, helplessness and despair into serfdom once again. Thus before
releasing the bonded labourer, productive and income generating scheme must be formulated in advance. These schemes should be chosen after duly consideration with the concerned labourers and NGOs involved in their emancipation and rehabilitation. The authorities should ensure that full amount intended for the freed labourers reaches them.

17. Prosecution should invariably be launched in all cases of bondage and pursued vigorously so as to affirm and publicize the determination of the Govt.

18. Since it is the general problem of poverty which primarily causes migration and bondage, a long term solution for migrants bonded labourers lies in removal of the poverty. In order to tackle the problem of underemployment and disaster induced distressed migrants, there is a need for focused approach on employment oriented schemes in the areas of origin, such as employment guarantee schemes, food for work programme. Voluntary agencies, social action groups and trade unions should be encouraged to organize awareness generation activities for the benefits of migrant labourers in order to educated them with various labour laws and protection available to them.

Children belonging to migrant families are not to be left in the lurch. They are also required to be rehabilitated along with other children in the general category through education, nutrition, check up of health and vocational skill training. In case they want to be rehabilitated at the destination point they should be rehabilitated there according to the directions of the Apex Court. Similarly migrant workers, according to the spirit of the directions given by the Supreme Court in series of judgements, are to be asked as to where they would like to be rehabilitated i.e. at the originating point or at the destinations State. They cannot just be despatched to their native States and left in the lurch there, which would be violative of the letter and spirit of Supreme Court judgment.

19. A comprehensive list showing complete details such as residential address of the State of origin etc. may be prepared in respect of those bonded labourers who were identified in the State, but were sent to their originating State for rehabilitation. A copy of the list may be forwarded to the NHRC
as well as to the Labour Commissioners of the States to which they originally belonged.

20. Vigilance committees have to go out and conduct field surveys by adopting a non-formal, unorthodox and non-threatening approach and are not required to occupy static positions. Periodic meetings of these committees should be conducted within the stipulated time frame. It should be the duty of District Magistrate and Sub-Division Magistrate to ensure that the vigilance committee constituted under their chairmanship meet regularly. The vigilance committees should lay down certain guidelines for their proper functioning. There has to be a periodic review of the actual functioning of the vigilance committees constituted and such of those members who are non-functional should be eased out & replaced by new members and the members and the Chairman of the vigilance committees should make field visits for identification of bonded labour system. They should examine the cases involving a review of the present status of already-rehabilitated bonded labourers, fresh plan for rehabilitation of identified bonded labourers and close monitoring of the bonded labour-prone areas/ industries etc. Cooperation and participation of NGOs and other social service organizations and members of trade union may also be explored in these Vigilance Committees so that the information received from such organisations may be useful in taking corrective action.

21. There is a provision for payment of immediate financial relief of Rs.1000/- to each identified and released bonded labourer. This financial assistance is extremely important because it relieves the bonded labourer of his immediate financial hardship. It may be ensured that this immediate financial relief is paid to each released bonded labourer and amount of Rs. 1000/- should be enhanced because the price of essential commodities are sky rocketing.

22. There is need for a fresh, comprehensive survey to determine the magnitude of the incidence of bonded labour, child labour including bonded child labour and those in hazardous categories
23. Enforcement of the law on minimum wages and strengthening of public distribution system can go a long way in minimizing the circumstances which force the workers to get with that bondage.

24. An effective and speedier grievance redressal machinery should be established for proper disposal of cases pertaining to bonded labour.

25. A humanitarian training programme should be formulated for persons dealing with bonded labourers.
CHAPTER-9
CONCLUSION AND SUGGESTION

Notes and References:

3. Id., at 1101.
6. Id., at 582.
7. Ibid.
8. Supra note 4.
9. Id., at 1646.
10. Supra note 5 at 585.
11. The Bonded Labour System (Abolition) Amendment Act, 1985 (Act No 73 of 1985) by this amendment an explanation was added after section 2(g), so as to cover contract labour, begar, forced labour and migrant labour, with in the fold of bonded labour.
12. Supra note 2 at 1099.
13. Id., at 1106.
14. Ibid.
16. Id., at 1367.
18. The Supreme Court had directed the State Government to which the released bonded labour were repatriated to furnish a complete affidavit indicating the details about the bonded labour.
19. Supra note 17 at 1868.
20. Id., at 1869.
21. Ibid.

23. Supra note 5 at 1984 in this case the Court gave 21 directions to the Government for the proper implementation of the Bonded Labour System Act (Abolition) Act 1976.

24. The Court said the State of Haryana, we must say, has not taking our intervention in the proper spirit and has failed to exercise appropriated control though some eight years back this court had in clear terms laid down the guideline...., supra note 22 at 48.

25. Ibid.

26. Id., 22 at 49.


