

BY- VIDYOTTAMA SHARMA
LABOUR LAW 2 BA.LL.B VI SEM

**THE BONDED LABOUR SYSTEM
(ABOLITION) ACT, 1976**

INTRODUCTION

- ❖ Article 23(1) of the Constitution prohibits "begar" and other similar forms of forced labour and it provides that any contravention of the said prohibition shall be an offence. But inspite of this provision a system of usuary under which the debtor or his decendants or dependants have to work for the creditor without reasonable wages or with no wages in order to extinguish the debt, existed in many parts of the country. It has been found that several generations work under bondage for the repayment of a small sum which had been taken by some remote ancestor. This system of bondage implies the infringement of basic human rights and destruction of the dignity of human labour.

INTRODUCTION

❖ The evils of bonded labour, having been recognised by many voluntary organizations, were highlighted by them. Many voluntary organizations raised their heads against such a system. Accordingly the Bonded Labour System (Abolition) Ordinance, 1975 was promulgated by the President on 24th October, 1975. To replace the said Ordinance the Bonded Labour System (Abolition) Bill, 1976 was introduced in the Parliament.

❖ STATEMENT OF OBJECTS AND REASONS

❖ There still exists in different parts of the country a system of usuary under which the debtor or his decendants or dependants have to work for the creditor without reasonable wages or with no wages in order to extinguish the debt. At times, several generations work under bondage for the repayment of a paltry sum which had been taken by some remote ancestor.

STATEMENT OF OBJECTS AND REASONS

- ❑ The interest rates are exorbitant and such bondage Can not be interpreted as the result of any legitimate contract or agreement. The system implies the infringement of the basic human rights and destruction of the dignity of human labour.
- ❑ Article 23(1) of the Constitution prohibits "begar" and other similar forms of forced labour and further provides that any contravention of the said prohibition shall be an offence punishable in accordance with law, Article 35(a)(ii) of the Constitution not only confers the power on Parliament to provide for punishment for the contravention of the said provisions of Article 23(1) but expressly takes away the power of the State Legislature to make any legislation with regard to the said matter.

STATEMENT OF OBJECTS AND REASONS

- ❑ Accordingly, the Bonded Labour System (Abolition) Ordinance, 1975, was promulgated by the President on the 24th October, 1975. By the said Ordinance, the bonded labour system was abolished and the bonded labourers were freed and discharged from any obligation to render any bonded labour and their bonded debts were also extinguished. The Ordinance further affords protection to the freed bonded labourers from eviction from their homestead. Contraventions of the provisions of the Ordinance have been made offences punishable in accordance with law. Provisions for the follow-up measures and economic rehabilitation of the freed bonded labourers have also been made in the Ordinance.
- ❑ The Bill seeks to replace the said Ordinance.

ACT 19 OF 1976

- The Bonded Labour System (Abolition) Bill, 1976 was passed by both the Houses of Parliament.
- It received the assent of the President on 9th February, 1976 and came on the Statute Book as:
 - **THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976 (19 of 1976).**
- **AMENDING ACT**
- The Bonded Labour System (Abolition) Amendment Act, 1985 (73 of 1985).

THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976 (19 of 1976)

➤ **[9th February, 1976]**

- An Act to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto.
- It enacted by Parliament in the Twenty-seventh Year of the Republic of India
- TO BE CONTINUED.....