# CONTENTS

**SUPERVISOR’S CERTIFICATE**  
ii

**PREFACE**  
iii

**ACKNOWLEDGEMENT**  
vii

**CONTENTS**  
x

**ABBREVIATIONS**  
xvii

## CHAPTER - 1  INTRODUCTION  
1

## CHAPTER - 2  HISTORICAL RETROSPECT OF
BEGAR SYSTEM : AN ANALYSIS

ON THE CAUSES OF ITS CONTINUANCE  
10

2.1 What was the slave Revolution ?  
10

2.2. What is Communist Revolution ?  
13

2.3. Different types of bondage, which were  
existed over a long period of history.  
15

2.4. Origin of Bonded Labour System

2.4.1. Before Independence  
19

2.4.2. After Freedom  
22

2.5. Bonded - Labourers  
36

2.5.1. Bonded Labour in Agriculture  
37

2.5.2. Bonded Labour system among Tribals  
47
2.5.3. Brick Kilns

2.5.4. Stone Quarries, Crushers and Mines

2.5.5. Power looms and cotton handlooms

2.5.6. Bonded labour in other Sectors

2.5.7. Bonded Child Labour
    2.5.7.1. Carpet Weaving
    2.5.7.2. Silk Reeling and Weaving
    2.5.7.3. Hybrid Cotton Seed Production
    2.5.7.4. Middle class largest employer of child labour
    2.5.7.5. No Child Labourer in Plantations

2.5.8. Bonded Labour Flourishes in New Economy

2.5.9. One-Fourth of Female Population
        Constitutes Women Labour, Majority of Organized Sector Women Workers
        Employed in Community, Social Personal Services Sectors

2.6. Unorganized Sector Workers Social Security
        Bill and Notification of Suitable Welfare Schemes

2.7. Position of Bonded Labourer in Western Countries

2.8. Highlights of Bonded Labour in India

2.9. Myriad Factors for the Prevalence of Bonded Labour in this Country
CHAPTER - 3 INTERNATIONAL PERSPECTIVE OF BONDED LABOUR

3.1. United Nation (UN) on Protection of Forced Labour (Including Child Bonded Labour) 121

3.2. International Labour Organization on Protection of Forced and Bonded Labour (Including Child Bonded Labour) 129

3.2.1. Stop Child Slavery, ILO Tells India (State Third in Exploitation) 137

3.2.2. ILO Predicts 'painful' wage cuts; Tensions to Intensity, (Middle Class to be hard hit) 160

3.3. Conclusion 163

CHAPTER - 4 LEGISLATIVE EFFORTS TO ABOLISH THE BEGAR SYSTEM IN INDIA

4.1. Origin and Development of the Concept of Social-Justice 182

4.2. Constitutional Efforts towards Extinction of Bonded Labour System 194

4.3. Parliamentary Legislations 208

4.3.1. The Minimum Wages Act, 1948 211

4.3.2. The Mines Act, 1952 213

4.3.3. The Contract Labour (Regulation And Abolition) Act, 1970 214

4.3.4. The Equal Remuneration Act, 1976 217
4.3.5. Bonded Labour System (Abolition) Act, 1976

4.3.5.1. Model for Central Vigilance Committee

4.3.5.2. Model for State Vigilance Committee

4.3.5.3. The Bonded Labour System (Abolition) Act, 1976-salient features

4.3.5.4. The objectives of the Bonded Labour System (Abolition) Act, 1976

4.3.6. Inter-State Migrant Workmen

4.4. Efforts by State –Legislatures

4.5. The Child bonded labour legislations in India

4.5.1. The Apprentice Act (XIX of 1850)

4.5.2. The Indian Factories Act (XV of 1881)

4.5.3. The Indian Factories Act (II of 1922)

4.5.4. The children (Pledging labour) Act, 1933

4.5.5. The Employment of Children Act, 1938

4.5.6. The Factories Act, 1948

4.5.7. Plantation Legislation & the Plantation Labour Act, 1951

4.5.8. Mining legislations

4.5.9. The Merchant Act, 1958
4.5.10. The Motors Transport Workers
Act, 1961 (27 of 1961), as amended
in 1986 273

4.5.11. Bidi and Cigar Works (Conditions of Employment)
Act, 1966 274

4.5.12. Contract Labour (Regulations and
Abolition) Act -1970 275

4.5.13. Shops and commercial Establishments
Act, 1969 275

4.5.14. The Child Labour (Prohibition and Regulation)
Act, 1986 276

4.6. Right to Education 283

4.6.1. Right to Education (Child Rights) 285

4.6.2. Need for National Commitment 286

4.6.3. Right to Survival, Nutrition & Health 288

4.6.4. Emerging issues 293

4.6.5. Priority Concern 295

4.6.6. Child Labour 297

4.6.7. National Rural Employment
Guarantee Act (NREGA) 298

CHAPTER - 5 JUDICIAL EFFORTS TOWARDS EXTINCTION
OF BONDED LABOUR : A CRITICAL STUDY
OF POST CONSTITUTIONAL ERA IN INDIA 304
5.1. The courts as a defender or Protector of Bonded Labourers 309
5.2. Origin of Locus-Standi 312
5.3. How the Locus-Standi Gradually Imbedded in the Administration of Justice System in India? 318
5.4. Bonded Labour and Public Interest Litigation 339
5.5. No liability to pay minimum wages, if employment is not listed in scheduled to the minimum wages Act 371
5.6. Right to minimum wages should be enforced as created under the statute 373
5.7. Goofy attitude in identification of bonded labourers 379
5.8. Social Action Groups have become the Representative of under privileged and the unrepresented 392
5.9. Bonded Labour and its neo-constitutionalism 394
5.10. Child Labour Welfare 397
5.11. Right to Education and Child Labour Welfare 399
5.12. Trafficking of Human Beings and Forced Labour are Prohibited 406
5.13. Employer liable for violation of Act 414
5.14. Regularization/absorption of contract labour 417
5.15. Canteen employees 421
5.16. Female employee on contractual appointment, having worked for more than 80 days will be entitled to maternity benefit

5.17. Fixation and revision of minimum wages

5.18. Claim of arrears of differential wages

5.19. Safai karamcharis cannot be denied minimum wages on the ground they are part-time workers

5.20. Person responsible for payment of wages

5.21. Causal connection between employment and death of workman

5.22. National extension of duty

CHAPTER - 6 CONCLUSION

BIBLIOGRAPHY

TABLE OF CASES