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BA.LL.B VIII SEM

SUBJECT: LABOUR LAW 2

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

SECTION 2:- DEFINITIONS

- SEC. 2(a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);
- SEC.2(b) "agreement" means as agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.
- **Explanation.-** The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely: -
- Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti;

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- 2(c) "**ascendant**" or "descendant", in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society;
- 2(d) "**bonded debt**" means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of the bonded labour system;
- 2(e) "**bonded labour**" means any labour or service rendered under the bonded labour system;
- 2(f) "**bonded labourer**" means a labourer who incurs, or has, or is presumed to have, incurred a bonded debt;
- 2(g) "**bonded labour system**" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,-

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- (i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or
 - (ii) in pursuance of any customary or social obligation, or
 - (iii) in pursuance of an obligation devolving on him by succession, or
 - (iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or
- 2(h) "**family**" in relation to a person, includes the ascendant and descendant of such person;
- 2(i) "**nominal wages**", in relation to any labour, means a wage which is less than,-

ABOLITION OF BONDED LABOUR SYSTEM:

SECTION - 4

- ❑ Sec .4(1) On the commencement of this Act, the bonded labour system shall stand abolished any every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.
- ❑ Sec. 4(2) After the commencement of this Act, no person shall-
- ❑ (a) make any advance under, or in pursuance of, the bonded labour system, or
- ❑ (b) compel any person to render any bonded labour or other form of forced labour.

ABOLITION OF BONDED LABOUR SYSTEM:

SECTION - 4

- **COMMENTS**
- The bonded labour system has been abolished from 25th October, 1975 and every bonded labourer has been set free and has been discharged from any obligation to render any bonded labour from this date. No person is allowed to make an advance under, or in pursuance of the bonded labour system. No one can compel any person to render any bonded labour or other form of forced labour.

Agreement, custom, etc., to be void.- sec. 5

- Sec 5: On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Act) by virtue of which any person, or any member of the family or dependent of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

- **COMMENTS**

From 25th October, 1975 any custom or tradition or any agreement or other instrument (whether entered into or executed before or after 25th October, 1975) by virtue of which any person or any member of his family or dependent is required to do any work or render any service as a bonded labourer, shall be void and it shall not be operative.

To be continued.....