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Subject - Labour Law II ,

**Unit-ii (The Bonded Labour System(abolition) Act, 1976
(Introduction & Definition)**

Class – B.Com.LL.B. VI SEM

Date - 30.03.2020

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

INTRODUCTION

- ✘ An act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupation and process and the matters connected there with or incidental thereto.
- ✘ The main feature of the system is that the debtor pledges his person or that a member of his family for a loan and is released on the repayment of the debt. the bonded labour system thus refers to the relationship between a creditor and a debtor who obtains loan owing to economic compulsions confronting his day to day life, and agrees to abide by the terms dictated by the creditor.

WHO IS BONDED LABOUR:

According to the definition given in section 2(g) of the Act, bonded labour means service arising out of loan/debt/advance. It represents the relationship between a creditor and a debtor wherein the debtor undertakes to mortgage his services or the services of any of his family members to the creditor for a specified or unspecified period with or without wages accompanied by denial of choice of alternative avenues of employment, or to deny him freedom of movements, then the person would normally be covered under the definition of a bonded labour.

THE CONSTITUTION PROVISION

Article 21- Right to life and personal liberty- No person shall be deprived of his life or personal liberty except according to a procedure established by law.

Article 23 - prohibition of traffic in human beings and forced labour-

1. Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
2. Nothing in this article shall prevent the state from imposing compulsory service for public purpose , and in imposing such service the state shall not make any discrimination on grounds only religion,race, caste or class or any them.

Article 24 – prohibition of employment of children in factories,etc.

No child below the age of fourteen years shall be employed to work in any factory or mines or engaged in any other hazardous employment.

PRELIMINARY

The Bonded Labour System (Abolition) Bill, 1976. was passed by both the house of parliament. and it received the assent of the president on 9th february, 1976 and came on the statute books as: The Bonded Labour System (Abolition) Act ,1976

- ✘ This act may be called the bonded labour system (abolition) act 1976.
- ✘ This act extends to the whole India.
- ✘ This act shall be deemed to have come into force on the 25th day of october 1975

DEFINITIONS.

- (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);
- (b) "**agreement**" means an agreement (whether written or oral, 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;

DEFINITIONS.

- (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;
- (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;
- (e) **"bonded labour"** means any labour or service rendered under the bonded labour system;
- (f) **"bonded labourer"** means a labourer who incurs, or has, is presumed to have, incurred, a bonded debt;

DEFINITIONS.

- (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,--
- (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, 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

DEFINITIONS.

(v) by reason of his birth in any particular caste or community, he would--

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour

DEFINITIONS.

Which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

Explanation.—

For the removal of doubts, it is hereby declared that any system of forced, or partly forced labour under which any workman being contract labour as defined in clause (b) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970 , or an inter-State migrant workman as defined in clause (e) of sub-section (1) of section 2 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 , is required to render labour or service in circumstances of the nature mentioned in sub-clause (1) of this clause or is subjected to all or any of the disabilities referred to in sub-clauses 2 to 4, is "bonded labour system" within the meaning of this clause.

DEFINITIONS

- ✘ (h) "**family**", in relation to a person, includes the ascendant and descendant of such person;

- (i) "**nominal wages**", in relation to any labour, means a wage which is less than,--
 - (a) the minimum wages fixed by the government, in relation to the same or similar labour, under any law for the time being in force, and

 - (b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers in the same locality;

- (j) "**prescribed**" means prescribed by rules made under this act.

3. act to have overriding effect.-

the provisions of this act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this act, or in any instrument having effect by virtue of any enactment other than this act.

THANK YOU