
LANDSCAPES TO LABOUR LAW IN INDIA: A CRITICAL STUDY OF THE OVERARCHING BONDED LABOUR ISSUES

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ABSTRACT

The growing economy and advancements sought owing to the advent of globalisation could have never been accomplished without the unselfish exertions of the labourers around the world. The inception of bonded labour practices in India can be traced back to the primordial times. The notion to live in the 21st Century, where the term ‘bonded’ might seem traditional or obsolete concept; The momentous application of such practices still continues in its substantiated forms and illustrations across different regions in India. The oblivious nature and unmitigated conception to address this objectionable issue has become impasse amongst different sections of the people living in the society, and most imperatively, the difunctional relation between the creditor-debtors in the informal and the unregulated sectors of industries and agriculture which is mostly delved and embedded in the customary nomic paradigms. This imperceptible rise in the bonded labour have gradually diminished the stance of the labour rights in India per se. The indelible miseries are due to the surfeit rise in poverty, disparities in basic employment schemes and strategies, overwhelming casteism and discrimination, and inadequate means to propagate the idea to restraint, spread awareness through education and campaigns which are the modern instruments in securing the prerogatives and enable strong apparatuses to redress this arcane issue. Seemingly, the inefficacious and obstinate actions to encapsulate the notions of establishing redressal forums and adherence to the international mandates such as the Universal Declaration of Human Rights (UDHR) and other statutes including the Indian Constitution which sought to deracinate the persistent issue. Though, India being a signatory to most of the international covenants; it has unquestionably failed to divulge upon the manifested obligations towards safeguarding the interests of the bonded labourers. Thereof, it’s the need of the hour to impute the deprived and the aggrieved sections of the society.

Keywords: Bonded Labour, Prerogatives, Industry, Agriculture, Debts, Employment, International Covenant, Indian Constitution.

CHAPTER – 1

INTRODUCTION

The inception of labour laws in India is presaged with the grandiose industrialization encompassing a scrimmage between the workers and capital.¹ The emanation of the labour legislations in India embarks from the primal era of British colonization period which burgeoned as the result of failed administration of the Indian workers employed under the Britishers.² Consequently, the initiation of laws, administrative standards explicating the nomic rights and impediments concerned with the working individuals mitigated to labourism. The labour legislations were conceptualised to regulate the adept labourers with change in the commercial and social challenges of the present times. These legislations aimed at instituting a legal system which conciliated with the productive economy. It also embodied a structure to standardize the conduct and relationship between the workers and their employers addressing the business issues vehemently and maintaining workplace discipline. Thus, labour legislations profusely deal in promulgating fundamental labour rights that acknowledges social recognition and mechanisms to address the prevailing concerns of the working labourers³.

It is further a quest and companion of facets associated with the essence of laws, administrative rulings, and precedents which ought to address the indefensible rights of working people and their amalgamations. The labour legislations signifies the cronies between the trade union, working class and the government in its entirety. However, the inception of the labour laws is to safeguard the interests of the labourers, employers working in any establishments.⁴ Thus, it is an essential mandate for any establishments to follow the laws which upholds the concerns of the working class and labourers in every manner to restore cordiality and resolve the prejudices encountered in the society.

¹ Tanvi Sapra, *Labour Policy and Laws in India: Everything you need to know*, LAW CIRCA (Mar. 4, 2023, 7:30 PM), *Labour Policy and Laws in India: Everything you need to know - Law Circa*.

² Aishwarya Sandeep, *Historical Background of Labour Legislation in India*, PARENTING AND LAW (Mar. 4, 2023, 8:30 PM), *historical background of labour legislation in India – Aishwarya Sandeep*.

³ Sonali Chauhan, *A Guide to Labour Laws in India*, IPLEADERS (Mar. 4, 2023, 9:20 PM), *Labour Laws in India : Everything you need to know (ipleaders.in)*

⁴ *Id.* at 3.

CHAPTER – 2

TRANSITION OF BONDED LABOUR TO STATUS!

2.1. Introduction.

The genesis of bonded labour or debt bondage can be discovered centuries ago. In the context of India, the societies dominated with stringent class system confined to the omnipresent practice to endorse upon the upper echelons and their scions to nurture life for their subsistence. Thus, the indigent class would become subservient to the other class and would enter into an agreement where the latter had to pledge his person and work in lieu of insatiate debt. Consequently, the dissemination of bonded labour in India is not just limited to the agricultural sector but sometimes propped by custom or pressure leading to illegal contractual bonds which overstep the prerogative rights resulting in inequality, prejudice and deprivation⁵.

2.2. Legislations to safeguard bonded labour rights in India.

The predominance and ubiquity of the bonded labour traditions existed since the primal times⁶. The commencement of the Indian Constitution and the insulation provided under Part III of the dealing with Fundamental Rights involving Articles 14, 19, 21, 23 and 24. Similarly, under Part IV of the Constitution mentions Directive Principles of the State Policy and consists of Articles 39 (e), 39 (f), 41, 42 and 43⁷ which intends to direct the State to highlight and address its strategies towards securing economic necessities of the labour workers, guaranteeing personality development of children and youth, procurement of basic health assistances and strength,⁸ lastly, to safeguard against all forms of exploitations against the labourers including men, children and women.⁹ Furthermore, in addition with these protections guaranteed under the Constitution; enactment of the numerous laws in consort with the Indian Constitution such

⁵ Runal Mehta, *Bonded Labour – Definition, Causes and Legal Factors*, DIGIAIDE (Mar. 6, 2023, 3:30 PM), [Bonded Labour - Definition, Causes and Legal Factors - Digiaide.com](#).

⁶ Puja Mondal, *Bonded Labour: Concept, Causes and Other Details*, YOUR ARTICLE LIBRARY (Mar. 6, 2023, 4:40 PM), [Bonded Labour: Concept, Causes and Other Details \(yourarticlelibrary.com\)](#).

⁷ Vyshnavi Neelakanatapillai, *Labour Rights Under the Indian Constitution*, LAWYERS CLUB INDIA (Mar. 6, 2023, 5:21PM), [Labour Rights under the Indian constitution \(lawyersclubindia.com\)](#).

⁸ Muskan Sharma, *Bonded Labour System in India*, LEGAL READING (Mar. 6, 2023, 6:30 PM), [Bonded Labour System in India | Legal Readings](#).

⁹ FORUM IAS BLOG, *Prevalence of Bonded Labour in India* -ForumIAS Blog (last visited Mar. 6, 2023).

as the Minimum Wages Act, 1948 which specifies a minimum remuneration for certain occupations and mandates overtime payment beyond working hours.¹⁰

The inception of the first national law was the Bonded Labour System (Abolition) Act, 1976 was conceptualised to eradicate any forms or practice of bonded labour system arising out of debt, conventional or hierarchical liabilities.¹¹ The Act expunged all the bonded labourers from bondages and terminated all forms of debentures and debts. It also advocated that no suit or other proceedings to be instituted in any Civil Court for the recovery of any bonded debt¹², the execution of any agreement or business to be held void fostering the practice of bonded labour.¹³ Besides, the Act entrusted certain responsibilities to the District and Sub- Divisional Magistrate in enforcing the statutory provisions. Under Section 13 of the Act, the State governments require to form Vigilance Committees in every suburb district to ensure adherence to the law. The non-conformity with law would aggravate in assured penal actions against conspiring factors with imprisonment up to three years and fine up to two thousand rupees. Ultimately, the Bonded Labour System (Abolition) Act, 1976 was amended in 1985 to include contract and migratory workers under its ambit to curtail such immoderate practices.¹⁴

Consequently, the surge in the issues related to the bonded labours led to the introduction of other stringent legislations to address the impediments and prejudices encountered by labour workers. First, the Contract Labour (Regulation and Abolition) Act, 1970 which superseded the abovementioned legislation¹⁵ and dealt with the evolving challenges associated to the contract labourers. This legislation warranted proper and habitational working conditions and laid down rules pertaining to the registration procedures, licensing of contracts, penal sanctions and enjoined joint and several responsibilities with respect to the principal employer and the contractor.¹⁶ Second, the Interstate Migrant Workmen (Regulation and Employment Conditions of Service) Act, 1979 was enacted to regulate the working environments of the Inter-State labourers typically migrating to other states for better prospects and sustenance.

¹⁰ Manav Gupta, *Why Does Bonded Labour Still Persists in India?*, THE LEAFLET (Mar. 7, 2023, 9:30 AM), Why does bonded labour still persist in India? – The Leaflet.

¹¹ Anjana Sreelakshmi, *Bonded Labour in India: Prevalent, Yet Overlooked*, THE PENINSULA FOUNDATION (Mar. 7, 2023, 10:30 AM), Bonded Labour in India: Prevalent, Yet Overlooked - The Peninsula Foundation.

¹² An Excerpt from the Chapter – *Bonded Labour*, UNIT-3 (egyankosh.ac.in) (last visited Mar. 7, 2023).

¹³ Bonded Labour System (Abolition) Act, 1976, § 4 and § 5, Acts of Parliament, 1949 (India).

¹⁴ FORUM IAS BLOG, *supra* note 9, at 4.

¹⁵ Bonded Labour System (Abolition) Act, 1976, Acts of Parliament, 1949 (India).

¹⁶ Abanti Bose, *Contract Labour (Regulation & Abolition) Act, 1970*, IPLEADERS (Mar. 14, 2023, 11: 40 AM), Contract Labour (Regulation & Abolition) Act, 1970 - iPleaders.

Third, the provisions of Sections 370 and 374 of the Indian Penal Code, 1860. Lastly, the Child Labour (Prohibition and Regulation) Act, 1986 and its Amendment in 2016 which prohibits the employment of children in indentured places. Spurringly, there are other laws and bills in place to deal with the atrocities faced by the working labourers across India.

2.2.2. Important Cases dealing with Bonded Labour in India.

1. *Peoples' Union for Democratic Rights vs. Union of India* (1982 AIR 1473)¹⁷

In this case, the Supreme Court dealt with the working conditions of the labourers employed in ASIAD projects. The Court found non-compliance to the various labour laws by the contractors of the Delhi Administration, the Delhi Development Authority and the Union of India. The nomic observation entangled around the expression of forced bonded labour¹⁸ and construed the assimilation of Article 23 of the Indian Constitution and imparted a thought to establish parity to all the individuals who functioned as a bonded labour who were being paid less than the minimum wages in their workplace or establishment.

2. *Bandhua Mukti Morcha vs. Union of India* (1997) 10 SCC 549 ¹⁹

The case was brought to limelight for the prerogatives and to provide directions for the prohibition of the Bonded Labour practices in India. Further, the Court observed that the right to live with human dignity encompassed in Article 21, Article 39 (e) and (f) , Article 41 and Article 42 which contemplated the protections to be imbued to all workers including men, women and children against inexplicable abuse, deprivation of opportunities and facilities in the ambience of workplace or establishments.²⁰

3. *Neerja Chaudhary vs. State of Madhya Pradesh* (AIR 1984 SC 1099)²¹

In this matter, the Apex Court observed that bonded labourers should be identified as workers on a proper remuneration and rehabilitated as a pivot of safeguarding their basic fundamental

¹⁷ Peoples' Union for Democratic Rights v. Union of India, 1982 AIR 1473, 1983 SCR (1) 456.

¹⁸ Rishab Khare, *India: Bonded Labour in India: An Analysis*, MONDAQ (Mar. 8, 2023, 10:30 AM), Bonded Labour In India: An Analysis - Employee Rights/ Labour Relations - India (mondaq.com).

¹⁹ Sushma. S, *Case Brief: Bamdhua Mukti Morcha v. Union of India*, LAW BHOOMI (Mar. 8, 2023, 11:30 AM), Case Brief: Bandhua Mukti Morcha v. Union of India and Ors. - LawBhoomi.

²⁰ ECR -NET, *Bandhua Mukti Morcha v. Union of India & Ors.* (1997) 10 SCC 549 | ESCR-Net (last visited Mar. 8, 2023).

²¹ FORUM IAS BLOG, *supra* note 9, at 4.

rights. Subsequently, the Court held that as per the construed nomics of Article 21 and 23 of the Indian Constitution; pertinent matter relies upon rehabilitation of the rescued labourers which if being overlooked then result to the state of poverty and indigent conditions prompting to the practices of bonded labour yet again.²²

4. *Sanjit Ray vs. State of Rajasthan* (1983 I L.L.J. 220)²³

In this case, the Supreme Court restricted the state from the practice of indulgence and accumulation of labourers which in return were subject to discrimination and inadequate defrayment as compared with the minimum wages standard as envisaged under the labour legislations. Herefore, the Court held to compensate labourers with wages as per their working hours and upheld the notion of practice for regulating labour statutes in the interest of justice in India.²⁴

5. *Balram vs. State of Madhya Pradesh* (AIR 1990 SC 54)²⁵

The Supreme Court in this case issued numerous guidelines and directions to the Central regime to enforce the provisions of the Bonded Labour System (Abolition) Act, 1976 which regulates the conduct of bonded labour in India. Additionally, the improvisation was made on the maintenance of adequate funds, the role of the collector and other dignified officials to ensure proper implementation of the Act including the disbursement of stipulated sum of amount to be reached the labourers emancipated from the bondage.²⁶

6. *Peoples' Union for Civil Liberties vs. State of Tamil Nadu* (2004 LLR 577)²⁷

This case endows the factual circumstances where the bonded labourers from the State of Tamil Nadu were treated harshly in the State of Madhya Pradesh. The contentions brought dealt with the paradigm of issues²⁸ related to the bonded labourers in all States and Union territories in

²² Shrey Chakraborty, *Laws Related to Bonded Labour in India*, IPLEADERS (Mar. 8, 2023, 2:30 PM), Laws related to bonded labour in India - iPleaders.

²³ Mahaktanwar, *An Overview on Bonded Labour in India and Laws Related to it*, LEGAL SERVICE INDIA (Mar. 8, 2023, 4:40 PM) An Overview On Bonded Labour In India And Laws Related To It (legalserviceindia.com).

²⁴ MUSKAN SHARMA, *supra* note 8, at 4.

²⁵ LAWYER SERVICES, *Balram and Others v State of Madhya Pradesh and Others* on 26 September 1989 - Judgement - LawyerServices (last visited Mar. 8, 2023).

²⁶ *Id.* at 25.

²⁷ UNODC REGIONAL OFFICE FOR SOUTH ASIA, *Public Union for Civil Liberties v. State of Tamil Nadu and Ors.* (unodc.org) (last visited Mar. 9, 2023).

²⁸ SLIC, *Public Union for Civil Liberties Vs. State of Tamil Nadu and Ors.* — SLIC (last visited Mar. 9, 2023).

the nation. Thereupon, in regard to address the issues certain observations and directions were implemented such as the onus upon the States and the Union Territories to submit a status report prescribed by the National Human Rights Commission in every six months.

Subsequently, the commission of vigilance committees to be set in every district and sub-urbs to foresee the issues related to the bonded labourers with the assistance of numerous NGOs by adhering to the statutory provisions and mandates explicated thereof.

2.2.3. International Standards on Bonded Labours

The practice of bonded labour as a whole has startled many nations across the world. India being one of the pivotal member states to the numerous international human rights concordats advocating for the prerogatives and dealing with the innate transgressions against their wellbeing. The conventions to which India is signatory and legally bound to conform include:

A. Convention on the Suppression of Slave Trade and Slavery, 1926

The theme of this convention is to encourage the member-states to inhibit and restrain the slave trade and to achieve the objectives envisaged by the convention ending all forms of slavery is concerned. Furthermore, it mandates the signatories to take essential methods to avert coerced labour force in developing vulnerable status to enslavement.²⁹

Additionally, there is a supplementary convention which expounds upon the traditions and practices of debt oppression inclined to recruit and propagate enslavement. Thus, it contemplates on the view to take crucial legislative measures eradicating the problems of debt bondage and to forbid the involvement of any children under the age of 18 years to be involved in any indenture events. The convention defines debt bondage as, the status or conditions pledging by a debtor of his personal services or those of a person offering himself as a security for a debt.³⁰

B. Forced Labour Convention, 1930

The ambit of this legislation is encompassed under the International Labour Organisation (ILO)

²⁹ UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, Slavery Convention | OHCHR (last visited Mar. 9, 2023).

³⁰FORUM IAS BLOG, *supra* note 9, at 4.

which expects its signatories to restrict the use of forced or compulsory labour in all its forms and contain such practices in the shortest duration as viable. The International Labour Organisation in 1957, rationally integrated the concept of debt bondage and serfdom under the purview of forced labour.³¹

C. International Covenant on Civil and Political Rights (ICCPR), 1966.

This covenant ensures protection against all forms and indulgence in enslavements and their trade in forms of forced or compulsory labour. The protection against such cruel practices are mentioned under articles 8 and 24 of the ICCPR respectively.³²

D. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

This legislation ensures the States to recognize the right of everyone to the favourable working environment and culture. The protection is mentioned under Article 10 which insulates the parties to shield the children and adolescents from any sort of economic and social mistreatment in the society.³³

Furthermore, the insinuation of the idea to restrict the practice of discrimination towards labour workers in overarching manifolds the emanation of legislations such as the Convention on the Rights of the Child, 1989 which mandates protections and acknowledge the employment of bonded child labours due to their destitute state of affairs. The covenant under Article 32 and 35 inclusively establishes the rights of the child to be protected from any sort or kind of economic exploitations in places of employment or establishments.

The adversaries are ubiquitous to witness scarce legislations to rectify the issues of bondages except the initiatives taken for the absolution and elimination of child labour globally. The exquisite need to comprehend the bonded labour systems, lucrative and the progress in the development needs to be addressed since the practice is imbibed with the sectors related to industries and agriculture which tarnishes the envisaged legislations to ensnare the applicability of vulnerability and structural inequality which is one of the persuading factors for indulgence

³¹ INTERNATIONAL LABOUR ORGANIZATION, Convention C029 - Forced Labour Convention, 1930 (No. 29) (ilo.org) (last visited Mar. 9, 2023).

³² UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, International Covenant on Civil and Political Rights | OHCHR (last visited Mar. 10, 2023).

³³ UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, International Covenant on Economic, Social and Cultural Rights | OHCHR (last visited Mar. 10, 2023).

into bonded attributions in the society. Heretofore, the prevalence of bonded labour practices was the result of poor implementation of the legislations and statutes in existence. The evolving and pragmatic need to address this issue is to emancipate the prevalent exercise of bondages into any sections due to their indigent standards of livelihood. Thereupon, the existence of statutes related to the conditions of contractual or migratory labourers including child labour employed in perilous or abhorrent conditions which are averse to the mandates set in the Constitution and other relevant statutes applicable for such inhumane and downtrodden instances which needs to be immediately addressed for the welfare, security and prevention of such crime in the society.³⁴

The usurious rate of this contingent bonded labour practices in India has been the perfunctory factors leading to the burgeoning ignorance, exorbitant raise in illiteracy, backwardness in the society which has contributed to the persistence and applicability in the entire country resulting in the inefficacy and inadvertent attempts to implement the existing legislations, it has gradually downplayed to eliminate the system of bonded labour.³⁵

CHAPTER – 3

ISSUES AND CHALLENGES IMBIBING BONDED LABOUR IN INDIA.

3.1. Introduction.

The practice of bonded labour in India has been escalated due to the pervasive socio-economic issues related to poverty, casteism, lack of education, awareness to the problem and relevant safeguarding mechanisms available to the labourers, corruption and inequalities amongst the employers and the labourers have perturbed the development and burgeoning needs of the labour class living in the society. Thus, condoning such existent operation supporting false-hearted traditions.

Hence, the medium of discrimination and injustices protruded to the numerous industrial sections are not just limited to the employers and workers but revealing the inability of the government machineries to rectify the prevalence onto the matter in actuality. Furthermore, the inception of labour legislations embarked through a series of prolonged struggles to attain

³⁴ ANTI – SLAVERY, What is bonded labour? | Anti-Slavery International (antislavery.org) (last visited Mar. 10, 2023).

³⁵ SHREY CHAKRABORTY, *supra* note 22, at 7.

justice and parity despite numerous legal safeguards, the spectre of bondage still predominates being one of the most poignant issues to be plaguing India till this date.³⁶

3.2. The Prevailing Issues and Challenges of Bonded Labour.

The conception of bonded labour is comprehended as the practice where an individual renders their services on account of certain commitments owing to debentures or liabilities on their part leading to operate under grave pressure inhibiting them to sustain proper livelihood; where the wages are procured at subsidised rate than the existing proportion of remunerations to the labourers. The persistence of this bondage has impacted the family, their relations and inadequate means to deal with their sustaining debts. Thereupon, the lack of empathy and sensitization among the conduct of various establishments have rendered an assistance to the uprising of this problem whereby, creating an obstacle to the rehabilitation and reformation of the bonded labourers across the societies.³⁷ The journey towards the elimination of bonded labour is not an effortless assignment as the mandate set by the Act of having a Residential Certificate (RC) by the suitable beneficiaries who might relish the rehabilitation measures which is incorporated and envisaged by the government.³⁸ Additionally, the indulging realm is concerned with the issuance of adequate compensation to the labourers who are eligible or has been rehabilitated in accordance with the directive prescribed in the Act wherein, the redressal could be processed through the summary trials before the court of law sought to be cessed within three (3) months from the date of initiation of such case dealt by any magistrate.³⁹

The protecting legislations for the labourers entirely are the innate elements of the welfare state aiming at ordaining social justice. The need for establishing more safer and gratifying opportunities for the labourers operating would imbibe the need to stress upon the existence of the resilient area of occupation involving bonded labourers. Consequently, the need to improvise the gigantic control and powers vested with the government officials have resulted to the subservience and addressal of the overgrazing corruption making it an apparent surrender

³⁶ MANAV GUPTA, *supra* note 10, at 5.

³⁷ Bonded Labour Rehabilitation Scheme under Centrally Sponsored Bonded Labour System (Abolition) Act, 1976 in the state of Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh, Planning Commission <https://www.cbgaindia.org/wp-content/uploads/2021/09/Assessing-Budgetary-Priorities-for-the-Rehabilitation-of-Bonded-Labour.pdf>, pg. 12- 21, 24-29 (Mar. 11, 2023, 11:20 AM).

³⁸ GOVERNMENT OF INDIA, http://planningcommission.nic.in/reports/sereport/ser/ser_bon0405.pdf (last visited Mar.12, 2023).

³⁹ Krishna Aruna Sharma, *Bonded Labour in India – A Myth or Reality?*, I PROBONO (Mar. 11, 2023, 6:10 PM), iProbono (i-probono.com).

of the sections not addressing of the prevalent issues related to the sectors involving the manufacturing and deliverance segments.⁴⁰

The passive need to bolster the economy in any nation requires the active participation of labourers undoubtedly. But the practice of bondage has become subservient towards the generation of the national income with the involvement of many people living in destitute professing the agricultural sector not excluding the facets of social security towards the employed in the contravening establishments or place of employment.⁴¹

Therefore, the lack of collaborative mindset in treating the labourers result towards the consequence of rising illiteracy rate, lack of healthy recreation and development, migration and agrarian upbringing, dearth in livelihood and burgeoning backwardness in the industrial sectors as equated to other industrialised nations.⁴² The surfeit lack of small- scale substitute for high expenditures based on case stereotypes⁴³ resulting to the persistent disparities in the area of employment or services which can be stewed as equivalent to not possessing any land or property etc. Thus, incriminating creditors and landlords who would indulge themselves mostly in the agricultural or the industrial sectors. The nomic rights bestowed to the illiterate labourers in India. Hence, it is a prerequisite to suppress the overwhelming operations of bondages and ensuring revitalization to the multifarious ethics upholding the international and the domestic legislations.⁴⁴

The imploration towards dealing with bonded labour issues remains unscrupulous owing to the burgeoning instances of untouchability, discrimination and disparity hindering towards providing basic amenities for livelihood. The tradition of bondages envisaged its practices from the irresistible factors leading to caste-based slavery, indebtedness, and exploitation of the indigent workers striving generations in defraying the bonds once entitled to their ancestors.⁴⁵

⁴⁰ INSIGHT IAS, Labour Issues and Need For Labour Reforms in India - INSIGHTSIAS (insightsonindia.com) (last visited Mar. 12, 2023).

⁴¹ Sunitha C, *Problems of Labour in India*, ECONOMIC DISCUSSION (Mar. 12, 2023, 3:40 PM), Problems of Labour in India | Economics (economicsdiscussion.net).

⁴² Akhilesh Tripathi, *Labour Problems in India*, SLIDESHARE (Mar. 12, 2023, 6:30 PM), Labour problems in India (slideshare.net).

⁴³ RUNAL MEHTA, *supra* note 5, at 4.

⁴⁴ FORUM IAS BLOG, *supra* note 9, at 4.

⁴⁵ Panwar Aklova, *All you need to know about laws prohibiting exploitation of labours in India; Bonded Labour: A Menace to Society*, IPLEADERS (Mar. 13, 2023, 10:20 AM), All you need to know about laws prohibiting exploitation of labours in India - iPleaders.

The employment requirements and conditions to be administered are comprehended by the ethics perused by the legitimacy of the object, specifications, and non-prohibition to conduct, suspension or termination of the employees in accord with their contextual agreement in compliance with the operational settings not restricted to emoluments, vacations or holidays granted involving the extent to the working schedules, healthcare, instilling labour hygiene involving welfare plans, and inductions based on negotiations or contracts disseminated across India.⁴⁶

Insistent queries and legal safeguards to redress the issues in accordance with the Act⁴⁷ has not been efficient and potent to the exercise of laws and rehabilitation schemes which are disseminated for the bonded labourers in the country. The widespread and implementations of the laws to eradicate the issues consigned to the individuals has gradually impacted the economy by sacrificing the freedom guaranteed to the workers including children engaged in such adverse conditions.⁴⁸ The rise perceivable in the informal sectors divulge the attention of debt bondages, where the individuals conglomerated and enslaved to illegal commitments whereby rendering their services and vulnerability of the individuals coerced to repay their debts entailing the practices of slavery, exploitation which could be suppressed by providing financial, legal, medical, and educational attributes to deal with the practices of discriminations predominant in the society.⁴⁹

Henceforth, the need to address the issues and exercises of the prevalent bondage labourism, the redressal towards the pragmatic vulnerability and social disparity would encompass the plethora of legislations which are present to deal with the issues of contract and migrant labour, prohibition of children in hazardous establishments, remunerations and the adherence towards the Constitution of India.⁵⁰

As a consequence, the inadvertent operations of unorganised businesses, debt related bondages, oblivious governmental polices, and operational laws have obstructed the development and

⁴⁶ Mrs. Archana Sawant, *Contemporary Issues and Challenges in Labour Law Reforms: An Overview*, BHARATI LAW REVIEW (Mar. 14, 2023, 11:30 AM), <https://docslib.org/doc/6885651/contemporary-issues-and-challenges-in-labour-law-reforms-an-overview>.

⁴⁷ Bonded Labour System (Abolition) Act, 1976, Acts of Parliament, 1976 (India).

⁴⁸ Dr. Radhika Kapur, *Bonded Labor in India*, RESEARCH GATE (March, 2018, 11:10 AM), (PDF) Bonded Labour in India (researchgate.net).

⁴⁹ CSR TIMES, *Bonded Labour Challenges And Remedies - Csrtimes* (last visited Mar. 14, 2023).

⁵⁰ Ravi S. Srivastava, *Bonded Labour in India: its Incidence and Pattern*, I. L.O, 1- 9, 12- 26, 31 WP43, (2005), WP43 - Bonded Labour in India.PDF (ilo.org).

redressal of illiteracy, flawed rehabilitation, implementation of laws to eradicate the pervasiveness of the facets related to discrimination, prejudices, weary state of affairs concerned to the practices of bonded labours.⁵¹

CHAPTER – 4

CONCLUSION AND SUGGESTIONS

The inception towards labour rights, administration of laws, exercise of the yielding rights which are vitiated due to the prevailing norms and obliviousness amongst the individuals engaged in bonded practices which affront the nomic culture addressing the complications. Furthermore, it is pivotal to comprehend the overarching issues which still appear in our society due to the facets and deprivation of the basic standards guaranteed to the labourers as envisaged by numerous legislations. Subsequently, the need to adjudicate the prevailing issues has always desired certain altercations in the nature and commonness of bonded labour practices impacting the social movements, economic developments and the intervention by the State or governmental authorities to restrain the difficulties which are silent, neglected hampering the well-being of the labourers engaged in the conditions which are incomprehensive and unsustainable without the proper execution of the laws in existence.

The need to subdue the practices it is imperative to rely upon the ingenuities promulgated by the governmental authorities assigned with the survey, collection of data which needs to be stipulated and directed because of the over-grazing poverty, illiteracy, flaws in rehabilitation and improper use of the existing laws per se.⁵² henceforth, the practice related to the bonded labourers in India is result and a consequence of the poor regulations functioning throughout the nation. The myriad and prevalence of the issues are not subjected due to the predominance and exercise of the violations of the fundamental rights envisaged in the Indian Constitution. The concerted and assailing facets leading to the bondage practices needs to be established with the advertent functionaries and reliance assured by the State and its functionaries addressing vulnerabilities, debentures and enslavement due to the propagated usuriousness interests demarcating the need to minimise issues concerned with the labours, permittance to

⁵¹ Imran Khan, *Bonded Labour Problems in India*, XAMNATION (Mar. 16, 2023, 3:30 PM) 1 new message (xamnation.com).

⁵² *Id.* at 51.

the needs which might simplify the weary procedures involving workforce from the informal sectors.⁵³

Therefore, the inculcation of the labourers in the overwhelming unorganized sectors would unravel the economic and social issues exploiting the fundamental rights enshrined under the Constitution of India addressing the issues pervasive and related towards the bondages, exploitations, and discriminations which are to be apportioned, implemented by the legislations to secure the rights entangled despite numerous legal standards, spectre of governmental actions which are connected to the peril and observances inspiring the existence of the multifaceted plague dealing with the overarching issues emphasising towards the seriousness of the tandem to uproot the practices of bonded labour throughout the nation.⁵⁴

Thereof, it is the need of the hour to contain the pervasiveness of the overwhelming instances and to envisage measures to eradicate the form of modern enslavement.⁵⁵ Henceforth, the lack of awareness, conviction rate, biasness towards employed individuals, migration and resettlement; causing to redress the overwhelming issues related to livelihood, cooperation, sustainability and governance in the enforcement of the statutes prevailing in the society to redress the problems which are not confined to labourism but at par with the intensive development sought at the rural structural customs dealing with the habitual rationale of bondages amongst the involved.⁵⁶ The prevailing factors are mostly inclined towards the reliance and dedicated practices in agriculture, stone quarries involving mines, child bondages, and the use of power and cotton handlooms to facilitate the traits conceptualising practices hindering the growth and development of labourers in India.

⁵³INSIGHT IAS, *supra* note 40, at 12.

⁵⁴ UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, *supra* note 29, at 8.

⁵⁵ Runal Mehta, *supra* note 5, at 4.

⁵⁶ Sunitha C, *supra* note 41, at 12.