CHAPTER-6

CONCLUSION

The brazen hypocrisy in India of Bonded Labour system can be traced since the indication of human civilization. It's origin is not new for our country. The caste hierarchy and Feudal structure may be the sole reason of the origin of the vexed problem still continuing even in the democratic welfare and justice, socio-economic and political set-up in India. In the Hindu Caste edifice, out of four main Varnas (Brahmin, Kshatriya, Vaishya and Sudra), the 'Sudras' were always treated as lowest and were subject to the atrocities by the upper strata or higher castes. All the heinous jobs were done by them (Sudra) and the slaves belonged to the category. This sort of section of the society were discarded by the higher castes persons. On the other side, in feudal society the kings and big landlords used to keep servants for their services who belonged to this lower caste of society. The vexed system was prevalent by various nomenclature such as slavery, serfdom, debt bondage, contract bondage, bondage and forced labour.

Slavery, practiced in India was the worst form of bondage. The nomenclature changed after the Slavery Abolition Act, 1843. Later on with the motive 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, it acquired regional names such as
Jeeta, Harwaha, Haria, Sevak, Baramasya, Janaur, Hali, Halias, Mulias, Naga, Muliya, Padial, Paniyal, Adimar, Chorumar, Anchilla, Karichious, Mappila, Paniyans, Adiyus, Wynand, Pulayans, Jassigula, Paleras, Gothi, Vethi, Baramasiya, Salkari, Chakar, Nitmazdoor, Sagari, Sepi, Veta and Begar. After independence the practice of bonded labour system has been declared illegal by the constitution, still it is continued in normal phenomenon in many parts of India. Due to extensive poverty, corruption, illiteracy, crime and resourcelessness one undisputed fact remains like a thorn in the flesh of the most miserable segments of our society i.e., the bonded labourers a form of unpardonable exploitation have sunk to a level where merely to keep alive they must abandon all sense of individual dignity and self-respect.

The abolition of Zamindari 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 starves. The land owners employed these poor fellows on meager wages, for which they agreed very easily to save themselves from starvation and the wages paid were so low not sufficient even to have Roti Chatney, once in 24 hrs. Therefore, the bonded labourers took loans from their masters to eat and for marriage of their daughter and sons. They earned so low that they could repay the debt and become bonded for after generations. Bonded Labour system is one of the worst form of abuse of human rights. They are treated as chattel under the system. They are deprived for their dignity, equality and freedom and are unable to lead a
life of human being. They become a mere playing thing in the hands of a few privileged persons.

The nation’s human labour force is a supremely important asset. Their nature and solicitude are our responsibility. Labour programmes (including those of children) should find a prominent part in our national plans, for the development and protection of the human resources, so that every adult labour can produce the maximum output of their skills and simultaneously our children counter parts grow up to become to robust citizens, physically fit, mentally alert and morally healthy, endowed with skills and motivations needed by the society. Equal opportunities for both the adult and child labourers in comparison in other citizens must be afforded, for this would serve the purpose of reducing inequality and ensuring socio-economic justice in the long run which will finally count in the nations progress.

This written discourse has unveiled main roots of the problems relating to both adult and child bonded labourers which had been and is still existing in different forms since time immemorial in the human society and specially in India. It is true that the nation has many equally urgent problems to attend to. But, there can be no disagreement in the nation that this question has to be attended to both adequately and urgently. In independent Sovereign, Socialist, Democratic, Republic of India the dignity of the individual must not be ended any further and it is the most urgent task of the nation to restore the dignity to these exiles of civilization. National as well as international laws have tried to make them
human beings by conferring various rights. Under Indian constitution their dignity, equality freedom has been protected, under international law various conventions declarations and covenants have tried to stop the abuse of human rights and under national law the Indian legislatures have legislated to bestow the human rights to the bonded labourers.

The founding fathers of the constitution have incorporated provisions in the constitution to ensure life of quality and dignity of every citizen and to make life of common man happy and peaceful but in reality even after 59 years of adopting the constitution, we have not been able to reach the goal set in the constitution fully to meet the hopes and aspirations of the people. India has obviously made progress in the frontier areas of science and technology, education, manufacturing, trade and commerce so much so that the country, has emerged as a strong nation capable of standing on its own strength. In food production the country is self sufficient but in relation to common man many promises remain unfulfilled. Large number of people yet remain below the line of poverty. Many do not have even basic needs required to live appropriately. We cannot claim that we have succeeded substantially if not completely in reliving common people from ignorance, illiteracy, disease and poverty. Having strong political will and dedicated executive with true concern and commitment to improve the living standard of common men in the country so as to make them true partners in the democratic set-up, is imperative and urgent need of the hour. The number of persons with sterling character, sense of service and sacrifice, love for motherland and concern for the fellow beings has been gradually reduced in comparison to
people who participated in the freedom struggle. It is unfortunate that the three elements, namely caste, corruption and crime have been cancerous to the health of the country. We are facing many problems. There are good people in all walks of life but their voices must be louder. Today, there is a need for more and more people of competency with character and concern to participate in the governance of the country. The same constitution can be worked well depending on the character of the people. If good men do not come forward in public life, bad men jump to occupy the vacant chairs, which shall not be in the interest of the society rather it would be disastrous. So long the people with competency, character and real concern for the common men do not come forward and occupy various positions provided under the constitution to discharge respective functions in the interest of the people of the country, the plight of the common man may not improve much. If only caste consideration, corruption and crime are eliminated from public life, the progress and all round development in the country within the available resources would be much more within a short period and the quality of the life of common man would be much better. In this process, largest good to the largest people can be done so that all and more so, a common man in the country can feel himself happy and a proud citizen.

The great French thinker, Montesquieu, said in the eighteenth century:

"The tyranny of a prince in an obligarchy is not so dangerous to the public welfare as the apathy of a citizen in the democracy."
A bad government is the inevitable consequence of an indifferent electorate. Politics will never be cleaner, and our economic future will never be brighter, unless and until our citizens are willing to give of themselves to the land which gave them birth". I hope that the youth of this country will bear in mind and also take proper lessons and derive inspiration from the lives of those who made sacrifices and served selflessly so that they can make dream of *Mahatma Gandhi* of wiping out every tear from every eye in this country, a reality.

Internationally although, ILO started its quest to prevent exploitation of human labour (which includes bonded adult and child labourers) at first but the Universal Declaration of Human Rights by the UN was the first most effective and sensitive move which received overwhelming global response not only in the field of bonded and child labour, but this declaration also paved the way for the universal observance of the respect for human dignity. Gradually both UN and its specialized agency, ILO with contribution of various agencies of UN and several NGOs (Non Governmental Organizations) marched ahead by means of their services of declarations, conventions and recommendations both safeguarding the interests of the workers and labourers (which include both adult and child bonded labourers) and framing positive strategies for the global labour and child welfare. So at present not only the member states of the UN, but the world at large is aware of curbing down this condemned social evil of bonded labour and reciprocally keen in enhancing the labour and child welfare to give birth to a bright future.
The promulgation of ordinance by the President of India which later on took the shape of an Act in 1976, created feeling in some quarters that the bonded labourers would be free. The Act declares all types of bonded labour as illegal and indebtedness of bonded labourers has been legally nullified. Punishment has been provided for continuation of bonded labour system and machinery has been provided to supervise implementation (the provisions of the legislation to abolish bonded labour system are not successful in their task). The definition of bonded labour system given under the Bonded Labour System Act, 1976 is a narrow definition limited only to a situation where a debtor is forced to provide labour to creditor. This definition may be objected on the ground that persons who are forced to provide labour may be forced labourer but unless it is shown by them by proper evidence, that they are forced to provide labour against a bonded debt they cannot be said to be a bonded labourer.610 In Bandhu Mukti Morcha Case the Supreme Court, has defined the bonded labour system to cover every competence, aspect, of bondage. The court has held that where a person provides labour or service to another for a remuneration which is less than a minimum wage, the labour or service provided by him clearly falls within the definition of bonded labour.611 But the authorities responsible for the identification, release and rehabilitation of the bonded labourers interpret the definition given in S-2 (G) of the Bonded Labour System Act literally, due to lack of knowledge of supreme Court decisions. Authorities responsible for release and rehabilitation are not fully sensitized and trained for this purpose and do

611. Id. at 82.
not take much interest in implementing the provisions of the Bonded Labour System Act. District Magistrates who are the main functionary under the law have multifarious duties to attend and hardly get any time to make any personal inquiry on their subordinate officers such as Tehsildars and Patwaris who are either in sympathy with the exploiting class or lacking in social commitments or indifferent to the misery and suffering to the poor and down trodden.

Various provisions of the Act provides for punishments upto three years imprisonment and a fine of Rs.2,000. But the general tendency of the court is only to fine the offenders and not imprison them. Very often news papers report and the government claims for release of bonded labourers but the imprisonment is very rare.

Bonded labourer Act provides for the constitution of vigilance committees in each District and in each sub-division but it has been realized that the attitude of the government is not very positive in this respect. Majority of the State Governments did not constitute vigilance committees until their attention was drawn to this requirement by the Supreme Court. The District Magistrates are the main functionary of any of the vigilance committees, but they have multifarious duties to attend to. Even if they want to help bonded labourers, they would not find time to make am personal enquiry on investigation. Most of the vigilance

613. Ibid
committees\textsuperscript{615} are defunct and are not as effective as required regular meeting are not held, adequate guidance are not provided, effective steps are not taken to implement decisions taken.

Analytically, Section 21 of the Bonded Labour System Act is in violation of Article 50 of the constitution as well as Article 14 & 21. Article 50 was considered as the conscience of the constitution or its basic structure in \textit{Kesavananda Bharati's case}, \textit{Sankalchand's case} etc. Today, the importance of the Basic Structure Principle of Separation of powers is of such prominence that even the procedural law relating to Criminal Justice System has been amended according to this doctrine. Criminal Justice System in India today, is very accused friendly especially in the light of gross human rights violations. Section 21 also should thus, endeavour to protect the rights of the accused perpetrators of bonded labour. In addition to violating the basic structure of the constitution, it was seen that this section does not even recognize certain principles of Natural Justice.

Thus, Section 21, as was rightly held in \textit{Hanumantsing's case}, affect the basic rights of the accused and is unconstitutional. The consequence of such declaration is that the Executive Magistrate of the State cannot try a case under the abolition of Bonded Labour Act. The case pending before such magistrates should be transferred to Judicial Magistrates.

Another issue that have been raised and addressed in this work is whether the fact that the Bonded Labour Act was places in the Ninth
Schedule should not make any difference to a certain provision of Act being declared unconstitutional. The author submit that the intention of the framer of the constitution is trying to establish a separate judiciary was to ensure that in case of any contravention of the constitution by the legislature, the judiciary would work as a check. But it is totally against the spirit of the constitution if the legislature is trying to protect itself from such a judicial inquiry in the constitution. Thus, the Bonded Labour System (Abolition) Act, 1976 should be under judicial scrutiny and cannot use the protection of the Ninth Schedule.

The problem of bonded labour is mostly prevalent in "Third World" or so to say the developing countries. These countries are relegated within the realm of Indian subcontinent where many forms of bonded labour are persistent. Since India has confirmed her faith in socialistic pattern of society which aim at emancipation of the people from economic and social imbalance. The various socio economic measures introduced by the government since independence would reveal that the state has always been sensitive to the solution of labour problems including their welfare. In India, it has been observed that the practice of bonded labour exists latently inspite of the fact that

616. Refer to justice Sahai's judgment in Indra Sawhney V/s Union of India, AIR 1993 SC 477. 576 where he says the where the legislative and executive action directed towards welfare "are overshadowed with extraneous compulsions or are arbitrary then, judicial interpretation gives better protection than the political branches".

1) It receives a tripartite protection in the matters relating to the protection of adult and child bonded or forced labourers from exploitation.

a) Firstly, India is a member of UN so in tune with the international law it observes the ILO standards in these matters: follows the directions of UN and its agencies besides it looks into the enforcement of the directions issued by UN and its agencies by means of legislations, regulations, rules and bye laws.

b) Secondly, as the Supreme law of the land "The Constitution" directs against the evil practice; as also citizens of the country being conscious, about this problem, our union government and various state governments have framed various Acts to combat this problem or labour legislations which all aim to project and rehabilitate the neglected bonded labourers throughout the country. These legislations are not static catalogue of framed laws but are dynamic set of laws as these are amended and new legislations come into force with changing times and situations and almost all legislations have penal and prosecution clauses to make the citizen abided to those laws.

c) Finally, the Indian judiciary being the protector, liberator, caretaker and emancipator of the vulnerable section of society that is bonded labourers: has not only balancedly judged and delivered good favourable decisions, but exercising its powers of judicial
review it has checked the exercise of administrative discretion infringing the interests of both the adult and child bonded labourers. In many cases it has judged the Vires of the labour legislations and directed to be framed in a manner which does not hamper the balance of interests. Recently the Indian judiciary has waived the embargo of the locus standi & has brought this social problem under the Public Interest Litigation, which has not only given chance to safeguard the interest of the child and the bonded labourers by the public spirited persons but also has given a way out to the aggrieved to knock the doors of justice in need without any hindrance specially financial.

2) The government both at the Centre and the State: National and State Human Rights Commission and various voluntary organizations, considering these problems as vital have to protect, emancipate and rehabilitate (with all welfare means) the bonded labourers. Besides various wings of the government of India Viz. Department of Human Resource and Development. Ministry of Labour and Labour Welfare, Department of Woman and Child Development, District and Sub-divisional vigilance committees under the Bonded Labour System (abolition) Act-1976, are established, Governmental agencies connected with rural Development and Welfare programmes, are meticulously steering their constant effort to wipe out this evil.

At SAARC summit in New Delhi, 1995 was declared the year of Poverty Alleviation. The goal is to be attained by 2020. In this drive,
compulsory education, community welfare, rehabilitation, integrated approach, law enforcement, employments-generation, subsidized financial help, proper technical guidance and human resource development were the programmes adopted by India to tackle the problems of both adult and child bonded labourers in various sectors.

The unfortunate reality is that the State Governments which are charged with bringing social and economic justice under our constitutional schemes have been successfully restrained by the class of vested interests in the process of eradication of bonded labour. The fact is that neither the legislature nor the executive is 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 N.H.R.C. brought a ray of hope towards the emancipation of bonded labour system. The formation of the Central Action Group is a welcome step in the right direction. In the early reports several that the C.A.G. will delineate the word to be undertaken by the commission in terms of the Supreme Court orders and provisions of the bonded labour system (Abolition) Act, 1976. The group also will evolve a mechanism in term of joint team consisting of Government and NGOs representatives to undertake the work of identification and adequate sensitization of persons of government as well as NGOs.618

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So far, the nation has witnessed tall promises made by different democratic institutions on these vexed problem is not solve now it is N.H.R.C. on the vanguard to find a solution to the problem of bonded labour system in the country. In this direction any successful efforts by the NHRC will remain a landmark in a achieving social justice to the forgotten specimens of humanity.

The activist role of the Supreme court of India to the development of a new jurisprudence of Public Interest Litigation the judiciary has been able to make the state accountable for constitutional or legal violations affecting the interests of the deprived and vulnerable sections of the society. The cases of bonded labourers which have come before the court through this newly searched device of PIL have exposed the reckless and callous attitude of the state in handling the problems of bonded labour in different parts of the country. Acting as a social engineer, the apex court have to be a great extent succeeding in bridging the gap between the law and its implementation. By adopting commissions the look into the work of identification, release and rehabilitation of bonded labourers the court has been able to compel the state to carry out statutory responsibilities towards the depressed people.

Author, hope that the government would welcome this initiative of the court as it would provide an opportunity to help the poor and the deprived to come out of the clutches of powerful landlords and joins the nations mainstreams. Fifty Nine (59) years of independence is quite a long period and governments have not been able to wipeout this evil social
practice from the Indian soil. In the submission, the time has come when
the state must ensure that the constitutional promise of social and
economic justice becomes reality to all these depressed and deprived
people who have been exploited for centuries together.

Judicial activism has created a favourable condition for the bonded
labourers and has improved their living by treating a post card, letter,
newspaper's report, T.V. news as writ petition. Supreme Court in it's
various decisions has avoided the doctrine of locus standi and has violated
its rule to help the bonded labourers. Ambit and scope of Article 21 & 32 of
the constitution has been widened due to various decision of the bonded
labourers. Now the Supreme Court is inviting new meaning Article 21 day
by day. The court has included pollution free water and air under Article 21.
In Bandhu Mukti Morcha case, the court has treated a letter, written by
bonafide member of public as appropriate proceedings under Article 32.
Despite concerted efforts of the legislature, the executive and the judiciary
the bonded labour system could not be abolished and the Bonded Labour
Act could not be implemented in fullest form.

The prominent reason of failure of the legislature can be assigned to
the dominant position of the bond masters who holds huge lands comes
from high caste, has caste support and can also influence the executives
while the bonded labourers in whose favour laws are made are poor,
belong to the under privileged low castes. Acts passed by the states in
response to the constitutional provisions against the practice of bonded
labour system in India, did not serve the purpose because their execution is
left to the bureaucracy who has no sympathy for the bonded labourers. Moreover the masters have the upper hand in implementing the legal provisions. Most of the states and union Territories are reluctant to accept the prevalence of bonded labour system, giving the impression that there is no need for legislation as the bonded labour system in practice had completely died out. While the problem continues not only to persist but flourish on a wider scale, the reaction on the intelligentsia and the bureaucracy is to play down the gravity of the situation by shutting their eyes. Those who refuse to see social facts in reality, find nothing severe.

The above changes in the law are no doubt essential but, would not themselves be sufficient to eradicate the evil of slavery from our society. The problem of our bonded labour cannot be viewed in an isolated manner. New dimensions of bondage are largely the product of the economic and developmental policies that we have been pursuing in the post independent period. It is these policies which have generated bonded labour in the non traditional sectors in a big way, unless therefore, the direction of these policies is changed, nothing tangible is expected to be achieved by simply changing the provisions of the Act. There is also a compelling need to vigorously implement other social legislations like The Minimum Wages Act, The Contract Labour Act, The Migrant Labour Act, The Mines Act, Workmen's Compensation Act and the Child Labour Act. The laws have been there on the statute book for a long time but largely remained on paper thereby giving a free hand to the exploiters. The executive and enforcement agencies of the law not implementing these laws, have been directly or indirectly colluding with the exploiters and the
vested interests and so long as these process continues, there seems to be no escape from the fact that a large section of our society will continue to live in slavery.

The plight of the bonded labourers continues to be a serious social problem and a matter of concern for public, government, judiciary, social scientists and social workers, if between 16 & 17lakh crimes in a year, for which about 25lakh persons arrested under the IPC, are considered a serious issue for the Indian society., freeing of three million bonded labourers must be viewed as a very crucial issue, for this purpose, it is necessary that researches be sponsored by different funding agencies to ascertain the extent and the nature of the problem, examine handicaps in identification, utility of various rehabilitation schemes. Co-ordination of activities between central government, state governments and voluntary organizations, necessity amending the 1976 Act, determining responsibilities and accountability of the concerned officers, and introducing after care programmes for the freed bonded labourers. Unless serious efforts be taken to save the bonded labourers from ruthless exploitation by the vested interests, the problem will continue to be a social menace. The total abolition of the system of bonded labour through legislation may not be feasible in the near future. Yet doing away with the legislation may cause further distress to the victims. Removing poverty, unemployment and illiteracy, which are believed to be the three basic cause of the bonded labour system, is also not easy. The formulation of future plans, programmes and projects for the bonded labourers would require a broad approach and action at various levels.
The problem of bonded labour has thus to be fought at various fronts social, psychological and legal, we have to educate the exploited not be succumb to pressure tactics. We have to tell the exploiters that law cannot be circumvented and has to take its course in democratic India. We have to create committed opinion among the masses. We have to involve not only intellectuals but also the enlightened citizens to carry the message to those who matter, we have to enforce laws rigidly. We have also to impress upon the politicians to tackle the issue with concerted interest and a missionary zeal. The system based on exploitation by a few socially and economically powerful persons, trading on the misery and suffering of large numbers of men, and holding in a bondage constitutes a shameful feature of our national life. The bondage of the economically impoverished segments of society for a small debt is loudly incompatible with the egalitarian socio economic order promised to Indians. Wiping out, this system is basic and crucial to human dignity and conformity to constitutional values.

There is a wide gap between legislative philosophy and its implementation. Legislation seems to have remained merely a paper tiger without teeth and claws. It is unfortunate to note that the bonded labour system still prevails in many parts of the country in spite of legislations, for more than two decades it is to be noted that mere passing of legislation is not itself sufficient, rather it is important to implement it in true spirit of the Act for achieving the noble object for which such legislation is passed. It is important part of the government to give urgent attention for weaving them into a social fabric for the development process. The task of total
abolition cannot be successfully achieved unless it is tried sincerely by the politicians, bureaucrats and the common man with the help of mass media to generate awareness about not only the Act and constitutional privileges but also the implementing organizations and opportunities of subsequent socio economic rehabilitation. I conclude with the favour quotation of Anatole France:-

"To disarm the strong and arm the weak would be to change the social order which it is my job to preserve Justice is the means by which injustice are sanctioned".

Therefore, the researcher offers few suggestions as under for eradicating the bonded labourers in India:-

1. If the Weaker segments of the society to be given some preferential treatment in the name of social justice, the released labour should be given some permanent employment in the Central or State Governments service according to their capacities.

2. Rehabilitation of released labourers has necessarily to be planned scientifically and executed expeditiously. Further, the state governments concern have to take enquiring about them at regular intervals upto a minimum of five years or until they are well settled.

3. In the era of materialists which controls the economic and political power, elite should stand behind the administration with full commitment to social equality and emancipation of the deprived
section at least to provide them with basic amenities i.e. drinking water, sewerage, electricity in their dwelling houses on priority and concessional rates.

4. The Indian Parliament should setup a "National Council for the Liberation and Rehabilitation of bonded labourers ", which shall be directly accountable to the nation through its parliamentary actions.

The NCLRBL's chairman and members should be the central and state Labour Ministers, selected social workers and any other persons as may be decided upon. The national council shall recognize voluntary organizations like Bandhu Mukti Morcha. It is the only organization in India totally dedicated for the identification, release and rehabilitation of bonded labourers organised by Swami Agnivesh alias vepa Shyama Rao and some financial assistance is to be given. The District Level authority shall be directly accountable to the National Council.

5. The definitions of bonded labourer and bonded labour system 2(f) & 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 amendments be made in these sections. The Sections 2(f) and 2(g) should be substituted by following :-

Section 2(f) "bonded labour" means a labourer who provides or is providing or has provided labour or service in lieu of an advance or consideration which is less than minimum wages.
6. 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 be suffice to liberate them. Therefore, it is suggested that training workshops and camps must be organized periodically in the areas having bonded labourers, to explain the various sections of the Bonded Labour Act, including correct definitions as there is some confusion in the minds of various functionaries about the proper definition of bonded labour, attached labour, contract labour and migrant labour etc.

7. In the Minimum Wages Act at present there are certain loopholes. If there is any contravention of the Act by any employer, a prosecution can be launched (Sec-22-B). Instead of that any social worker or any trade union who is taking up the case of that worker who is denied payment of minimum wages should be given opportunity to prosecute the employer. By this method the matter may become little easier for strict enforcement of the Act. In several other Acts, there is protection for security of employment, if a labourer initiates certain proceeding under the Act. But under the Minimum Wages Act, as it stands today, if a worker is denied payment of Minimum Wages and if he makes a claim, then no security of employment is assured to him. The moment the workman makes the claim, he or she is discharged from the employment. He finds it very difficult to get his employment back rather than getting the minimum wages. Therefore, suitable amendment in the Minimum Wages Act should be made to fulfill these deficiencies.
8. Under Bonded Labourer System Act. District Magistrates of the district 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 body for emancipation of the bonded labourers.

9. For the purpose of rehabilitation of freed bonded labourers, every state government should constitute a separate Board. The board should consist of the following members namely:-

a. The Minister of labour or a person nominated by him who shall be the chairman,

b. Three persons belonging to Scheduled Castes, Scheduled Tribes and a person working among agricultural labourers to be nominated by the Labour Minister,

c. Two social workers to be nominated by the Labour Minister,

d. Secretary of the Financial department who shall be the Secretary of the Board,

e. One person to represent the financial and credit Institution in the state to be nominated by the State Government,

Adequate funds should be placed by the State Government at the disposal of the Board and the Board should be made duty bound to prepare special schemes for providing alternate jobs for the freed
bonded labourers and to take any other measures to ensure their economic and social rehabilitation.

10. As we know that the right to work is not a fundamental right but only a directive principles and not mandatory. The right to work should be made mandatory for the bonded labourers.

11. The adequate and effective land reforms should be done so that the land is distributed among the poor also.

12. The Magistrates and Judicial officers take a very lenient view for the benefits of the workman and let off the defaulting employees with small fines. There have also been occasions where the magistrates and judicial officers have scratched prosecution and acquitted or discharged the defaulting employers on hyphen technicalities. This happens largely because the magistrates and judicial officers are not sufficiently sensitized to the importance of observance of labour laws. Therefore, it is suggested that the execution and judicial officers must be properly trained and sensitized for this purpose.

13. Vigilance committees should be constituted in each district and sub-division of every state, if any person brings a complaint before the court or vigilance committees a particular person or persons are working as bonded labourers, the states should co-operate in the inquiry instead of opposing the case.
14. There should be a committee consisting of representatives of Government employees and labourers. The committee should have executive power to oversee the implementation of this Act and to advise the Government regarding the implementation of the Bonded Labour System Act.

15. Law should be enacted, providing for the appointment of Labour Attaché who can provide the information, whether bonded labourers are getting employment or not.

16. The Central Government should every year place on the table of the parliament a report on the measures taken by itself and by the State Governments in pursuance of the Act, Acts implementation. Merely by enacting laws this evil cannot be abolished. Legislation alone will not be able to deal with the problem; it is only when the social conscience aroused to deal with this social evil, this barbarous system can come to an end.

17. The process of identification and release of bonded labourers is a process of discovery and transformation of non-being to human. What is needed for is determination dynamism and sense of social commitment on the part of administration/executives to wipe out this inhuman practice.

18. *Bandhu Mukti Morcha* and other groups have played and are playing inspiring role in the eradication of this evil. Such voluntary

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organizations/agencies dedicated to the cause of emancipation of bonded labour, will be able to penetrate through secrecy under which very often bonded labourers are required to work and discover their existence and help to identify, release and rehabilitate. They may play dominant role in educating them regarding their statutory rights in helping them to organize themselves as pressure group to successfully secure their rights as to minimum wages and reasonable working conditions. NGO may compel Government of India to ensure proper implementation of provisions of Bonded Labour System (Abolition) Act, 1976.

19. 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 (as desired in (Bandhu Mukti Morcha) is a good suggestion. The officers should be properly trained and sensitized so that they may feel a sense of involvement of misery and suffering of the poor and carry out their functions. National Commission and Bonded Labour and child with chairman and member acquainted with the provisions of social security legislation and a state council establishment for check and supervision may be established. These establishments should be accountable for their working to the nation through Parliament and Assemblies.

20. The door to door country wide survey of area, which have been traditionally prove to this system of bondage debt, should be under
taken by the social action groups operating in that area so that the process of identification and release may go side by side. Such a burden may also lie on the "Council for Advancement of Peoples", 'Action Rural Technology' (CAPRAT).

21. We are to make the poor realize that the courts have nowadays been the courts of justice and the court of poor. The economic inequality now can be no hurdle at least in filing with petition for the liberation of these down trodden and to provide new ethos in the justicing system. Establishments of Mobile Courts in the affected areas may be effective step to overcome the evil. The members of the court be provided with ample power to award the guilty hard punishments without delay through summary trial, the members of the Mobile Court may be persons specialized in labour laws so that minor offences may be tried at the spot.

22. Access to justice freedom and equal opportunities are only possible through education. They 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 step in this direction through Central Board of Workers Education. The outlook of Swami Vivekananda be appreciable. According to him, "So long as the millions live in danger and ignorance, I hope every man a traitor who having been educated at their expense pays not the least heed to them". Right to education
can only assure dignity of individual rightly the Supreme court has elevated it to the status of fundamental rights, in *Unnikrishnan V/s State of A.P.*, which ultimately through 83rd amendment in 2003, added Article 21A in the constitution deals about the Rights to Education as a fundamental right, but practically there is official neglect of right to education.

23. Social organization and Trade Union may also join hands to fight for the Cause of Needy with low income groups. Scheduled Castes and Scheduled Tribes women are provided with the competent and qualified advocate at the cost of state exchequer. Here it may be submitted that fees of these advocates be raised to be certain level otherwise they will have an escape to plead the cases of the masses. The advocates also must have sense of social service if they are asked to plead some cases on low fees.

24. Employment centres be established in every state to provide them permanent job with minimum wages and equal pay for equal work. The right to work may thus be made a reality to all those released bonded labourers. Extra judicial bodies may protect the interest of the bonded labourers so that they may not be bewildered. The institution of social reforms must be registered under Registration of Societies Act. *Villages and Baradari Panchayats* along with volunteers & social action groups can, play important role for it. Money lenders, who are still earning out the business without the prior permission of the authority, may be searched out by these reforms and cases may be filed.
against them to prosecute them. Rigorous implementation of penal provision will improve the position and periodical inspection will bring better results.

25. Central and State Governments 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 idea.

26. Demonstration and propaganda through radio, Newspapers. T.V., E-mails may be given wide publicity to attract the attention of the society to abolish this social evil. It is legal and moral necessity to emancipate beggars. Though the problem affected national socio economic conditions, but it is also true that no government can proceed without solving such problems. This system of bondage, being a social evil requires its eradication at the earliest. It is our moral duty to identify, release and rehabilitate them under the Chapter IV & IV-A of the constitution of India.

27. The honest persons in administration committed for social and economic justice, programmes, should be honoured and rewarded for their relentless selfless effort to eradicate this menace of beggar from the society.
But more slogans, directions, welfare legislations, government machinery, organizations, conventions, conferences, seminars and workshops cannot effectively change the fate of these ignorant and illiterate people unless they are unanimously prepared to raise with their own without any fear. Preamble of our constitution is reminding us to secure to all justice, equality, liberty and fraternity without any discrimination on the basis of sex, caste and greed. Respect for law and easy and equal access to justice can play effective role for this purpose. Thus, the dreams, of our founding fathers enshrined in our constitution will be realized. Dignity and decency of even, individual will be maintained.