In 1919, the ILO was established to encourage formal recognition of human rights falling within its competence and to develop conditions necessary for their realisation. Since its inception, the ILO has adopted a large number of Conventions and recommendations to cover fundamental freedoms and most of economic and social rights now regarded as essential in the enjoyment of human dignity. Among these Conventions those concerned with the prohibition of forced or compulsory labour and discrimination have obtained maximum number of ratifications. It indicates that the principles underlying these instruments now find almost universal recognition and acceptance. Mr. U. Thant, the then Secretary General of the UN while addressing the 53rd session of the International Labour Conference 1969 spoke of the ILO's contribution to the 'cause of human freedom' as "a source of strength to the whole United Nations System". The ILO,

he added, has been a "pioneer in formulating human rights, including such fundamental rights as freedom from forced labour, freedom of association and freedom from discrimination. These freedoms have been set forth in widely ratified conventions." 2

The attainment everywhere of a universally recognised standard of freedom of labour presents the ILO with a challenge of daunting magnitude. Fulfilment of this objective in this highly technological and rapidly transforming world always giving birth to new issues is a herculean task by any means. To fulfill its responsibility under the 'Declaration of Philadelphia' and to examine "all national and international policies and measures, in particular those of economic and financial character in the light of the contribution they can make to the promotion of freedom and dignity, economic security and equal opportunity, the ILO has adopted diverse and varied methods and means. This task has taxed and will continue to tax till the removal of slavery, forced or compulsory labour, bondage, poverty, backwardness and disparities within the countries and between them, the ingenuity, resolve and resources of the Organisation.

To achieve this cherished goal, the ILO has adopted two direct Conventions (No. 29) and (No. 105) on forced labour. These Conventions aim at removing the element of compulsion from employment or service relations. The Convention (No. 105) 2, quoted in, E.A. Landy, "The Influence of International Labour Standards on Feasibilities and Performance", International Labour Review, Vol. 101, Jan–June, 1970, p. 556.

Furthermore, offers protection against the imposition of any form of compulsory labour (including that following from conviction in a court of law) as a means of labour discipline, as punishment for having participated in strikes, as a means of political coercion or education, as punishment for expressing views ideologically opposed to the established system, or as a means of discrimination. These standards form the basis of the ILO's positive programme to stamp out all forms of slavery, servitude, and exploitation of workers amounting to forced labour. These instruments have been reinforced by a number of supplementary recommendations, conventions and resolutions. To ensure their wider acceptance and implementation, effective machinery for their supervision has also been created. The Committee of Experts so far has presented three General Surveys on the implementation of forced labour conventions. These surveys highlight the difficulties that arise in the effective implementation of forced labour conventions and also present a picture of improvements made in national laws and practices in the light of the principles underlined in these standards, which correspond to the aspirations of those whom they are intended to protect. On the basis of the reports of the Committee of Experts relevant standards have been revised or adapted to to the demands of the times. Important gaps that exist between standard setting and the aspirations and needs of the target groups have been identified. The ILO's unique tripartite structure affords an opportunity to all its participants to secure full compliance of the member states
with their obligations under these conventions. These standards stress that a just and stable order must shield the individual from all coercion through forced or compulsory labour that might prevent him from taking a responsible part in the economic, social, or political life of his community. Following the spirit of these instruments, a number of states have rooted out forced labour and similar practices in their respective jurisdictions. However, many nations are still saddled with outmoded and uneconomic practices such as debt bondage, bonded labour, forcible recruitment or retention of workers which are prohibited by these standards.

India is the only country in the ILO family to recognise the persistence of debt bondage and bonded labour in its territory. However, she is determined to wipe out this evil practice, in a planned manner and within the democratic framework. The ILO has been constantly helping India in this field through activities conforming to priorities and programmes indicated in India's Five Year Plans. Besides persuading India into implementing standards on forced labour, the ILO has undertaken various programmes for improving employment opportunities, combating exploitation of labour, and human resources development. More emphasis has been on consultancy services, fellowships and study tours.

In the recent past, stress has been on co-operation in social and economic development activities falling within the

competence of the ILO. For this, the ILO has resolved to exploit and utilise the experiences and expertise of the non-governmental organisations and academic institutes active in the area. A recent development in this area is the signing of agreements with 33 non-governmental organisations in India, for the implementation of action programmes for the welfare of child labour under the International Programme On Elimination of Child Labour (IPEC).

The practice of bonded labour is deeply entrenched in India's socio-economic set-up. It has its roots in the unequal hierarchical social stratification of the Indian society. Our history bears testimony to the subjugation and subordination of the aborigines by invaders and the birth of the 'dasa' system. The 'dasa' system was approved and reinforced by a feudalistic, caste-ridden Indian society. This society provided a built-in mechanism for the continuation and perpetuation of the slave system. The upcoming and incoming religious faiths such as Buddhism, Jainism or Islam failed to bring any remarkable changes in the social structure or rather these faiths provided a firm basis to social inequality and the alienation of man from man. No rulers in India banned this exploitative system, for it had social sanction.

These social inequalities widened during the colonial rule. The British policy of 'divide and rule' acted as a breeding ground for these exploitative tendencies. The zamindari system, the land revenue system, the educational...
set-up and the administrative structure promulgated by the Britishers further split up the Indian society into smaller groups than ever before. When slavery became inimical to economic and political interests of the Britishers, then they took the initiative to regulate the slave system. Firstly, they banned the slave trade, but only partially. Later by the Act of 1843, they declared the rights arising out of slavery void. Special laws to regulate the practice of bonded labour were also enacted. However, the system prevailed. These laws either remained on the statute book or brought about petty modifications in the system as there were adopted half-heartedly. Though these measures were not followed by any economic transformation or social awakening programmes affecting the life of the poor, who had been subjected to servitude for ages, they resulted in some social improvement and increased social consciousness.

Since the national leadership involved in the freedom struggle considered the practice of bonded labour incompatible with human dignity, with the advent of Independence serious efforts were made to curb this malady. The major attempt to abolish the system of bonded labour was made by the Constitution. The Constitution does not merely aim at certain social reforms or social reconstitution, but it provides a new social order or norm with justice, freedom and equality of opportunity for every individual so that he may be in a position to maximise his efforts and resources.
to attain the highest of which he is capable. These aspirations of the framers of the Constitution have been given shape and content in Fundamental Rights and the Directive Principles of State Policy. An important provision in the field of forced labour is Article 23 of the Constitution which prohibits forced labour and makes it a punishable offence. In response to Article 23 many states amended their previous enactments which were contrary to Article 23. Some Acts were also passed against the bonded labour system. These Acts were supported by many other steps of far-reaching importance, to eliminate bonded labour and other social institutions that generate and perpetuate bonded labour. But this multipronged strategy failed to uproot the obnoxious practice of bonded labour. The practice continued to flourish in almost every part of India in one form or another without much change, as it had the social sanction.

The post-colonial policies, despite their democratic and socialist ideals suffered from three major defects. First, the new leaders failed to transform the administrative structure and could not bring attitudinal changes in the new-generation officials. Second, the vested interests viz., moneylenders, landlords etc., had an interest in keeping intact the exploitative socio-economic set-up, land relations, and the educational and awareness levels of the masses. Thus the status quo was maintained in human relations, even after Independence. Third, the problem was aggravated because of
the adoption of a wrong development model for India. The production-oriented measures with their 'trickling down effect' have been the least helpful to the bonded labourers. Instead, such measures have brought additional fortunes for the rich providing them with the wherewithal to modernize production. These measures, because of 'thick crust of custom' could not usher in a new era for the exploited and down-trodden strata of the Indian community. The inability of the bonded labourers continued as they constituted an unorganized mass attached vertically by bonds of loyalty to their traditional patrons.\textsuperscript{5}

The ILO, along with various committees, commissions, researchers etc., continued to highlight the extent and magnitude of the problem and the urgent need to tackle the malady of bonded labour. Consequently, the abolition of the bonded labour system became a major point in the 20-Point Programme - a package of economic measures for the poor. The most important step to abolish bonded labour was the promulgation of an Ordinance in October 1975 which declared the practice of bonded labour illegal. The violation of the provisions of the Ordinance was made a cognizable offence. Later, in 1976, the Ordinance was replaced by the Bonded Labour System (Abolition) Act. The Bonded Labour Act can be regarded as the most comprehensive, bold and progressive piece of legislation ever enacted by the Indian Parliament. It has prevailed over the previous enactments on the subject.

\textsuperscript{5} A.K. Lal, \textit{op.cit.}, p.81.
plugged the existing loopholes, and ensured uniformity. The Act has taken care of all the facets of bonded labour system. It has ensured in theory at least that the system will not emerge again. The Act has also provided for social and economic measures to free and rehabilitate the bonded labourers. The machinery for the enforcement of the Bonded Labour Act consists mainly of Central and State Labour Departments, their regional and district level agencies, and the district and sub-divisional level vigilance committees.

The Labour Ministry issued detailed guidelines to the State Governments to identify and release the bonded labourers in their respective territories and to prepare viable programmes for their effective rehabilitation. The Labour Ministers Conference, held in October 1976, felt that the ongoing schemes for the rehabilitation of the bonded labour were inadequate, and thus a centrally sponsored scheme should be started. A detailed paper was submitted to the Planning Commission, stressing the need for a centrally sponsored scheme. The paper also pointed out that immediately after the promulgation of the Ordinance of 1975 on the eradication of the bonded labour system, the ILO Area Office at New Delhi had offered financial assistance to the Labour Ministry for the rehabilitation of the released bonded labourers. But the Department of Economic Affairs on the advice of the Ministry of External Affairs, supported informally by the Prime Minister's Secretariat declared that the rehabilitation of bonded labour was not a suitable area for
accepting foreign assistance. Ultimately in 1978, the Centrally Sponsored Scheme for Rehabilitation of Bonded Labour came into force. It is financed both by the Centre and by the concerned State Government on a matching grant basis. From time to time detailed guidelines are sent by the Labour Ministry to the State Governments to make their rehabilitation programmes more and more effective. The State Governments have frequently represented that the allocations for the rehabilitation of bonded labour, under the Centrally Sponsored Scheme are inadequate. The Labour Ministry has directed the State Governments to imaginatively integrate the funds for the rehabilitation of bonded labour with funds allocated under other poverty-alleviation and income-generation schemes operative in their respective areas. In short, the Centrally Sponsored Scheme for Rehabilitation of Bonded Labour is a well-programmed scheme. Various guidelines issued by the Labour Ministry to implement the scheme stress both the economic and psychological aspects of rehabilitation.

Today, the bonded labour policy, its legal and rehabilitation aspect, is on record as one of the most comprehensive and radical policies of the Government. The programme for the elimination of bonded labour system is an important step in converting our constitutional policy.

into an administrative reality. An evaluative study of the Centrally Sponsored Rehabilitation Scheme was conducted by the Programme Evaluation Organisation of the Planning Commission in 1984. The report has highlighted certain shortcomings of the scheme and of the administrative and organisational set-up responsible for its execution. These shortcomings have affected the successful working of the rehabilitation process. The system of bonded labour still continues to operate. Many of the released bonded labourers have not been provided with rehabilitation assistance and have relapsed into bondage.

The failure of the governmental efforts to contain the malady of bonded labour compelled non-governmental organisations, social action groups, social reformers etc., to knock at the portals of the apex court through public interest litigation to demand justice for these forgotten species of mankind vis-à-vis the bonded labourers. The response of the Supreme Court has been very encouraging. The court has initiated a peaceful revolution by concentrating on the welfare of the poor. Surpassing the hitherto insurmountable hurdles, the court has relaxed the traditional rule of 'locus-standi', and has given new dimensions to Fundamental Rights through liberal interpretation of Article 21. The Court has adopted a new methodology for making constitutional and other rights meaningful to the weaker sections. Keeping in view the failure of the governmental measures to improve
the situation, the Supreme Court has evolved its own methodology for the welfare of bonded labour. The Court has given detailed directions on the responsibilities of the administration, the role of vigilance committees and that of non-governmental organisations. The Court has laid down the means to ensure the benefits of social welfare laws to the bonded labour, the ways to represent the bonded labour before the Court and to prove the existence of bondage. Through these appreciable steps, the Court has played a supportive role to the co-ordinated efforts undertaken by social activists, non-governmental organisations etc., to promote the welfare of the bonded labour. This positive response of the Supreme Court has instilled a new confidence into the social action groups active in this field.

Understanding the limitations of the governmental efforts non-governmental organisations have come forward to play their own role in promoting the welfare of the bonded labour. They act as a catalyst and play a very vital role in the identification, release and rehabilitation of the bonded labour. Non-governmental organisations reflect the needs and aspirations of the poor and exploited. Although non-governmental organisations cannot initiate schemes equal to governmental programmes for the welfare of the poor, they can help in the effective execution of governmental schemes. Most of the social welfare schemes fail to achieve their objective as the target groups are submissive and ignorant, and the administrators lack commitment and sensitivity to acute human problems. Here, non-
governmental organisations can play an effective role. They can inform, organise and motivate the people, and improve their information about governmental schemes. Voluntary organisations can initiate a massive movement to stem the tide of forces which create and perpetuate poverty and bonded labour. They can activate the administration through publicity, organised movements, complaints, public interest litigation etc., They can help the bureaucracy in the identification of bonded labourers, distribution of rehabilitation assistance, matching of schemes to local conditions, and provide knowledge of local factors affecting the success of rehabilitation schemes. These organisations can even contribute funds to lubricate the movement of schemes which often get blocked due to rigidity of programmes and procedure. The seeds of the social movement against the practice of forced labour or bonded labour were sown during the British regime. However, the passing of Bonded Labour System (Abolition) Act has given a big boost to voluntary action in this field. Many non-governmental organisations such as the National Labour Institute, the Lai Bahadur Shastri National Academy of Administration, AWARE, the Bandhua Mukti Morcha etc., are providing yeoman’s service to bonded labourers. The importance of voluntary action has been recognised even by the ILO and the Supreme Court. The government has consistently followed the policy involving more and more voluntary agencies in the work of freeing bonded labourers. Since the Seventh Five Year Plan, through grants-in-aid, the voluntary organisations have
been encouraged to come forward in this field. And today non-governmental organisations are playing a major role not only in the identification and release of the bonded labourers, but they have come forward even to effectively rehabilitate them. This study has focused on the actual performance of some of the non-governmental organisations in this field. The role of non-governmental organisations has been very crucial in the psychological aspect of rehabilitation. They have been able to transform the victims' 'culture of silence' into a 'culture of confidence'. They have instilled courage into bonded labourers to face the realities of life. However, on the economic side of rehabilitation, non-governmental organisations have not achieved much success.

1.00 Findings of the Empirical Research

The basic principles of the bonded labour system abolition programmes have been studied, reviewed and assessed by comparing them with the expectations of the working class through an empirical study. In this research, the views of the persons actively involved in the promotion of welfare of bonded labour have been collected. The validity of the theoretical findings of the work has been cross-checked and the perceivable gaps between the desired and the existing legal norms have been brought out through this empirical study.

The empirical research has shown that in spite of the wide-ranging action programmes to eliminate the practice of
bonded labour, it is still a continuing blot on the Indian social system. The enforcement of these programmes has not relieved the miseries of bonded labourers. In fact, these programmes suffer from some inherent structural limitations, which hamper the achievement of the goal of the total elimination of the practice of bonded labour.

1.10 Lack of Focus on Causative Factors

Although the Bonded Labour Act provides a bonded labourer with a legal shield against economic and physical exploitation and declares him free from any obligation to render bonded service, it nowhere promises that the released bonded labour shall be the master of his own labour thereafter. The Act does not focus on the causative factors that lead to the generation of bonded labour. It does not aim to change the traditional relationships between the real producers and production, between the production-controlling forces and the state, and finally between the real producers and the state. The bonded labour system is basically a product of a socio-economic structure with unequal access to resources which rewards ownership rather than work, and condemns the lower strata of the community to be slaves. In this oppressive social structure, the exploiters control the decision-making process. Of course, welfare measures have affected the periphery but the original power structure has remained intact and unhurt; still the bulk of the Indian masses suffers under the yoke of
bonded labour. The problem of bonded labour is aggravated by many factors such as surplus labour, unemployment/under-employment, inequitable distribution of wealth, low wages, distress migration, obsolete social customs etc.. With very low and greatly fluctuating incomes, the bonded labourers form the poorest section of the village economy. They have no alternative than to hypothecate their person to get money for consumption needs and social customs. The causative factors of bondage are unrepayable debt, meagre wages, and the loss of freedom to seek alternative employment. The incidence of bondage is high in the areas suffering from economic backwardness, acute poverty, a high degree of social inequality, a poor infrastructure, and low employment opportunities. These forces hamper the free mobility of labour and provide the exploiters with an easy access to cheap and forced labour, and unrestrained freedom to extract economic surplus.

1.20 Problem of Definition

The problem of identification is very intimately related to that of the definition of bonded labour. According to the provisions of the Bonded Labour Act the concept of debt is central to the definition of bonded labour, which may be found even among the contract labour or migrant labour. Even the liberal interpretation given by the Supreme Court gives too much importance to the debt element. Thus, the definition
of bonded labour is restricted to the traditional debtor-creditor relationship. This fails to cover each and every instance where a labourer is compelled to render bonded or forced labour, but where the element of debt is not present. This causes a lot of confusion among the lower functionaries regarding the identification of genuine bonded labourers.

130 Implementation of Penal Provisions

The Bonded Labour Act provides for stringent penalties against the keepers of the bonded labour. It requires the District Magistrate to prosecute and convict the offenders. Unfortunately, the penal provisions of the Act have almost become a dead letter. Cases of prosecution are rare and conviction is even rarer. The proceedings in this respect are not carried on in accordance with the spirit of the law. Public prosecutors appearing on behalf of the debtors are generally apathetic and indifferent to their clients. The bonded labourers, having no experience of law and its functioning, have to face polished defence lawyers. The conviction of the creditors is inordinately delayed. Such tactics give a serious setback to the movement promoting the welfare of bonded labour. By not punishing the offenders, the District Magistrates violate not only the legal but also the constitutional mandate. Moreover, the resolve to punish the offenders is weakened by the fact that the powers vested in the Executive
Magistrate to conduct a summary trial are not in accordance with the provisions of the Act. The Act provides that the bonded labour keepers can be sentenced to three years' imprisonment, whereas the Executive Magistrate has the power to convict for three months only.

1.40 Problem of Identification

Legal measures lay stress on the identification and release of the bonded labourers. But these processes have not yielded desired results. The identification process has two aspects: the methodology and the machinery. The Bonded Labour System (Abolition) Act does provide machinery for the implementation of the Act, but it does not prescribe the precise method of identification. The inactivity of Vigilance Committees and the lack of a network of voluntary agencies at the grass-roots level have inhibited the exposure of even the extreme cases of bondage. The antagonistic attitude of the masters towards the liberated bonded labourers, fear of reprisals, lack of alternative employment opportunities, lack of capacity to meet the challenge, and ignorance of the avenues open to them are some of the factors that prevent the bonded labourers from coming forward for legal help. The main responsibility for the identification of the bonded labour lies on the District Magistrate. But in most districts, the work of identification has been assigned to the lower echelons of the bureaucracy who are often hand in glove with the rural
exploiters. Due to a lack of sensitivity to this acute human problem, they generally adopt a formal, rigid and impractical approach. The administrators avoid admitting the existence of bonded labour. Even when somehow they admit its existence, the identification process is started without any preparatory work. Identification is done at one point of time, hurriedly as well as half-heartedly. This leads to an incomplete identification of bonded labourers. As the Bonded Labour Act requires that all identified bonded labourers should be released and rehabilitated, the identification efforts are hampered by many other considerations such as the resultant extra burden on the exchequer. Generally the identification of bonded labourers tends to be in direct proportion to budget allocations.

1.50 Problem of Release

Identified bonded labourers are supposed to be made free within 24 hours of identification. However, this does not happen in practice. Towards the question of release, a very formal and legalistic approach is followed. On the identification of a bonded labourer, a case is opened in the court of the Executive Magistrate. This leads to an endless process of trial with an elaborate procedure for recording evidence. This has a detrimental effect on the confidence of bonded labourers and causes unreasonable delay in the issuing of formal release certificates and the provision of rehabilitation assistance.
1.60 The Problem of Rehabilitation

The Centrally Sponsored Scheme for Rehabilitation of Bonded Labour, which aims to rehabilitate the bonded labourers, lays down a well-programmed concept of rehabilitation. There is absolutely no doubt that this concept, if operationalised in its spirit and content, would go a long way in improving the lot of the bonded labour. But in practice, the indifference and inactivity of the lower bureaucracy has exposed many shortcomings of the scheme. The concept of rehabilitation has two aspects: psychological and economic. On release, the bonded labourer loses his source of livelihood and needs immediate financial assistance to subsist, to start a new life, and to combat socio-economic discrimination. Besides providing economic assistance, a sea change has to be brought in the bonded labourer’s attitude and approach towards life. While formulating schemes for his rehabilitation, care has to be taken of the need for the mental awakening of the bonded labourer, his early way of life, the power of the exploiter, the possibility of his recapturing the bonded labourer etc. In practice, the Centrally Sponsored Scheme for Rehabilitation has proved a mechanical scheme only. It has catered to the economic needs of the bonded labourers and has failed to provide for their psychological rehabilitation. By and large, as the present study shows, the rehabilitation measures have created a small slab of marginally better-off individuals. The supplementary employment-generation and poverty-alleviation
schemes have so far made a very limited impact on the economic condition of the bonded labour. Many of the released bonded labourers have relapsed into bondage, for they neither had nor were provided with any alternative means of livelihood. The process of rehabilitation is hampered by the political pressures of the vested interests. The number of identified bonded labourers has tended to vary directly with the budget allocations for rehabilitation. Besides, the implementation of the rehabilitation scheme has many shortcomings. First, the considerable time lag between release and rehabilitation and the lack of follow-up and supervisory machinery aggravate the miseries of bonded labourers and many of them relapse into bondage. Second, the rehabilitation assistance provided under the scheme is very small and is not sufficient to cater to the needs of bonded labour for a long-time. Whereas the guidelines stress the need for the integration of the rehabilitation scheme with other poverty-alleviation schemes to ensure a better flow of funds, the lower bureaucracy has failed to work on these lines. Third, proper rehabilitation of a bonded labourer depends upon the choice of the proper rehabilitation scheme which is suited to his aptitude, local market conditions and is viable. Generally, the rehabilitation schemes are released by the administration without contacting the concerned bonded labourers and without the above-said considerations. Fourth, the assistance provided under the rehabilitation scheme has many defects: (a) The land-based schemes fail due to the
poor quality of the land and a lack of inputs or sound infrastructure. Sometimes, the bonded labourers are not provided with effective possession of the land. (b) The animal husbandry schemes are not followed by veterinary services, fodder supply and a proper marketing network. Sometimes the cattle supplied are of poor quality. (c) In the skill and craft-based schemes, the beneficiaries are not provided with proper training. They have to face a lack of inputs, markets and credit facilities. Mostly, the schemes selected do not suit the aptitude of the beneficiaries. Fifth, the rehabilitation scheme envisages the uprooting of the bonded labourers from their present places of livelihood and creating fresh employment opportunities. Before such a massive transplant operation takes place, keeping in view the high incidence of bonded labour in the non-agricultural sector, many of them simply succumb to starvation and death. Sixth, in the case of migrant bonded labourers, the rehabilitation process becomes more complex, as both the state where they are found and the state of their birth refuse to accept their responsibility. A considerable time is spent in their repatriation to the state of origin and the implementation of the rehabilitation scheme. Seven, the misappropriation of rehabilitation assistance by corrupt officials, and fake identification of wrong persons as bonded labourers hampers the proper implementation of the rehabilitation scheme. Eighth financial institutes are chary of providing credit for the bonded labourers. Lastly, the bonded
labourers are illiterate, ignorant and lack initiative. Thus, the implementation of the scheme depends entirely on the administration which is generally biased, corrupt and inactive. By and large, there is no specific and effective machinery to supervise and monitor the implementation of the rehabilitation scheme and to protect the bonded labourers from relapsing into bondage.

1.70 Ineffective Vigilance Committees

Vigilance Committees have been given a supervisory role in the Bonded Labour Act. Although some of the vigilance committees have done important work in the implementation of the Bonded Labour Act, most of the vigilance committees have failed to achieve their objectives. In general, vigilance committees have not been constituted in most of the districts and sub-divisions. Where these committees have been constituted, the members have been selected from among the vested interests. They are generally inactive and lack commitment to the cause of bonded labour. These committees do not meet regularly and fail to perform their functions as required under the Bonded Labour Act. Under Rule 7 of the Bonded Labour System (Abolition) Rules, 1976, vigilance committees are required to maintain certain registers containing detailed, vital and basic information about bonded labour. But these registers are not maintained in most of the cases. Where the registers are maintained these are not maintained satisfactorily.
Inactivity and indifference of the administration, compelled the judiciary to usurp the jurisdiction of the executive and to invent new approaches to fight the malady of bonded labour. Although the Supreme Court’s reaction has had a favourable impact on the bonded labourers, but it has failed to abolish the malady of bonded labour, for the Court has generally adopted a conciliatory approach towards the administration and the bonded labour keepers. It has held the state and the employers accountable, but has not passed strict punishments against the offenders. Litigation in most of the cases seems to be unending. The Court has no power to implement its directions or to monitor their implementation. Finally, the Court has assumed for itself very wide powers by interpreting the labour laws in the terms of fundamental rights, but it has failed to cope with such a wide jurisdiction. The ‘public interest litigation’ cases have remained limited to the Supreme Court and have not become much popular among the lower courts. Above all the Supreme Court has failed to lay down a crystal-clear policy as a precedent to be followed in the future by the lower courts. The adhocism and piecemeal treatment of the subject by the Court has badly hit the prestige of the judiciary.

The Role of Non-Governmental Organisations

A number of non-governmental organisations are active in the field of bonded labour abolition. But their efforts have failed to gain the status of a revolution and to uproot
the social evil of bonded labour. The basic reason behind this failure is that voluntary actions are scattered. These organisations are working in isolation and without any co-ordination of approaches and activities. They have failed to exchange their experiences and to disseminate their knowledge. Generally, voluntary organisations are looked upon with scepticism by the administration, as they have adopted a policy of confrontation with the governmental agencies. Because of their local nature and narrow base, these agencies generally face a shortage of funds and a lack of proper expertise to motivate and organise the bonded labourers.

2.00 Inadequate Administrative and Organisational Set-up

The main responsibility for the implementation of the Bonded Labour Act lies on the District Magistrate, who is generally preoccupied with the law and order problems. This leaves him very little time to review the programmes initiated for the welfare of the bonded labour. The rehabilitation of bonded labour requires formulation of schemes at the grassroots level, getting these schemes approved, ensuring their implementation, and keeping a close watch over the impact of such schemes on the income of the beneficiaries and the quality of their life. This process involves a number of personnel, agencies and departments. As no special authority has been created to deal with the problems and issues arising under the Bonded Labour Act, the personnel and agencies of the different
departments fail to involve themselves totally in the welfare of the bonded labour. They lack proper orientation and training, and fail to co-ordinate their activities in this field. The Act has also failed to lay down any machinery to follow up the implementation and co-ordination of the schemes initiated for the welfare of the bonded labour. The Supreme Court has shown enthusiasm to implement the Bonded Labour Act, but the Court's strategy has its own limitations. Nowadays, non-governmental organisations are playing the primary role in the identification, release and rehabilitation of bonded labour, though their role should have been supplementary and secondary to that of the governmental agencies. It shows that the administrative and organisational set-up provided under the Act is inadequate and ineffective.

3.00 Suggestions

The research findings have revealed that the whole story of tackling the problem of bonded labour has two major drawbacks: adhocism and lack of human sensitivity. We are at a historic juncture. Bonded labourers are suffering exploitation. But there is enough awareness created through bonded labour fronts, forums and non-governmental organisations. A part of the administration is ready to tackle the problem wholeheartedly. Change in the situation can be brought about by total involvement of the change-actors. Three forces vis., bonded labour, social action groups and the administration should work
jointly on the problem from analysing the problem, through identifying, releasing and rehabilitating the bonded labour, finally to building up the self-confidence of the bonded labourers to combat socio-economic discrimination. These forces should take up the challenge to uproot the dehumanising tendencies. Some suggestions to bring about the desired changes have been given below.

3.10 Effective Assimilation and Implementation of the ILO Standards on Forced Labour.

No doubt, India has been strictly following the principles laid down in the ILO's standards on forced labour in its Constitution, legislation, administrative measures and judicial decisions. But so far it has not ratified the Abolition of Forced Labour Convention, 1957 (No. 105), on the ground that its ratification prevents the Central and State Governments from requisitioning labour in emergencies like floods, droughts etc. As at present not only private entrepreneurs but also public undertakings are involved in the bonded labour practice, the Government of India, should ratify the ILO Convention (No. 105), which imposes a total ban on bonded labour practice. The Committee of Experts in its recent reports of 1991 and 1992 has showed resentment over India's delay in submitting the requisite reports as required under the Forced Labour Conventions and has discussed in detail the bonded labour practice in India. I hereby submit that we as a nation are making sincere and large efforts to combat the malady of bonded labour, so we
should not hesitate to provide accurate information on the efforts made in this direction. On the other hand, the ILO should also extend its helping hand to India to encourage it in its struggle against such an outmoded practice. The future thrust of the ILO's technical assistance to India should be on much closer intellectual collaboration on social and economic development efforts. It should work out massive programmes for improving employment opportunities in the rural sector and for the welfare of the unorganised labour. The ILO should exploit its tripartite leverage to the utmost as the employers' and workers' organisations are in a position to obtain correct information and to secure better assimilation and implementation of the ILO standards by persuading the Government. The ILO can utilise the experience of a considerable number of non-governmental organisations and research institutes engaged in promoting the welfare of the bonded labour in India to design developmental projects, to initiate action-oriented research and the like.

3.20 Change in Socio-Economic Structure

The bonded labour is basically the product of a socio-economic structure which, despite various improvements, is continuously generating bonded labour afresh. The rehabilitation of the existing bonded labourers only will not solve the basic problem. New slabs of bonded labourers would come to take their place. Thus apart from identifying, rescuing and rehabilitating the bonded labour, it is extremely important to tackle the situations which make fresh accretions to their ranks. Some
measures for this are recommended below.

3.21 Change in Socio-Economic Values

The pyramid-like socio-economic structure of the Indian society prevents the benefits of the welfare schemes from trickling down to the lower strata of the society. The key to the problem of bonded labour lies in radical structural and systematic changes in the present socio-economic values and norms. This would obviously require an action-oriented and clear-cut strategy aimed at changing the current modes of production and property relations as the fight against vested interests and unsocial elements is much more difficult than the fight against inaction and indifference of the administration. At the same time there is a need for immediate action to achieve short-term objectives. Both long-term and short-term objectives should be mutually reinforcing and complementary to each other.

3.22 Poverty and Backwardness

As the present study has shown poverty and backwardness are the root causes of bondage. So efforts should be made to identify and fill the gaps in the economic development of the masses and the infrastructure in areas of high incidence. Plan allocations for the development of the infrastructure should be increased. Supporting services such as the credit system, the supply of raw materials, market facilities should be
toned up. These efforts would boost the demand for labour and give the labour a better bargaining capacity. The multidimensional problem of bondage should not be viewed in isolation but a multi-pronged strategy should be adopted to tackle it.

i) The main objective of development plans should be to create more employment opportunities in rural-based occupations and to bring about an all-round development of the rural sector.

ii) To ensure a free flow of funds for such schemes there should be an effective integration of anti-poverty, employment-generation, minimum needs, and social security programmes with welfare schemes for the freed bonded labourers. To maintain an adequate supply of funds, a certain percentage of money deposited in the banks or post-offices should be reserved for these schemes.

iii) The Government should initiate a dialogue with trade unions to prepare the institutional framework necessary for collective bargaining to improve the working and living conditions of the bonded labour.

iv) Priority in the employment created under such schemes should be given to released bonded labourers, landless labourers, and small and marginal farmers who could be prospective bonded labourers.
v) Most of the agricultural labourers get indebted to meet social expenses such as on marriages or funerals. The whole of society should be urged to avoid or minimise such expenses, as it would be unrealistic to expect only the poorest strata to adopt such reforms.

vi) Land distribution among the landless is irregular. The poor are often alienated from part or whole of their land, which leads them to bonded labour. Effective steps should be taken for the distribution of land among the landless and lower castes. Legislation should be passed to ban the transfer of land by Scheduled Castes and Scheduled Tribes. The land belonging to the Scheduled Castes/Tribes should be developed to its fullest productive capacity. If the land for distribution among Scheduled Castes/Tribes is not available, then either the temple and waqf land should be given on lease or on a sharecropping basis to the released bonded labourers, and landless and marginal farmers, or the Government should start forest or agro-based industries to rehabilitate these people.

vii) Political leaders should be involved in the process, at least at the achievement and credit-claiming stage, to counter the antagonistic pressure of the oppressor class. Their total isolation may ruin even the most well-intentioned schemes.
Implementation of the Bonded Labour System (Abolition) Act

In order to generate confidence among the bonded labourers, the implementation of the Act should be made more effective. The identification, and release of the bonded labourers and the prosecution of their keepers should be undertaken simultaneously.

Identification

As the present study has shown the incidence of bondage is still quite high and fresh areas of bondage are coming to light. As all the bonded labourers have not been identified yet, it is necessary to initiate a rigorous and continuous campaign of identification. For this the following recommendations may be made:

i) Most of the States feel shy of admitting the existence of bonded labour. The administrators involved should be given a new orientation, and a sustained drive for identification at the grass-roots level should be initiated. The new identification process should be started only after proper spadework.

ii) Training workshops should be organised to explain the correct meaning of bonded labour to the functionaries at the lower level. They should be given training in the techniques of the identification of
bonded labour.

iii) Clear-cut guidelines on and methodology for identification should be issued as was done in the case of Andhra Pradesh. It is submitted that the methodology for the identification of bonded labour in stone-mines and quarries etc., should be different from that in the agricultural sector, as the contract and migrant labour working in mines and quarries comes from heterogeneous places and so requires different treatment.

iv) Most of the State Governments are conducting house-to-house surveys to locate the landless, the houseless, and the poorest of the poor to cover them under various housing and rural development schemes. Such surveys could also be conducted for the identification of bonded labour.

v) The main reason for incomplete identification is that the process is conducted at one point of time. The identification process should continue until the entire bonded labour system becomes a matter of past. For this fresh surveys of bonded labour should be made at fixed intervals of three or five years. Any of the national level statistical organisations such as the National Sample Survey Organisation, or the Labour Bureau which undertake periodic economic or labour surveys can be entrusted with this responsibility.
vi) The administration should be streamlined and positively encouraged. Some incentives and targets should be fixed by the Government on the lines of the family welfare programme, whereby each officer may be asked to identify, release, and rehabilitate a fixed number of bonded labourers within a given time. Administrative officers taking up the cases of social justice should be properly backed up. Younger generations of administrators should be given more and more chances to understand and analyse the social realities by themselves through exposing them to the grim reality with the help of social organisations. The process of sensitisation must begin at the training and shaping-up stage.

vii) At least one efficient officer committed to the cause of bonded labour should be appointed in a district to deal exclusively with the problems of bonded labour. A comprehensive and time-bound programme should be drawn to abolish bonded labour. Adequate resources should be provided to get the job done, and the progress in this direction should be reviewed periodically.

viii) The district administration should be exhorted to take effective and strict action against money-lenders, so that the fear psychology of the bonded labourers is overcome.
ix) Rehabilitation assistance and programmes should be effective and encouraging, so that the bonded labourers can be encouraged to come forward for identification.

x) 'Public interest litigation' has played and will continue to play an important role in the identification of the bonded labourers. The district administration should view the 'public interest litigation' in proper perspective and implement the directions of the court in time and in a proper spirit.

xi) While the official efforts for the identification of bonded labour have to be speeded up and sharpened, to ginger up these efforts it is necessary to have a supporting system outside the official system.

(a) A special task force may be set up by the concerned institutes like the Gandhi Peace Foundation, the National Labour Institute, the Lal Bahadur Shastri National Academy of Administration to supply to the Labour Ministry the information collected from different field studies and experiences in this regard.

(b) Village Pradhans should be statutorily obliged to prepare a register of bonded labourers at the village level, to send annual reports to their Block Development Officers highlighting the magnitude and condition of bonded labour, and
to protect and promote its interests.

(c) To make the identification process effective task forces should be constituted at the block level consisting of voluntary agencies, research institutes, legal experts, committed administrators, agricultural labour organisations, trade unions, released bonded labourers and other committed persons. These task forces should thoroughly investigate and expose the incidence of bonded labour in the area.

(d) The ILO and non-governmental organisations should work together to collect data about the number of bonded labourers. A relationship of trust and confidence should prevail between these agencies and government functionaries.

3.32 RELEASE

Intense and quick action for the release of bonded labourers should follow immediately after their identification by voluntary or governmental agencies. The Executive Magistrate should conduct summary proceedings in the same village and in an open court, so that the bonded labourer becomes aware of the release and its implications and the oppressors also come to know the legal consequences. Voluntary agencies at the grass-roots level and committed bureau-
crazy should be actively involved in the release process. Only in the cases where tough resistance is offered bonded labour keepers should be brought under the 'Public interest litigation'. This strategy would ensure simultaneous identification and release of bonded labourers.

3.33 Prosecution of Bonded Labour Keepers

The Bonded Labour Act has provided strict punishments for offences against the bonded labourers. But the prosecution aspect has remained a dead letter. Hand in hand with the release of bonded labour should go the prosecution of the bonded labour keepers. The bonded labourers should be provided with free legal aid by the activist lawyers through the Labour Ministry. Summary trials of the offences should be conducted within a specified period from the time a complaint is recorded. The magistrates should not hesitate to punish the offenders. The powers of the Executive Magistrate should be made identical with the punishments laid down in the Act. The offences under the Act should be declared non-bailable. Posing as a bonded labourer should be declared an offence. There should be a provision in the Act for the recovery of damages from the masters for the period of bondage. The prosecution of the bonded labour keepers under the Act can be supplemented by their prosecution under other related laws such as the Payment of Wages Act, the Contract Labour (Regulation and Abolition) Act, the Inter-State Migrant Workers (Regulation of Employment and Conditions of Service) Act,
the Child Labour (Prohibition and Regulation) Act, various sections of the Indian Penal Code such as Sections 367 (kidnapping and wrongful confinement), 370 and 371 (slavery), and 374 (forced labour). Action against the bonded labour keepers under the Bonded Labour Act for the recovery of wage arrears should be converted into action under Minimum Wages Act. The Executive Magistrate should be designated as the Claim Authority under Section 20 of the Minimum Wages Act. Effective implementation of these enactments would help a lot to fight the oppression and exploitation of bonded labour.

3.40 Rehabilitation

The rehabilitation process in most areas, as the present study shows, has been ill-conceived and improperly implemented. To streamline the rehabilitation process the following suggestions are made:

1) The identification, release and rehabilitation of bonded labour should be simultaneous.

2) The rehabilitation assistance available under the Centrally Sponsored Scheme should be increased from Rs 6,250 to Rs 10,000 to cater to the consumption needs of the bonded labourer for at least a year. In all cases of bondage the rehabilitation assistance should be given in full. The release of funds should be made quick. Masters of the bonded labourers should be made liable under the Bonded Labour Act for providing
for a fixed part of the rehabilitation assistance.

(iii) Different strategies for rehabilitation should be adopted depending upon the nature of the problem and the area. In areas of high incidence of bonded labour, a Special Bonded Labour Release and Rehabilitation Programme should be undertaken. The resources of temples and waqfs could be mobilized to constitute a special fund for the rehabilitation of bonded labour in these areas.

(iv) Rehabilitation schemes should suit to the aptitude of the beneficiary, market conditions and should be economically viable.

(v) These schemes should be well-planned and should be reliable quantitatively and qualitatively.

(a) In the case of land-based schemes, the land should be productive and cultivable. The beneficiaries should also be provided with good quality of seeds, inputs, fertilisers, credit and marketing linkages. Land for these schemes can be allotted out of Government land, Panchayati Land, Bhoomi Land, Ceiling Surplus land. Even religious institutes can be mobilized to grant leases of their land to released bonded labourers.

(b) In case of animal husbandry schemes, the cattle supplied should be of good breeds. Their supply
should be followed up with veterinary services, fodder, credit, and market linkages.

(c) In case of skill or craft based schemes, the beneficiaries should be imparted proper training. They should be provided with enough implements, inputs and market linkages. Gaps in the infrastructure should be identified and filled up.

(d) Certain industries should be reserved for the released bonded labourers. Housing is their biggest problem. The brick industry may be reserved for them. Its profits may be invested in the construction of their own houses.

(e) The rehabilitation assistance should preferably be made in the form of assets and only small cash payments should be made.

(f) The rehabilitation assistance should be provided in public meetings in the presence of Panchayats and government officers.

(g) Persons found guilty of corruption and misappropriation of the rehabilitation money should be made liable for criminal prosecution.

vi) The rehabilitation of migrant labour is generally uncertain and delayed. The state of origin and the state where they are found should both be made liable for their rehabilitation on a matching grant basis.
vii) Emphasis should be on giving rights to the labourers in the fields where they have been working by confiscating these from the landlords instead of uprooting them from the place of their existing livelihood. Their mortgaged land, homesteads should be restored to them. Labourers working in mines, plantations etc., can be made partners or co-sharers in the produce. Uprooting them and then rehabilitating them in some other location keeps the system of bonded labour intact. The people so rehabilitated are replaced by another set of bonded labourers. The vested interests would not like the above suggested strategy. It can succeed only where non-governmental organisations are strong at the grass-roots level. If the released bonded labourers face threats or want to go back to their homes (in case of migrant labour), only then should they be uprooted from their existing places of livelihood as a last resort.

viii) The denial of forest produce to forest dwellers has resulted in uprooting these people from their existing economic base which has ultimately resulted in their bondage. The Government should try to rehabilitate these people in forest-based industries.

ix) All development projects should be strictly scrutinised to ensure that these do not dislocate people, enslave
themselves, and work against the very people for whose progress they have been launched.

x) Co-operatives of released bonded labourers, small and marginal farmers can be established in agriculture, animal husbandry, agro- and forest-based, and skill or craft-based industries. These will prove economically viable and make for psychological rehabilitation as well.

xi) The Centrally Sponsored Scheme for Rehabilitation of Bonded Labour does not lay much stress on the psychological aspect of rehabilitation. In this area, the camps of bonded labour organised by the National Labour Institute have proved beneficial. But it would be too much to rely on this Institute for big programmes of rural labour camps on a nation-wide basis. The State Governments should chalk out their own programmes of bonded labour camps at the district level. The repeat camp strategy of the Institute has also proved very useful. It should also be adopted by the state administrations.

xii) The rehabilitation programmes should meet the needs of the whole family. The sectoral development plans and programmes should be integrated by co-ordinating the funds earmarked for these programmes. These funds should be utilised for the amelioration of the condition of bonded labourers, landless agricultural
workers, and small and marginal farmers.

xiii) The Minimum Needs Programme with all its components of elementary education, rural health, water supply, roads, electrification, housing assistance to rural landless labourers, and nutrition should be effectively implemented. The public distribution system should be given a new orientation to serve the needs of the released bonded labourers.

xiv) Adequate medical and health facilities should be provided for the released bonded labourers and their dependents. The Policy of Health For All by 2000 A.D. enunciated at the Alma-Ata Declaration in 1977, should be sincerely implemented. A Rural Health Care System based on a combination of preventive, promotional and curative measures should be developed.

xv) Special emphasis should be on providing houses, and employment opportunities to the released bonded labourers. Their children should be provided with educational facilities in residential schools with free uniforms, textbooks etc.

xvi) Most of the employers of the bonded labourers are unlicensed and unregistered. The registration of employers should be made compulsory. The state should create a welfare fund to which registered employers can be asked to contribute in accordance with the amount of production. This fund can be used to provide basic amenities to workmen and educational facilities to their
children. In hazardous employments, compulsory group insurance schemes for the workers should be implemented. The employers should be liable to pay the premium for the insurance schemes as a condition of service.

xvii) Monitoring devices have to be worked out to keep the agencies dealing with the rehabilitation of bonded labour vigilant against relapses, fresh incidence, and the financial troubles of each such family so that remedial action could be initiated in time.

3.50 Credit

An important element of bondage is the dependence of the poor on moneylenders for consumption credit as well as productive credit. A scheme should be initiated to cater to the credit needs of the poor up to a fixed mark per year. For smaller consumption loans, co-operative societies of the vulnerable sections of the society such as Scheduled Castes, Scheduled Tribes, released bonded labourers, small and marginal farmers can be established, managed officially or by themselves. These co-operatives should provide consumption loans for marriages, funerals, illnesses, lean periods, floods, droughts etc. The already existing 'credit' institutes should totally reorient their rules concerning security for providing credit to the weaker sections. In order to provide large productive credit, a 'Credit and Development Bank for Weaker
Sections should be set up immediately to supply credit for development schemes at differential interest rates.

3.60 Vigilance Committees

It is necessary that the Vigilance Committees contemplated under the Bonded Labour Act be established in every district and, in areas of high incidence in every sub-division. The members of the committees should represent committed persons including released bonded labourers and activists of the non-governmental organisations in the area. These committees should meet regularly and fulfil their obligations zealously. The committees should maintain the statutory registers properly. The records should be maintained not only of the releases through governmental actions but also of voluntary releases.

3.70 Judicial Activism

The Judiciary should take a very strict view of the bonded labour practice and should not hesitate to pass strict punishments against the offenders. The Supreme Court should lay down a crystal-clear policy to be followed by the lower courts. The jurisdiction of the lower courts should be extended even to the implementation of the fundamental rights of the bonded labour. The courts should try to decide the 'public interest litigation' cases in the shortest possible time.
3.80 Better Involvement of Non-Governmental Organisations

A relationship of trust and confidence should prevail between non-governmental organisations, trade unions and government functionaries. The following suggestions are made in this regard:

i) Non-governmental organisations working for the welfare of bonded labour should come on a common platform. They should adopt effective methods and strategies. Their purpose should be to mobilise the people and to provide the bonded labour abolition movement a broader base.

ii) Non-governmental organisations should fearlessly expose cases of bondage.

iii) The bonded labourers should be sensitised to their oppression and made aware of governmental efforts and programmes, and other avenues of freedom open to them by non-governmental organisations.

iv) Non-governmental organisations active near the work sites can protect the workers from exploitation. They can exert moral pressure and prevail upon the employers to provide amenities at the work site, to fix the hours of work, leave and holidays, and to pay regular and fixed minimum wages to the workers.

v) Non-governmental organisations can be associated with general development programmes, programmes of health
and nutrition, anti-poverty programmes and projects, enforcement of laws, formal and non-formal education, and co-ordination of the activities of different agencies and departments.

vi) Non-governmental agencies can undertake the organisation of seminars, propaganda, and action-oriented research.

vii) If non-governmental organisations cannot initiate their own rehabilitation projects, they can work as catalysts and motivate the bonded labourers to get the benefits of non-formal education programmes or of Shrmik Vidyapith Courses.

viii) Non-governmental organisations can create awareness of the Bonded Labour Act and other related laws and programmes among the bonded labourers. They can provide necessary assistance to the enforcement staff in visiting the work-sites, can bring cases of the violation of the Bonded Labour Act to their notice, and suggest steps for improving the condition of bonded labour.

ix) Bonded labourers are generally victims of parental abuse. They can be protected from their families as well by creating community centres with recreational and reading facilities, and family counselling. Such centres can be established and run by non-governmental organisations with grants-in-aid from the Central
Welfare Board. This will create an atmosphere of better understanding of the problem.

x) Non-governmental organisations should appoint voluntary welfare officers at the block level to listen to the problems of released bonded labourers. They should be encouraged to form their own committees at the Block and Panchayat levels to look after the interests of the bonded labourers and to initiate necessary measures for their welfare. These organisations of bonded labourers should be recognised as voluntary agencies for the implementation of rehabilitation schemes through CAPART.

xi) Non-governmental organisations should follow up the cases of the released bonded labourers on a long-term basis, so that they may not relapse into bondage owing to helplessness and hopelessness.

xii) Non-governmental organisations should initiate a vigorous campaign to mobilise and sensitise the general public who are mute witnesses to the diabolic exploitation that goes on in our country. They should insist upon the ostracism of the bonded labour keepers. The bonded labour keepers themselves should be made aware of the evil consequences of this feudalistic practice.
The present study shows that the massive efforts made by scattered interest groups to abolish the malady of bondage have not proved successful because of certain weaknesses in the functioning of the implementation structure. In fact an integrated agency should be established at the Central and State levels with powers to identify and release the bonded labourers. This agency should have the complete wherewithal, without any dependence on banks or credit institutes, for the implementation of the ongoing schemes for the rehabilitation of the bonded labour. This agency will make the administration more responsive and vigilance committees accountable. So an autonomous National Commission on Bonded Labour, with a status equivalent to that of the National Commission for Scheduled Castes and Scheduled Tribes should be constituted. The Commission should have retired and working judges, lawyers, jurists, officials from labour and finance departments, representatives of vocational training institutes, non-formal financial institutes and non-governmental organisations working for the abolition of the bonded labour system as its members. The Commission should be responsible for the co-ordination of the implementation activities at various places, for assessing the magnitude of bonded labour, for raising funds for the release and rehabilitation of bonded labour, for conducting regular field tours and inspections, and for initiating judicial or other proceedings and prosecutions under the Bonded Labour Act.
Commission should have the powers of the Executive Magistrate to hold inquiries into the complaints about the existence of bonded labour. The Commission should also have the power to suggest, finalise and execute the schemes for the welfare of bonded labour. The National Commission should submit an annual report to the Parliament, whereas its state branches should submit their reports to the state legislatures. The judicial and functional representation in the Commission will focus the scattered and diversified efforts into a unified action for the abolition of the bonded labour system.

4.00 Employment Exchanges for Unorganised Labour

To protect the unorganised labour from exploitation by jamadars, contractors and employers, the government should set up employment exchanges at the sub-division level for the registration of labourers and employers in the unorganised sector. These exchanges will supply labour according to the needs of the employers. These exchanges will also help the labourers in securing such work as will not exert any adverse effect on their personality development. If a labourer or an employer is not satisfied, then the concerned labourer can be transferred to some other work site. The wages of the labourers should be made payable through these exchanges. This scheme would also help the government to collect authentic information about the extent of unemployment and underemployment. Thus, the government would be able to prepare better schemes for employment generation and for the welfare of the labour in the unorganised sector.
4.10 Effective Implementation of the Minimum Wages Act

The basic remedy to the problem of debt bondage lies in the effective implementation of the Minimum Wages Act for the unorganised labourers. In this regard, following suggestions are made:

4.11 Scientific Concept of Minimum Wages

The concept of minimum wages must be made more scientific. For this, a national minimum wage must be fixed equal to the salary of the class IV employees of the Central Government. The states may fix their own minimum wages, but these should not be less than the 'minimum wages', fixed by the Centre. For revision purposes, these 'minimum wages' must be linked to all future revisions of the government employees' wages. The national minimum wages must be included in the calculation of the cost of production of the farm produce by the Agricultural Costs and Prices Commission and remunerative prices for the farm produce should be fixed accordingly. This suggested approach would remove the age-old hostility between farmers and agricultural labour.

4.12 Voluntary Inspectors

Maintenance of registers under the Minimum Wages Act should be strictly enforced by strengthening and suitably orienting the implementation machinery. A cadre of voluntary inspectors should be developed to create awareness of the
provisions of the Minimum Wages Act among the bonded labourers and to bring the cases of violation of this Act to the notice of the enforcement staff.

4.13 Penalty

The penalty for payment of less than the minimum wages must be made more rigorous. In the case of second offence, the penalty should be even severer.

4.20 Bonded Labourers' Education

To make the bonded labourers aware of their rights and entitlements, informal education of the labourers is a necessary step. Institutions like the Central Board of Workers' Education in India may be used for this purpose. The government-controlled electronic mass media and the press should regularly disseminate all information about the Bonded Labour System (Abolition) Act, related laws and programmes, the concept of minimum wages etc. Poverty-alleviation and vocational training programmes for the poorest sections of the society should also be given the maximum publicity. A rise in the awareness level of the dormant bonded labour will encourage them to fight off their age-old exploitation.

4.30 Need to Organise the Bonded Labourers

Solution to the bonded labour problem today depends essentially upon the grass-roots organisations of the bonded labourers. Hence in pursuance of the ILO Convention (No 141),
which is on the need to promote the organisation of the rural poor, ratified by India, serious attempts should be made to organise bonded labourers into unions to enable them to protect their interests. The major inhibiting factor in the organisation of rural poor has been the hostile attitude of the lower level bureaucracy. The government should intensify the programmes of promoting such organisation. One of the pre-requisites for such organisation is the knowledge of the numerous laws and governmental measures taken for the welfare of the bonded labour. Thus interaction between experts and field workers must be encouraged.

4.40 Awareness Among the 'General Public'

The general public's awareness of the implications of bonded labour system should be raised. A vigorous campaign for this purpose should be launched through electronic mass media, press, cultural shows, street dramas, posters and pamphlets. Interaction between the poor and the rich and between the villages and the towns should be encouraged. The grass-roots' awareness would help to bring about attitudinal changes and prepare the way for effective implementation of governmental schemes for the welfare of bonded labour.

In the end, I would like to say that the bonded labour system is a broad-spectrum phenomenon. It cannot be seen in black or white. It represents a very big gray zone, involving all types of workers, men, women and children - rural and urban, agricultural and non-agricultural, skilled and unskilled -
of various ages and areas, representing different shades of bondage, exploitation, child-abuse, and prostitution in the unorganised labour sector. This problem needs the unified attention, commitment and devotion of the governmental agencies, social activists and the bonded labourers themselves.