

Bonded Labour System(Abolition) Act, 1976

Hon'ble Odisha High Court

*“In the present, we are in seisin over a matter where the bonded labourers are encountered with an absolute barbaric act in the hands of so-called labour contractor who not only fooled the labourers and fraudulently took away the money owed to them but also subjected them to the most monstrous act, **before which even death would appear as an alluring option.***

Bana Majhi v. State Of Odisha (CRLA 122 of 2019)

Prohibition of Trafficking

Article 23 (1) of the Constitution of India prohibits trafficking in human beings and forced labour –

Trafficking in human beings and '*begar*' and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Purpose of The Bonded Labour Law

The Bonded Labour System (Abolition) Act

- An Act to provide for the abolition of bonded labour...with a view to **preventing the economic** and **physical exploitation** of the weaker sections of the people.
- Enacted: 9 February 1976.

What is Bonded Labour?

Bonded Labour is:

- Any labour or service rendered under the bonded labour system.
- BLA Section 2(e).

Who is a Bonded Labourer?

A Bonded Labourer is:

- A labourer who incurs, or has or is presumed to have incurred, a bonded debt.
- BLA Section 2(f).

What is a Bonded Debt?

A Bonded Debt is:

- An advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system.
- BLA Section 2(d).

Bonded Labour System

Summary of Definitions:

- “**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
- “**Bonded labour**” means any labour or service rendered under the **bonded labour system**.
- “**Bonded labourer**” means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt.
- “**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**.

The Bonded Labour System

A bonded labour system is a system of forced labour where:

a person forfeits his rights and freedom

because of

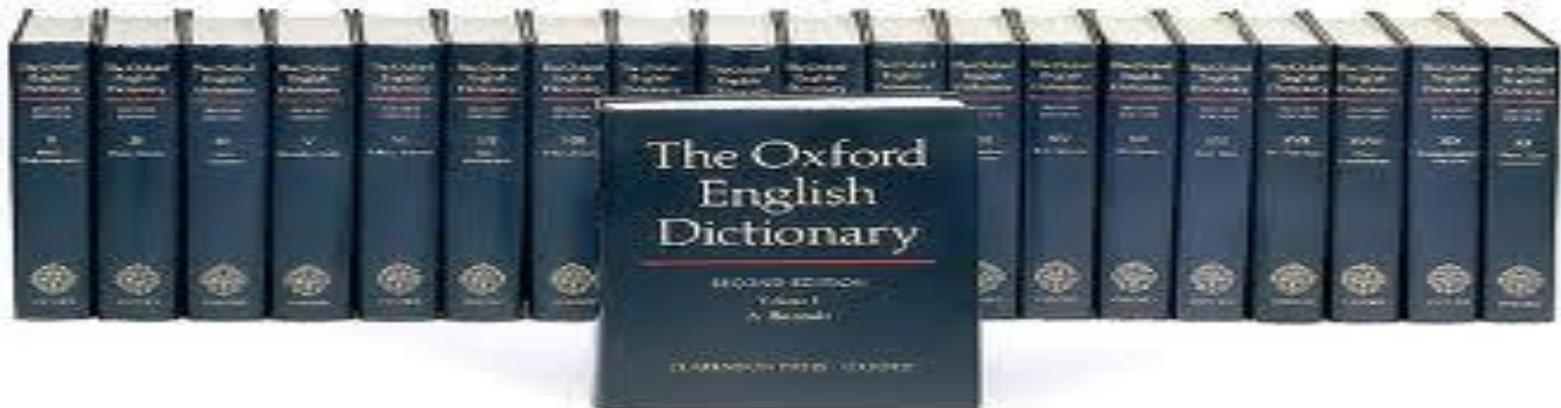
a debt or other obligation



Forfeits - Definition

Oxford Dictionary has 2 definitions:

- “lose or be deprived of (property or a right or privilege) as a penalty for wrongdoing”
- “lose or give up (something) as a necessary consequence of something else”



Rights or Freedom Forfeited

Freedom of Employment

or

Right to Move Freely throughout India

or

Right to Receive the Legal Minimum Wage

or

Right to Sell Goods and Services at Market Value

The Bonded Labour System

A bonded labour system is a system of forced labour where:

a person forfeits his rights and freedom

because of

a debt or other obligation



Types of Debt or Obligations

Advance

or

Custom or Social Obligation

or

Succession

or

Other Economic Consideration

or

Caste or Community

The Bonded Labour System

Rights or Freedom Forfeited

Right to get minimum wage

Freedom of Employment

Right to move freely throughout India.

Right to sell goods at market value.

Debt or Obligations

Advance

Custom of Social Obligation

Succession

Other Economic Consideration

Caste or Community

BECAUSE OF

Legal Maxim

'Fiat justitia ruat coelum'

Let justice be done, though the heavens fall.

Thank You!