



NATIONAL COMMISSION FOR WOMEN

**Review of Laws and Legislative Measures
Affecting Women
by National Commission for Women (NCW)**

**No. 22. The Bonded Labour
System (Abolition) Act. 1976**

- [Existing Provisions](#)
- [Suggested amendments supported by NCW](#)
- [Justification](#)

Existing Provisions

Section 12 : Duty of District Magistrate and Officers authorized by him.

Section 13 : Vigilance Committees - i) Every State Government shall by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit. ii) Each vigilance Committee, constituted for a district, shall consist of the following members, viz; a) the District Magistrate, or a person nominated by him, who shall be the Chairman; b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate; and c) two social workers, resident in the district, to be nominated by the District Magistrate. Explanation: Not more than three persons to be represent t he official or non-official agencies in the district connected with rural development, to be nominated by the State Government. D) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate. iii) Each Vigilance Committee, constituted for a Sub--Division, shall consist of the following members viz a) The Sub-Divisional Magistrate, or person nominated by him, who shall be the chairman, b) three persons belonging to the Scheduled Casts or Scheduled Tribes and residing in the Sub-Division, to e nominated by the Sub-Divisional Magistrate; c)two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate; d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate and e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate.

Section 14 : Functions of Vigilance Committees - i) Te functions of each Vigilance Committee shall be - a) To advise the District Magistrate or any officer authorized by him as to the efforts made, and action taken to ensure that the provisions of this Act or of any rule made thereunder are properly implemented; b) To provide for the economic and social rehabilitation of the freed bonded labourers; c) to - coordinate the functions of rural banks and cooperative societies with a view to analyzing adequate credit to the freed bonded labourer; d) to keep an eye on t he number of offences of which organizance has been taken under this Act; e) to

make a survey as to whether there is any offence of which cognizance ought to be taken under this Act; f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such persons to be bonded debt. ii) A VIGILANCE Committee may authorize one of its members to defend a suit against a freed bonded labourer and the member so authorized shall be deemed, for the purpose of such suit, to be the authorized agent of the freed bonded labourer.

Section 18 : Punishment for extracting bonded labour under bonded labour system -i) Whoever enforces after the commencement of this Act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

Section 22 : Cognizance of offences - Every offence under this Act shall be cognizable and bailable

Suggested Amendments by NCW

Section 12 : Insertion of new Section 12A - I) 'Punishment for neglect of duties' - Any authority/public servant entrusted with the implementation of this Act, who willfully neglects his duties required to be performed by him under this Act, the State Government shall denoteify such authority/public servant. II) Insertion of the words 'of whom one shall be a woman' in clause (b), (c), and (d) of sub-section (2) and (3) of section 13. Sub-section (2): Clause (b) will read as - 'three persons, of whom one shall be a woman, belonging to the scheduled Castes and scheduled Tribes and residing in the district, to be nominated by the District Magistrate'. Clause (c) will read as - 'two social workers, of whom one shall be a woman, resident in the district, to be nominated by the District Magistrate'. Clause (d) will read as - 'not more than three persons, of whom one shall be a woman, to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government'. Sub-section (3): Clause (b) will read as - ' Three persons, of whom one shall be a woman, belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate'. Clause (d) will read as - 'not more than three persons, of whom one shall be a woman, to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the district Magistrate.' III) Substitution of clauses (b), (d), and (e) of sub-section (I) of section of section 14 and insertion of new clauses (bb), (bbb), (bbbb), (cc) and (g) of sub-section (I).

For clause (b) following clause will be substituted - 'to provide for the economic and social rehabilitation of the freed bonded labourer, however, that the rehabilitation scheme may provide for individual or collective rehabilitation and further that there may be separate rehabilitation scheme for the freed bonded made labourers, freed bonded female labourers, members of the family of the freed bonded labourer or any other persons dependant on he freed bonded labourer.'

After clause (b) following clauses will be inserted - (bb) "to provide socio-economic rehabilitation and training to sexually exploited women and children'. (bbb) 'to promote education and vocational schemes for the girl children freed from bonded labour.' (bbbb) 'to encourage the beneficiaries to participate in the various rehabilitation, educational and vocational programmes, including the selection of the schemes'.

After clause (c) following clause will be insert ed - (cc) 'to co-relate and integrate the functions of the rural banks and women's agencies such as Mahila Mandals,

women's groups, women's development corporations with a view of channelising sufficient credit to the freed bonded women labourer'.

For clause (d) following clause will be substituted - 'to keep an eye on the number of offences committed against the bonded male labourer, bonded female labourer and bonded (girl) child labourer, of which cognizance has been taken under this Act'.

For clause (e) following clause will be substituted - 'to make a survey as to whether there is an offence committed against the bonded male labourer, bonded female labourer and bonded (girl) child labourer, of which cognizance ought to have been taken under this Act.'

Clause (f) will be deleted and sub-section (2) will be substituted in this respect and a new clause (g) will be inserted - 'to set up awareness centers and organize workshops in identified areas to educate the bonded women and the girl children labourers of the protection available to them under this Act and the schemes framed hereunder'.

For Sub-section (2) following sub-section shall be substituted - 'No suit will be instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.'

After Section 16 a new section 16A will be inserted - 'Punishment for sexual exploitation - 'Whoever after the commencement of the Act, sexually exploits or trafficks women or child bonded labour the employer shall be punished with imprisonment for a term which may extend to three years and also with fine which may extend to twenty thousand rupees. The onus of proof that no sexual exploitation or trafficking has taken place would be on the accused.'

For section 18 following will be substituted - 'i) Whoever enforces, after the commencement of this Act, any custom, tradition, contract, agreement or other instrument by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with a fine. ii) When any person is accused of an offence punishable under sub-section (I), it shall be open to the Court, trying him, to pass an order that all or any of the properties, moveable or immovable or both, belonging to him, shall, during the period of such trial, be frozen and restrained and where such trial ends in conviction, and if the imposed fine is not forthcoming, the properties so attached shall be liable to forfeiture to the extent they are required for the purpose of realization of the fine imposed. iii) Any court convicting the person under sub-section (I), may in addition to awarding the punishment, by order in writing, declare that any property, moveable to immovable or both, belonging to such a person, for which bonded labour was extracted, shall stand forfeited to the Government to the extent of the fine. iv) Out of the fine realized, payment shall be made to the bonded labourer at the rate of the current minimum wage for each day for which bonded labour was extracted from him. v) For avoidance of doubt, it is here clarified that where any bonded labour was extracted from any member or any dependant of such bonded labourer, each such member or dependant of the bonded labourer shall also be entitled to payment at the rate of current minimum wage for each day of which bonded labour was extracted from him.'

After Section 18 following sections will be inserted - Insertion of new section 18A - Cancellation or suspension of license in certain cases - 'When a person who is convicted of any offence under section 18 holds any licence, permit or permission under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which bonded labour was extracted, the Court trying the offence may, without prejudice to any other penalty to which such person may be liable, direct that the licence, permit or permission shall stand cancelled or suspended for such order so canceling or suspending the licence,

permit or permission shall have effect as if it had been passed by the authority competent to cancel or suspend the licence, permit or permission under any such law.'

Insertion of new section 18 B - Resumption or suspension of grant made by Government - 'When a person, convicted of an offence under S.18, is in receipt of a grant of land or money from the Government, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the resumption or suspension of the whole or any part of such grant.'

For Section 22 the following Section will be substituted - 'Every offence under this Act shall be cognizable and non-bailable.'

Justification

Section 12 (I) : To ensure enforcement of law, specially a social welfare law, the implementing machinery should be made accountable for non-implementation.

Section 12 (II) : Women should also have a say in the implementation of the law. Representation of women in the Vigilance Committees will not only have better understanding of the problems of women and girl children freed from bondage but will also be able to provide better schemes for rehabilitation of such women and girl children.

Section 12 (III) : Women should also have a say in the implementation of the law. Women on the Vigilance Committees will not only have better understanding of the problems of women and girl children freed from bondage but will also be able to provide better schemes for rehabilitation of such women and girl children.

Section 14 Sub-clause (b): The needs, problems and difficulties of the males freed from bondage are different from those of the females liberated from bonded labour. Hence, the rehabilitation schemes for the males should be different, distinct and separate from the schemes for the females. Further, freed bonded labourers may be rehabilitated in group as it is difficult to rehabilitate and individual isolation.

A girl child in bondage suffers the most. Bonded labour and home responsibilities prevent her from getting any education. Lack of access to education ensures continuation of the cycle of poverty which in turn leads to further bondage.

Section 18: To deter the person from extracting bonded labour, it is imperative that, in addition to imposing punishment on him, he should not be allowed to reap the fruits obtained from bonded labour. Hence such property should be forfeited. A general complaint is that no fine is recovered from the person employing bonded labour. In event of failure to recover the fine, such fine may be recovered from the property attached.

It is observed that even though a man is a bonded labourer, his whole family, including his wife, daughter aged mother, etc. are forced to work in bondage. Hence, each such person in bondage should be entitled to payment at the rate of rupees ten per day.

Section 18 A : To deter the person from violating the provisions of the Act and to punish him in the event of violation.

Section 18 B : To deter the person from violating the provisions of the Act and to punish him in the event of violation.



Copyright © National Commission for Women, All Rights Reserved.