

Mandate of State Authorities, Connected Laws and Guidelines of the National Human Rights Commission in Addressing the Menace of Bonded Labour in India

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ABSTRACT

Bonded labour continues to be a critical human rights issue in contemporary India. Despite passing of the historic social welfare legislation¹, the *Bonded Labour System (Abolition) Act 1976*, the government is still struggling and combating with this social menace². This research paper provides a comprehensive overview of the laws of land, the policies in place in the light of causes, prevalence, and consequences of this social problem within the Indian context. Emphasis has been given on the specific laws related to identification, rescue, release and rehabilitation of bonded labourers³. The measures currently being taken by the State and rights bodies such as, the National Human Rights Commission (NHRC) to address the issue of bonded labour are also explored⁴. The paper offers a detailed analysis of the factors contributing to the perpetuation of bonded labour in India, including poverty, lack of education, caste-based discrimination, and insufficient enforcement of labour laws. Furthermore, this paper delves into the actions of various stakeholders, especially state bodies, which combat bonded labour. There is no dearth of laws but the problem lies in its implementation⁵. The Apex Court of India has given a vast mandate⁶ to the National Human Rights Commission but the task still remains uncompleted. The State often remains in a denial mode on the very existence of bondage⁷. If at all, identification, rescue and release of bonded labourers does take place, they are seldom rehabilitated⁸ despite the establishment of a robust rehabilitation scheme by the central government⁹. There is still a lack of awareness on the laws of land amongst the stakeholders and sadly, conviction of the errant employers under the Summary Trial remains mostly unheard¹⁰. This paper also provides some recommendations for breaking the cycle of exploitation and empowering victims to regain their autonomy and self-respect.

Keywords: Bonded Labour, National Human Rights Commission, Laws, Human Rights

INTRODUCTION

The economy in India is primarily made up of small-scale businesses with low levels of capital investments, leading to a sizeable informal employment sector. Unfortunately, workers in the unorganized sector are often not amply protected by labour laws or social welfare legislations and security benefits thereon, making them vulnerable to various forms of exploitation and abuse, including bonded labour¹¹. As per the Global Slavery Index Report 2023, an estimated 8.0 in every thousand people were a part of modern slavery in India at any point in 2021. In other words, 11,050,000 people

¹ Bonded Labour System (Abolition) Act, 1976

² Murugesan, J. D. (2018). *Handbook on Bonded Labour*. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ The Indian Apex Court issued directions in 1997 in the case of PUCL Vs the State of Tamil Nadu & Ors. mandating NHRC to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976, and, since then NHRC has taken cognizance in numerable cases, identified victims of bondage, secured their rescue, release, rehabilitation, and organised awareness campaigns in addition to issuing guidelines and advisories on bonded labour with a rights-based approach to the States and UTs for compliance. SC Case.

⁷ Murugesan, J. D. (2018). *Handbook on Bonded Labour*. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

⁸ Ibid.

⁹ Central Sector Scheme, https://labour.gov.in/sites/default/files/20220208154105_compressed.pdf

¹⁰ Murugesan, J. D. (2018). *Handbook on Bonded Labour*. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

¹¹ Ibid.

experienced forced labour or forced marriage in India in 2021¹². The comparative figures on modern slavery suggest that India ranks 34th globally and 6th within Asia and the Pacific¹³. At the national level, the National Human Rights Commission (hereinafter referred to as NHRC) is the nodal authority to look after the implementation of the *Bonded Labour System (Abolition) Act* 1976, the primary legislation that deals with the menace of bonded labour in India. It is interesting to note that even today, NHRC deals with hundreds of cases of bonded labour every year¹⁴.

We live in the 21st century where the term 'slavery' or 'bonded labour' might sound like a traditional or outdated concept. In reality, slavery exists even in this modern world; there are millions of people, including women and children trapped in slavery in many countries around the world, including India. Bonded labour refers to a system where individuals are compelled to work to pay off a debt. These workers are usually underpaid or paid nothing at all, and may be subjected to violence and threats. They might be forced to work under inhuman and risky conditions for long hours without the basic necessities of life, such as food, water, and shelter.¹⁵ Bonded labour is a pervasive issue in India that affects many sectors, including agriculture, construction, brick kilns, stone quarries, coal mining, rice mills, carpet industry, bangle industry, glass industry, domestic servitude, and the garment industry. The unorganized sector is particularly vulnerable to this problem due to inadequate regulation and oversight in the absence of good governance. Despite the existence of comprehensive laws, policies, and schemes aimed at preventing bonded labour, it remains a prevalent problem in modern society, mainly on account of poor implementation.¹⁶

People, particularly in rural areas, for want of stable and durable avenues of employment resulting in unemployment and under employment, non payment of minimum wages despite being notified by the appropriate Government in respect of a scheduled employment, the pernicious practice of payment of wages in kind particularly under the 'Kamya System of bondage'¹⁷ forcing the labourer in a monetized economy to approach a money lender for loan/debt/advance in cash to meet the household expenses, contingencies, landlessness, feudal caste hierarchy, etc, the victim families being forced to migrate from one state to another state in search of alternative or better quality jobs with higher wages at the destination point in particular in Punjab and Delhi NCR and falling in the trap of bondage by taking or accepting advances, agreeing to pay the exorbitant rate of interest on the money advanced as debt, non payment of minimum wages on the pretext of adjustment of wages with the debt, denial of freedom to leave the work place on account of the unpaid debt, ignorance, illiteracy, downtrodden and social backwardness and lack of capacity to bargain for the legitimate wages, lack of alternative means of cheap credit for family needs are responsible for origin, perpetuation and reinforcement of bonded labour system in India.¹⁸

The factors that lead to bonded labour system include crisis and death in the family due to medical expenses, natural calamity/ accident, sudden loss of employment, manipulation/cheating and debt trap by the employer, compulsive expenses on wedding and other social functions, alcoholism, migration and trafficking¹⁹. It has often been seen that the State Governments tend to ignore or are in denial to acknowledge the existence of bonded labour in their jurisdiction fearing that acceptance of bonded labour system may bring a slur or cast a stigma on the image of their government and administration²⁰. Therefore, the officers subordinate to the District Magistrates authorities have often been found unresponsive and insensitive to the complaints of bonded labour lodged or brought before them²¹. Sadly, instead of taking prompt action on such complaints and initiating the process of identification, rescue, release and rehabilitation of

¹² <https://www.walkfree.org/global-slavery-index/>

¹³ Ibid.

¹⁴ Murugesan, J. D. (2018). *Handbook on Bonded Labour*. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ NHRC Case No. 4187/4/21/2014-BL. Retrieved from https://nhrc.nic.in/sites/default/files/misc_4187_4_21_2014_BL_1.pdf

¹⁸ Know Your Rights Series: Bonded Labour, 2010, National Human Rights Commission, India.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

bonded labourers, they bail out and help the errant employers by resorting to dispersal of bonded labourers after hurriedly settling their accounts arbitrarily²².

According to the National Human Rights Commission (NHRC), District Magistrates are generally not aware and sensitised about the provisions of the *Bonded Labour System (Abolition) Act* 1976, and addressing bonded labour is not their priority at all. Even though Executive Magistrates can conduct Summary Trials under this Act, they usually do not and rather try to cover up. It is important to note that not adhering to the laws makes the employer liable for prosecution but the public servants are seldom held responsible for their actions. Besides District Magistrates, officers from the Labour department also play a crucial role in this process. After being declared as Bonded Labourers and on issuance of the Release Certificates, the District Administration and Labour Department officers are mandated to commence the rehabilitation process. The Labour Officers, being part of the nodal ministry, are to prepare a rehabilitation plan for the victims which is to be approved by the District Vigilance Committee in order to ensure that the victims are rehabilitated by cash and non cash components in a way that they do not fall prey again to the vicious circle of bondage²³.

The primary law on bonded labour in India is the *Bonded Labour System (Abolition) Act*, 1976 (Hereinafter referred to as "The Act"). The Act defines bonded labour as a system of forced or partly forced labour under which a debtor is required to pledge his or her services or the services of a person under his or her control as security for a debt²⁴. The Act, has a Statement of Objects and Reason, 7 chapters and 24 sections as a part of its substantive content consisting of the definition, consequences which follow the date of commencement of the Act, relief to the aggrieved, structure of implementing authorities besides the legal and penal provisions²⁵. The Act is a comprehensive piece of legislation that provides a solid legal framework for eradicating bonded labour. The Act prohibits forcing or compelling any person to render bonded labour, advancing any bonded debt, enforcing any bonded debt, taking or retaining possession of any property belonging to a bonded labourer, dispossessing or evicting a bonded labourer from his or her homestead or place of residence, exploiting the services of a bonded labourer. The Act also provides for the identification, rescue, and release of bonded labourers from their debts, their rehabilitation and prosecution of the errant employers²⁶. The task for identification, rescue, release and rehabilitation of bonded labour has been assigned to the Vigilance Committee constituted at District and Sub Divisional level in the States and UTs under section 13 of the *Bonded Labour System (Abolition) Act* 1976. Functions of the Vigilance Committees are given under section 14 of the Act. These Committees are required to be constituted in each district and sub-division under the Chairmanship of the District Magistrate and Sub-Divisional Magistrate, concerned respectively. These Committees advise the concerned District Magistrates and subordinate officers who are authorized to implement the Act and its rules. In addition to this, they are bound by their duty for the economic and social rehabilitation of the released bonded labourers and defend any cases on their behalf. The Vigilance Committee is also responsible for maintaining records as per Rule 7 of the Act²⁷. However, the implementation of the Act has been hampered by several factors, such as a lack of awareness among the stakeholders including the public servants, bonded labourers of their rights, fear of reprisals from employers, Corruption among officials, and the persistence of socio-economic factors that make people vulnerable to exploitation. Despite these implementation challenges, the Act has successfully freed many bonded labourers from its inception. However, besides the Act, there are several other laws connected to the issue of bonded labour. These include the Constitution of India, the *Minimum Wages Act* of 1948, the *Contract Labour (Regulation and Abolition) Act* of 1970, the *Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act* of 1979, which protects the rights of migrant workers, the *Schedule Castes and Schedule Tribe (Prevention of Atrocities) Act* of 1989, the *Maternity Benefit Act* of 1961, *Payment of Wages Act* of 1936, *Employees Compensation Act* of 1923, *The Child and Adolescent Labour (Prohibition and Regulation) Act* of 1986, *Equal Remuneration Act* of 1976, *Factory Act* 1948, *Employee's Provident*

²² Ibid.

²³ Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

²⁴ <https://www.indiacode.nic.in/bitstream/123456789/1491/1/197619.pdf>

²⁵ Ibid.

²⁶ Murugesan, J. D. (2018). *Handbook on Bonded Labour*. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

²⁷ Ibid.

Funds Miscellaneous Provision Act of 1952, *Juvenile Justice (Care and Protection of Children) Act* of 2015, Indian Penal Code of 1860, *Protection of Children from Sexual Offences Act* of 2012. Despite numerous laws, bonded labour persists in India due to socio-economic factors, lack of awareness among the stakeholders, bad governance and enforcement challenges²⁸.

The role played by the state machinery in effectively implementing laws is of utmost importance. The state machinery includes all the institutions and agencies responsible for enforcing the laws, such as the police, judiciary, administrative authorities and unique bodies, i.e. the Vigilance Committees at the Sub Division level, District level, State level, the District Magistrate being the sole authority, his subordinate officers, local judiciary, the police and the labour department besides the NHRC²⁹ who has been entrusted by the Apex Court to monitor this menace.³⁰ These institutions are crucial in ensuring that the laws are implemented effectively and that justice is served. Without efficient and effective state machinery, the implementation of laws would be haphazard and chaotic, leading to an erosion of public trust and confidence in the legal system. Therefore, the state machinery must be adequately equipped, trained, and staffed to ensure the laws are implemented effectively and fairly³¹. Implementing bonded labour laws in India faces many challenges, including lack of awareness as many bonded labourers are not aware of their rights or are too afraid to speak out against their oppressors. The next challenge is on weak enforcement of laws as the government has been unable to enforce bonded labour laws effectively in the absence of will power and good governance. It has often been found that there is complicity of employers as the errant employers benefit from employing and keeping bonded labour, which allows them to keep costs down. In some cases, employers may even collude with officials to prevent the rescue of bonded labourers³². The situation is marred with challenges on account of interstate migration as the bonded labourers are often trafficked from one state to another, making it difficult for authorities to track them down. Last but not the least, the socio-economic factors including poverty, lack of education, and caste discrimination make people vulnerable to exploitation. In many cases, bonded labourers are from marginalized communities who have limited access to legal and social services³³.

The identification and rescue of bonded labourers is a challenging task due to a variety of problems. In numerous cases, bonded labourers can continue to work under bondage in exploitative conditions for extended periods. To be fair there have been instances where the lack of familiarity among employers with provisions of these acts often leads to labourers' exploitation, causing significant suffering. The *Bonded Labour System (Abolition) act* does not act in isolation when the victims belong to the Scheduled Caste/Scheduled Tribe communities, in addition to Sections of the Act and relevant sections of the Indian Penal Code 1860, the provisions of Section 3 of the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* 1989 also need to be invoked³⁴. It is to be kept in mind that whenever any action is taken to address the issue of bonded labour, the police authorities are also involved while rescuing the victims of bondage, as instances has come to notice that the labourers, including women and girls, are often subjected to sexual harassment and assault. The Commission has received numerous complaints from NGOs, victims, or their representatives about such incidents occurring in brick kilns or workplaces³⁵. In many cases, FIRs (First Information Reports) are not registered on

²⁸ Ibid.

²⁹ The Apex Court in its Order dated 11.11.1997 in PUCL Vs. State of Tamil Nadu & Others has directed that the National Human Rights Commission (NHRC) to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order, a Central Action Group has been constituted in the NHRC. This group, with the collaboration of the Ministry of Labour & Employment, is holding sensitization workshop on bonded labour at State Headquarters to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour.

³⁰ Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

time, which violate the guidelines laid down by the Apex Court in the Lalita Kumari case³⁶. This delay also violates Section 199 of BNS (corresponding to 166A of the Indian Penal Code) enacted by the Parliament³⁷.

The National Human Rights Commission has issued guidelines³⁸ to be followed in all the cases in a questionnaire form for the Sub Divisional Magistrates while dealing with the cases under the *Bonded Labour System (Abolition) Act 1976*. These guidelines outline the steps to be taken during the inquiry process:-

1. *Did the Employer obtain a license from the Competent Authority to operate the Unit? If yes, can you provide the details of the license? If not, why is the Unit allowed to operate without a license? Please also provide the names and designations of the persons responsible for operating the Unit without a license.*
2. *How many labourers belong to SC/ST/OBC? Are provisions of the SC/ST Act followed during the inquiry?*
3. *Total number of labourers, male, female, child with age.*
4. *Is the amount paid to employees in conformity with the notified minimum wages on a monthly or fortnightly basis?*
5. *To collect and forward the legible copies of wages register, muster roll, wage slips, and copies of Registers required to be maintained under various labour legislations (Payment of Wages Act, Contract Labour (Regulation & Abolition) Act, Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act.*
6. *Whether the labourers were employed directly or through an Agent/Thekedar/Contractor and whether such an agent obtained a licence under the law or not.*
7. *Total number of migrant labourers from Nepal and Bangladesh, if any, details thereof and action taken for their deportation through the concerned Foreigners Regional Registration Officers.*
8. *Whether the recruiting agents obtained a licence under the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979, whether the Principal employer obtained a Registration Certificate under the Act or not and whether the operator paid benefits under the aforesaid Act and the Rules made there under or not. If there is a failure, forward the names of officers with their designations.*
9. *Whether actions under all other relevant Acts like IPC, POCSO Act, JJ Act, SC/ST Act have been taken in the matter; if yes, details thereof; if not, reasons thereof.*
10. *Whether the Employer has followed all the provisions of the Minimum Wages Act, 1948, and the Rules made there under or not. If not, what action is taken?*
11. *Have the labourers have been provided with basic amenities like schooling for children, Medical and Health care, Food, Water, Sanitation/toilets and proper accommodation by the employer?*
12. *Whether the District Administration has medically examined the labourers during the course of enquiry, if not, reasons thereof?*
13. *Whether the concerned District Magistrates of their native place have been informed of their release and steps taken to ensure their safe arrival at the destination point? If yes, details thereof?*
14. *Whether recoveries of Rs. 20,000/- each has been made from the employer in favour of the Child Labourers and the funds @ Rs. 25,000/- each stand deposited with the District Magistrate for the welfare of such Child labourers, if not reasons thereof, if yes, details thereof.*
15. *Whether the Vigilance Committee, as mandated under the provisions of the Bonded Labour System (Abolitions) Act, 1976, was constituted or not. If not, the reasons thereof. If functioning, since when? You may give all the details of the Committee constituted according to law.*
16. *Whether the members of the Vigilance Committee belonging to SC & ST accompanied the team conducting an enquiry or not? If not, the reasons for the same to be conveyed.*
17. *In view of the averments made in the complaint and in the absence of documents required to be maintained and in the absence of benefit to be extended as mandated by law, the District Magistrates or the Sub Divisional Magistrates, as the case may be are duty bound to raise the presumption in favour of bondage. Attention is also*

³⁶ <https://www.livewlaw.in/supreme-court/supreme-court-ruling-mandatory-fir-registration-cognizable-offences-section-154-crpc-lalita-kumari-v-state-of-uttar-pradesh-235115>

³⁷ https://www.mha.gov.in/sites/default/files/2022-09/WSdiv_CrimeAgainstWomen_advisory_17052019%5B1%5D.pdf

³⁸ Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

drawn to the judgments of the Hon'ble Supreme Court in cases, i.e. a) Bandhua Mukthi Morcha delivered on 16.12.1983 in Writ Petition No.2135. b) People's Union for Democratic Rights v/s Union of India (1982) 3 SCC at 259. c) Sanjit Roy v/s State of Rajasthan (1983) SCC 525 at 535. d) Neeraja Chaudhary v/s State of M.P. (1984) 3 SCC 243 at 250.

Even though the NHRC has issued elaborate guidelines as above, it has been found that the victims of bondage frequently encounter a sluggish and insensitive process when it comes to identification, rescue, release and rehabilitation. Even with resources at the disposal of the State, victims do not receive timely assistance, especially when there are no records to substantiate their claims. In these instances, under the Act, District Magistrates are the only authority who is mandated to play an essential role in ensuring that bonded labour is eradicated and that bonded labourers can live free and dignified lives but the situation on ground is different³⁹. Sections 10, 11 and 12 of the Act confers DMs wide powers to do all such things as may be necessary or expedient for carrying out the provisions of the *Bonded Labour System (Abolition) Act 1976*⁴⁰. It is pertinent to mention that Section 10 empowers the District Magistrates on the identification, rescue/release and rehabilitation of bonded labour. It has, however, been seen that District Magistrates ignore protocols and guidelines issued by the NHRC. It is important to pay attention to sub-clause (g) of Section 2 of the Act. This clause makes it amply clear that the system of forced or partly forced labour assumes that the labourer has agreed with the creditor unwillingly. Wherever, the agreement stipulates that the labourer has received an advance or some economic compensation, and in return, the labourer is required to work without wages or with meagre wages, he loses the freedom to seek other means of livelihood and to move freely, further deprived of his right to sell their property or the product of their labour or the labour of their family members, summarily proves the element of bonded labour⁴¹.

While assisting the District Magistrate during the enquiry, the Officers of the Labour Department are required to verify the payments under the *Minimum Wages Act 1948*, considering any unique circumstances that may be driving individuals to work without such payments. The Labour Officers should not blindly accept the employer's statements without investigating the labourer's situation. When an employer has failed to maintain appropriate records under the Act, then it is the duty of the District Magistrate to presume that the labourers are in bondage and declare labourers as bonded labourers if it is found that they are not being paid minimum wages according to the law and no satisfactory evidence is provided. Law mandates that the employers are required to maintain registers and records containing details of their employees, including the work they perform, wages paid, and receipts obtained. If an employer claims to have paid minimum wages, they must provide documentary evidence to prove compliance with the *Minimum Wages Act 1948*. To this end, they must maintain a muster roll and other records. Failure to produce these records may lead to the presumption that the labourers were kept as bonded labourers, as determined by the District Magistrate or the authorized officer⁴². The Constitution of India also strikes hard at the menace of bonded labour as Article 23 of the Constitution of India is not limited to labour provided under a contract and applies to all forms of forced labour. This stipulates that even if a person voluntarily agrees to provide labour, it can still be considered forced labour if done under coercion or compulsion. It is important to remember that many impoverished individuals in our country, particularly those who are uneducated or belong to Scheduled Castes and Scheduled Tribes, often have no choice but to struggle to make ends meet with the wages they receive. It is thus clear that denying minimum wages to workers is considered forced labour violating Article 23 of the Constitution of India. The District Magistrate as stated above has therefore a vital role to play while dealing with the cases of bonded labour⁴³.

Once the enquiry is concluded and identification and rescue is complete then while disposing of cases under the Act, the trying Magistrate should use the summary procedure as specified in section 21(2) of the Act for all cases brought before them. Upon conclusion of an Enquiry, if it is established that labourers are being held in bondage, a Release Certificate is

³⁹ Ibid.

⁴⁰ [https://www.indiacode.nic.in/handle/123456789/1491?view_type=browse#:~:text=India%20Code%3A%20Bonded%20Labour%20System%20\(Abolition\)%20Act%2C%201976&text=Long%20Title%3A,connected%20therewith%20or%20incidental%20thereto](https://www.indiacode.nic.in/handle/123456789/1491?view_type=browse#:~:text=India%20Code%3A%20Bonded%20Labour%20System%20(Abolition)%20Act%2C%201976&text=Long%20Title%3A,connected%20therewith%20or%20incidental%20thereto).

⁴¹ Know Your Rights Series: Bonded Labour, 2010, National Human Rights Commission, India.

⁴² Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

⁴³ Ibid.

required to be issued in the prescribed proforma⁴⁴. The Release Certificate is a document that certifies the release of the Bonded Labour from the captivity of the employer. The DM/SDM office issuing the release certificate will deliver a copy to the victim. It will also send a copy to the concerned District Magistrate where the released labourer wants to seek rehabilitation. Once the certificate is issued, the released labourer can seek rehabilitation⁴⁵. After a certificate is issued, sections 6, 7, 8, and 9 of the Act becomes operative to the effect that bonded debt liability stands extinguished, the property to be released from the mortgage, and the rehabilitation process under the central sector scheme will begin promptly⁴⁶.

The central government after continued persuasion by the NHRC, agreed to its suggestions and the Ministry of Labour in 2016, revamped the rehabilitation scheme known as "Central Sector Scheme' for Rehabilitation of Bonded Labourer – 2016". Further, the scheme was modified in January 2022 and came into effect from 27.01.2022 as "Central Sector Scheme' for Rehabilitation of Bonded Labourer – 2021". The salient features of the Scheme include inter alia the financial assistance for rehabilitation of a rescued bonded labourer to the tune of Rs. One lakhs per adult male beneficiary, Rs. two lakhs for special category beneficiaries such as children including orphans or those rescued from organized & forced begging rings or other forms of forced child labour and women and Rs. three lakhs in cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit. The notable feature is that the State Governments are not required to pay any matching contribution for the purpose of cash rehabilitation assistance. Apart from this, the Scheme provides for financial assistance of Rs. 4.50 lakhs per district for conducting survey of bonded labourers once in every three years for sensitive district, Rs. 1.50 lakhs for evaluatory studies (maximum of five evaluatory studies per year) and Rs. 10 lakhs per annum for awareness generation per State⁴⁷. The sad commentary is however that the release of rehabilitation assistance is linked with conviction of the accused and this has defeated the very purpose of this noble scheme as often summary trials leading to conviction of the errant employers are not held.⁴⁸ However, subsequent to the pressure mounted by the NHRC immediate cash assistance upto Rs. 30,000/- can now be provided to the rescued bonded labour by the District Administration irrespective of the status of conviction under the summary trial proceedings. Further, in case, where the trial has not been concluded, but the District Administration has arrived at a prima-facie finding and proof of bondage, then the proposal for cash assistance shall not be stopped for want of details of conviction. Any such immediate financial assistance shall be deducted from the rehabilitation assistance amount. However, final disbursement of cash assistance and non-cash assistance shall be made upon proof of bondage and other legal consequences as per judicial process⁴⁹. The Scheme further provides for creation of a Bonded Labour Rehabilitation Fund at District level by each State with a permanent corpus of at least Rs. 10 lakh at the disposal of the District Magistrate which would be renewable for extending immediate help to the released bonded labourers and the above benefits are in addition to other cash or non-cash benefits provided by the States⁵⁰.

To conclude, it is essential to recognize that those who fall victim to the bonded labour system often come from lower socioeconomic backgrounds and lack a support system. They may not have the means to voice their grievances or seek justice. Given these circumstances, the role of state authorities, including NHRC, VCs, SDMs, and DMs, is crucial. It is imperative that these officials approach their duties with empathy and sensitivity towards the plight of the victims.

The judiciary has highlighted the indifferent attitude of authorities in several rulings. However, it is the authorities at the ground level, such as VCs, DMs, and SDMs, who play a significant role in tackling bonded labour. To combat this problem effectively, officers must receive comprehensive training, and they should be fully aware of their

⁴⁴ Ibid.

⁴⁵ Know Your Rights Series: Bonded Labour, 2010, National Human Rights Commission, India.

⁴⁶ Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

⁴⁷ Know Your Rights Series: Bonded Labour, 2010, National Human Rights Commission, India.

⁴⁸ Murugesan, J. D. (2018). Handbook on Bonded Labour. Retrieved from https://nhrc.nic.in/sites/default/files/Hand_Book_Bonded_Labour_08022019.pdf

⁴⁹ Ibid.

⁵⁰ <https://labour.gov.in/bonded-labour>

responsibilities in identifying, rescuing, and releasing victims. VCs at the district and sub-divisional level should also conduct frequent field visits, record grievances, and bring them to the attention of DMs/SDMs. Committed non-governmental organizations should be involved in identifying victims of this practice. It is crucial to recognize and acknowledge the invaluable role played by the National Human Rights Commission (NHRC) in this ongoing crusade. Instead of dismissing the NHRC's recommendations as interference, the administration should accept and implement them as indispensable aids in combating this problem. The NHRC has been overseeing the implementation of the *Bonded Labour System (Abolition) Act 1976* in various parts of the country since its involvement was invited by the Supreme Court of India in 1997. The Commission has been instrumental in monitoring the implementation of the Act and in ensuring that the rights of bonded labourers in India are protected. Therefore, it is essential that the administration works collaboratively with the NHRC to combat bonded labour and fully implements their recommendations as part of the ongoing efforts to eradicate this pernicious practice. At last, efforts to end the Bonded Labour System require a proactive and sensitive approach from state authorities. It is crucial for these authorities to enforce laws, policies, schemes and guidelines of the NHRC in ensuring rehabilitation and reintegration of the released bonded labourers by way of good governance. Such measures will be crucial in realizing the goal of eradicating bonded labour.