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## **SALIENT FEATURES OF BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976**

### **INTRODUCTION**

This Bonded Labour System (Abolition) Act<sup>1</sup> was introduced to eradicate and abolish the bonded labour system in order to prevent the exploitation of disadvantaged populations. This Act freed the person who had entered into any sort of agreement with the creditor in return of any advance obtained or consideration of an economic nature received by the individual or his lineal ascendants or descendants; or any customary or social obligation; or any obligation devolved by succession; or by reason of his birth in a particular community or caste.

Under this System, the debtor (who receives consideration) was forced to render service or labour to the creditor (who gives consideration), or forfeit the freedom of employment, or forfeit the right to travel freely in India, or forfeit the right to sell any of his property or product at market value.

### **SALIENT FEATURES**

- a) Once this Act commences, on one hand, neither any person can be compelled to render any sort of forced or bonded labour, nor, on the other hand, any person shall make any advances in relation to the bonded labour system (Section 4<sup>2</sup>).
- b) Any custom, tradition, agreement, or other instrument shall be considered void and inoperative as soon as this Act commences, if that instrument requires any individual into working or providing services as bonded labour (Section 5<sup>3</sup>).

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<sup>1</sup> Bonded Labour System (Abolition) Act, 1976, No. 19, Acts of Parliament, 1976 (India).

<sup>2</sup> Bonded Labour System (Abolition) Act, 1976, § 4, No. 19, Acts of Parliament, 1976 (India).

<sup>3</sup> Bonded Labour System (Abolition) Act, 1976, § 5, No. 19, Acts of Parliament, 1976 (India).

- c) Once this Act commences, certain obligations, as per Section 6<sup>4</sup>, get extinguished, which are as follows:
- repay bonded debt, or any part of it;
  - right to file suit or proceeding over any authority to recover bonded debt, and if there's any such suit or proceeding, it shall stand dismissed;
  - any decree issued for the recovery of bonded debt prior to the commencement of the Act, and which remains unsatisfied at that time, shall be deemed satisfied once the Act takes effect;
  - any property of the debtor attached, seized or removed or forcibly taken by the creditor for recovering the bonded debt shall be restored to him after the Act commences; and if such property is not returned within 30 days of the Act coming into force, then the aggrieved person may seek recourse to the designated authority to compel the creditor to undertake restoration;
  - any bonded labourer detained in a civil prison shall be released from such detention once the Act commences.
- d) If any bonded labourer was provided any homestead to perform his bonded labour, then he shall not be evicted from such premises if that person is discharged from the System in accordance with the Act. But if he got evicted by the creditor, the person can approach the Executive Magistrate of that premises area for restoring him to such premises again (Section 8<sup>5</sup>).
- e) If the bonded debt stands extinguished or satisfied as per the Act, the creditor shall not accept any payment in regard to such bonded debt, and if he still receives, the creditor shall be punished with 3 years imprisonment along with a fine (Section 9<sup>6</sup>).
- f) The District Magistrate, along with his subordinate officers, shall perform such duties as are necessary for implementing the provisions of the Act, and for performing duties, the State Government shall give powers to them (Section 10<sup>7</sup>). And such D.M. is tasked with advancing the well-being of the bonded labourer by safeguarding their economic interests (Section 11<sup>8</sup>). Those D.M. shall conduct inquiries to ensure that any sort of forced or bonded labourer does not exist, and if that is found, then necessary actions

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<sup>4</sup> Bonded Labour System (Abolition) Act, 1976, § 6, No. 19, Acts of Parliament, 1976 (India).

<sup>5</sup> Bonded Labour System (Abolition) Act, 1976, § 8, No. 19, Acts of Parliament, 1976 (India).

<sup>6</sup> Bonded Labour System (Abolition) Act, 1976, § 9, No. 19, Acts of Parliament, 1976 (India).

<sup>7</sup> Bonded Labour System (Abolition) Act, 1976, § 10, No. 19, Acts of Parliament, 1976 (India).

<sup>8</sup> Bonded Labour System (Abolition) Act, 1976, § 11, No. 19, Acts of Parliament, 1976 (India).

shall be taken by them to eradicate the enforcement of such bonded labour (Section 12<sup>9</sup>).

- g) A vigilance committee, as per Section 13<sup>10</sup>, shall be instituted in each district and sub-division by the State Government and shall consist of:
- Chairman;
  - 3 individuals belonging to Scheduled Castes or Scheduled Tribes;
  - 2 social workers;
  - 3 individuals representing the official or non-official agencies associated with rural development;
  - 1 individual representing financial and credit institutions;
  - 1 officer specified under Section 10 (for vigilance committee of sub-division).
- h) The vigilance committee(s) has certain functions to perform, as per Section 14<sup>11</sup>, a few of which are as follows:
- to provide rehabilitation to freed bonded labourer;
  - to canalise adequate credit to freed bonded labourer;
  - to defend suit bought against freed bonded labourer or any of their family member;
  - to advise the District Magistrate or officer authorised to ensure that provisions of the Act are properly implemented.
- i) The burden of proof that any debt claimed by the creditor from the bonded labourer is not a bonded debt shall lie on the creditor (Section 15<sup>12</sup>).
- j) If any person compels another to render bonded labour (Section 16<sup>13</sup>); or if any person advances someone any bonded debt (Section 17<sup>14</sup>); or if someone enforces any custom, tradition, agreement, or other instrument to make another to render bonded labour (Section 18<sup>15</sup>), then in all such cases, the person compelling, advancing, or enforcing will face a 3-year imprisonment term along with a fine of Rs. 2000. And if the creditor fails or omits to return the property to the aggrieved person within 30 days after commencing the Act, then that creditor will be liable for imprisonment of 1 year along

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<sup>9</sup> Bonded Labour System (Abolition) Act, 1976, § 12, No. 19, Acts of Parliament, 1976 (India).

<sup>10</sup> Bonded Labour System (Abolition) Act, 1976, § 13, No. 19, Acts of Parliament, 1976 (India).

<sup>11</sup> Bonded Labour System (Abolition) Act, 1976, § 14, No. 19, Acts of Parliament, 1976 (India).

<sup>12</sup> Bonded Labour System (Abolition) Act, 1976, § 15, No. 19, Acts of Parliament, 1976 (India).

<sup>13</sup> Bonded Labour System (Abolition) Act, 1976, § 16, No. 19, Acts of Parliament, 1976 (India).

<sup>14</sup> Bonded Labour System (Abolition) Act, 1976, § 17, No. 19, Acts of Parliament, 1976 (India).

<sup>15</sup> Bonded Labour System (Abolition) Act, 1976, § 18, No. 19, Acts of Parliament, 1976 (India).

with a fine of Rs. 1000 (Section 19<sup>16</sup>). And if someone abets another for the commission of an offence, then that person be punished in the same manner as if he committed that offence (Section 20<sup>17</sup>).

- k) For trial of the offences under this Act, the Executive Magistrate shall be given powers and deemed JMIC or JMIIC (Section 21<sup>18</sup>). And an offence committed under this Act shall be bailable and cognizable (Section 22<sup>19</sup>).
- l) If any offence under this Act has been committed by a company, then the persons who were in charge of the company at that time, or with whose consent any such act of offence was performed, shall be considered to have committed that offence and punished accordingly (Section 23<sup>20</sup>).

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<sup>16</sup> Bonded Labour System (Abolition) Act, 1976, § 19, No. 19, Acts of Parliament, 1976 (India).

<sup>17</sup> Bonded Labour System (Abolition) Act, 1976, § 20, No. 19, Acts of Parliament, 1976 (India).

<sup>18</sup> Bonded Labour System (Abolition) Act, 1976, § 21, No. 19, Acts of Parliament, 1976 (India).

<sup>19</sup> Bonded Labour System (Abolition) Act, 1976, § 22, No. 19, Acts of Parliament, 1976 (India).

<sup>20</sup> Bonded Labour System (Abolition) Act, 1976, § 23, No. 19, Acts of Parliament, 1976 (India).