
THE INVISIBLE SHACKLES: ADDRESSING COMPULSORY LABOUR THROUGH CONSTITUTIONAL MANDATE

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Introduction:

The concept of bonded labour in India is not novel; rather, it is modern day form of slavery which is an amalgamation of inhumane exploitation and discrimination. The most significant feature of a bonded labourer is his complete erosion of bargaining power i.e. lack of ability to raise a voice against the creditor who subjects him to inhumane and unequal treatment. When the labourer fails to reimburse the debt to the creditor in a similar form, then he renders services on conditions which are not only brutal but also inhuman and discriminatory. The entire system is a representation of unequal exchange which not only represents severe violations of human rights but is also a disgrace to the labour's dignity.¹

This exploitative system is rooted in the socio-economic structures which can be mainly characterised as the "caste system" wherein the majority of bonded labours belong to the Dalit or indigenous class of people including Dalits and Adivasis². In the ancient Indian era, there was linkage between the occupational status and the caste of an individual, the same system that continues to entrap generational cycles of forced labour, despite constitutional guarantees of equality. The entire mechanism of bonded labour was much more prevalent in the pre-independence period, following which Article 23 of Indian constitution was drafted which prohibited the practice of any form of forced labour and made all such practices punishable.³ Even though there was a constitutional provision which prohibited any form of forced labour, the parliament failed to enact a law which explicitly abolished the practice of bonded labour. The bonded labour system is an outcome of a debt-bondage system under which the debtor

¹ International Labour Organization, *Combating Forced Labour: A Handbook for Employers and Business*, 2008, p. 7.

² Bezwada Wilson, "Caste and Labour in India," *Economic and Political Weekly*, Vol. 49, No. 6 (2014), pp. 12–15.

³ The Constitution of India, Article 23(1), states: "Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

agrees along with the creditor that he would render services either himself or through his family members for a time period without any form wages.

Meaning of Forced Labour

Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities. Such work is performed by the individual against his will. Bonded labour has been defined as well as addressed as a prohibited practice in several international conventions as well as a many Indian legislations. This compulsion manifests through direct physical coercion, intimidation, or more insidious methods such as manipulation of debts, withholding of identity documents, restriction of movement or threats of reporting to authorities, especially in cases of migrant labourers.⁴ It is a system of forced (or partly forced) labour in which a debtor enters (or presumed to have entered) into an agreement with the creditor. Owing to this agreement, following are the end results:

- Is required to provide personal services for an undefined or prolonged period;
- Is denied the freedom to leave the workplace or seek alternative employment;
- Is deprived of the right to access, dispose of, or receive the market value for the product or proceeds of their labour.⁵

This system is legally recognised and condemned under Indian law, particularly the Bonded Labour System (Abolition) Act, 1976, which not only defines bonded labour but also criminalises its practice.⁶ At the international level, the International Labour Organisation (ILO) provides a framework for understanding forced labour. Many forms of unfree labor are also covered by the term forced labour, which is defined by the International Labour Organization (ILO) as “all work or service which is exacted from any person under the menace

⁴ International Labour Organization, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, ILO & Walk Free Foundation, 2022, p. 10.

⁵ Section 2(g), The Bonded Labour System (Abolition) Act, 1976.

⁶ Ibid., Sections 4 and 6.

of any penalty and for which the said person has not offered himself voluntarily.”⁷ However, under the ILO Forced Labour Convention of 1930 (No. 29), the term forced or compulsory labour does not include:

*“any work or service exacted in virtue of compulsory military service laws for work of a purely military character; any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations (requiring that prison farms no longer do convict leasing); any work or service exacted in cases of emergency, that is to say, in the event of war, of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by: animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population.”*⁸

These exclusions are narrow in scope and are intended to permit essential civic obligations without infringing upon human freedom. The practice of forced labour, in many instances, operates beyond the bounds of written contracts or legal agreements. It is frequently sustained by entrenched social hierarchies, economic desperation, and a general lack of awareness of legal rights. Individuals often enter such exploitative arrangements believing it to be a necessity, particularly in rural and underdeveloped regions where avenues for formal employment are limited. However, the critical factor that distinguishes forced labour from consensual work is the absence of free will and the presence of coercion whether overt or disguised.⁹

In India, forced and bonded labour are not merely labour law violations; they represent a gross infringement of fundamental human rights, particularly the right to life with dignity enshrined under Article 21 of the Constitution. The United Nations’ Universal Declaration of Human Rights (1948), to which India is a signatory, also recognises freedom from forced labour as a basic human right. Article 4 of the Declaration categorically states that “no one shall be held

⁷ International Labour Organization, Forced Labour Convention, 1930 (No. 29), Article 2(1).

⁸ Ibid., Article 2(2)(a)-(e).

⁹ Jan Breman, *Outcast Labour in Asia: Circulation and Informalization of the Workforce at the Bottom of the Economy*, Oxford University Press, 2013, pp. 34–37.

in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."¹⁰

Despite constitutional safeguards and legislative prohibitions, modern forms of forced labour continue to persist under different guises, such as exploitative domestic work, labour in brick kilns, garment factories, agriculture, and construction sites. Victims are often drawn from marginalised sections of society particularly Scheduled Castes and Scheduled Tribes who are more susceptible due to poverty, lack of education, and social exclusion.¹¹ Moreover, trafficked individuals, especially women and children, are increasingly pushed into forced labour under exploitative conditions, a violation that also intersects with criminal law and anti-trafficking statutes. Nonetheless, implementation remains weak due to systematic issues such as underreporting, lack of political will, poor enforcement mechanisms and societal indifference. Many bonded labourers continue to live informal arrangements that are invisible to state authorities, making data collection and remedial action challenging.¹²

To address these complex realities, the Bonded Labour System (Abolition) Act, 1976, remains a cornerstone in India's legislative efforts. The Act not only defines and prohibits the bonded labour system but also mandates the identification, release, and rehabilitation of bonded labourers. Furthermore, it empowers district magistrates to take action against exploiters and establishes vigilance committees at the district and sub-divisional levels to monitor enforcement.¹³

Constitutional Provisions for safeguarding Forced Labour in India and Role of Judiciary:

The **Articles 21, 23, 24, 38, 39, 41, 42, 43, 43-A and 47 of the Constitution**, are calculated to give an idea of the responsibility of the Government, both Central and State, towards the labour to secure for them social order and living wages, keeping with the economic and political conditions of the country and dignity of the nation. **Articles 21, 23 and 24 form part of the Fundamental Rights** guaranteed under Part III of the Constitution. **Articles 38, 39, 41, 42, 43, 43-A and 47 form part of the Directive Principles of State Policy** under Part IV of the Constitution. **Article 21 of the Indian Constitution** is the most important and foremost

¹⁰ Universal Declaration of Human Rights, 1948, Art. 4, United Nations.

¹¹ National Human Rights Commission, Annual Report on the Implementation of the Bonded Labour System (Abolition) Act, 2021–22.

¹² International Labour Organization, Ending Forced Labour by 2030: A Review of Policies and Programmes in India, 2021, p. 19.

¹³ See Sections 10–13, The Bonded Labour System (Abolition) Act, 1976.

safeguard against any exploitation of human life and liberty. It is part of the basic structure of the Constitution and cannot be amended. It secures the right to life and right to live with human dignity to every person in India. So, any practice of bonded labour would be in contravention of this Constitutional provision since bonded labour deprives a person of numerous liberties. **Article 23 of the Constitution** prohibits traffic in human being and beggar and other similar forms of forced labour. The second part of this Article declares that any contravention of this provision shall be an offence punishable in accordance with law. Clause (2) however permits the State to impose compulsory services for public purposes provided that in making so it shall not make any discrimination on grounds only of religion, race, caste or class or any of them. 'Traffic in human beings' means selling and buying men and women like goods and includes immoral traffic in women and children for immoral" or other purposes.¹⁴

Though slavery is not expressly mentioned in Article 23, it is included in the expression 'traffic in human being'. Under Article 35 of the Constitution, Parliament is authorized to make laws for punishing acts prohibited by this Article. In pursuance of this Article Parliament has passed the Suppression of Immoral Traffic in Women and Girls Act, 1956, for punishing acts which result in traffic in human beings. Article 23 protects the individual not only against the State but also private citizens. It imposes a positive obligation on the State to take steps to abolish evils of "traffic in human beings" and beggar and other similar forms of forced labour wherever they are found.

Article 23 prohibits the system of 'bonded labour' because it is a form of force labour within the meaning of this Article. "Beggar" means involuntary work without payment. What is prohibited by this clause is the making of a person to render service where he was lawfully entitled not to work or to receive remuneration of the services rendered by him. This clause, therefore, does not prohibit forced labour as a punishment for a criminal offence. The protection is not confined to beggar only but also to "other forms of forced labour". It means to compel a person to work against his will.

In **Peoples Union for Democratic Rights v. Union of India**,¹⁵ the Supreme Court considered the scope and ambit of Article 23 in detail. The Court held that the scope of Article 23 is wide and unlimited and strikes at "traffic in human beings" and "beggar and other forms of forced

¹⁴ Raj Bahadur v. Legal Remembrancer, AIR 1953 Cal. 522.

¹⁵ AIR 1982 SC 1943.

labour" wherever they are found. It is not merely "beggar" which is prohibited by Article 23 but also all other forms of forced labour, "Beggar is a form of forced labour under which a person is compelled to work without receiving any remuneration. This Article strikes at forced labour in whatever form it may manifest itself, because it is violative of human dignity and contrary to basic human values. The practice of forced labour is condemned in almost every international instrument dealing with human rights. **Every form of forced labour "beggar" or other forms, is prohibited by Article 23** and it makes no difference whether the person who is forced to give his labour or service to another is paid remuneration or not. Even if remuneration is paid, labour or services supplied by a person would be hit by this Article, if it is forced labour, e.g., labour supplied not willingly but as a result of force or compulsion, this Article strikes at every form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service. If a person has contracted with another to perform service and there is a consideration for such service. In the shape of liquidation of debt or even remuneration he cannot be forced by compulsion of law, or otherwise to continue to perform such service as it would be forced labour within the meaning of Article 23. No one shall be forced to provide labour or service against his will even though it be under a contract of service. The word "force" was interpreted by the court very widely. Bhagwati, J. said, 'The word 'force' must therefore be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage.

In **Sanjit Roy v. State of Rajasthan**¹⁶, has been held that the payment of wages lower than the minimum wages to the person employed on Famine Relief Work is violative of Art. 23. Whenever any labour or service is taken by the State from any person who is affected by drought and scarcity condition the State cannot pay him less wage than the minimum wage on the ground that it is given them to help to meet famine situation. The State cannot take advantage of their helplessness.

In **Deena v. Union of India**¹⁷ it was held that labour taken from prisoners without paying proper remuneration was "forced labour" and violative of Art. 23 of the Constitution. The

¹⁶ AIR 1983 SC 328.

¹⁷ AIR 1983 SC 1155.

prisoners are entitled to payment of reasonable wages for the work taken from them and the Court is under duty to enforce their claim.

Bandhua Mukti Morcha v. Union of India¹⁸, The petitioner, Bandhua Mukti Morcha is an organisation waging a battle against the horrendous system of bonded labour. In the case of Bandhua Mukti Morcha v. Union of India, the organisation sent a letter to Justice Bhagwati and the Court treated it as a Public Interest Litigation. The letter contained its observations based on a survey it conducted of some stone quarries in the Faridabad district where it was found that these contained a large number of workers working in “inhuman and intolerable conditions”, and many of them were forced labourers.

The Court laid down guidelines for determination of bonded labourers and also provided that it is the duty of the state government to identify, release and rehabilitate the bonded labourers. It was held that any person who is employed as a bonded labour is deprived of his liberty. Such a person becomes a slave and his freedom in the matter of employment is completely taken away and forced labour is thrust upon him. It was also held that whenever it is shown that a worker is engaged in forced labour, the Court would presume he is doing so in consideration of some economic consideration and is, therefore, a bonded labour. This presumption can only be rebutted against by the employer and the state government if satisfactory evidence is provided for the same.

Article 24 of the Constitution prohibits employment of children below 14 years of age in factories and hazardous employment. This provision is certainly in the interest of public health and safety of life of children. Children are assets of the nation. That is why Article 39 of the Constitution imposes upon the State an obligation to ensure that the health and strength of workers, men and women, and the tender age of the children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

In **People's Union for Democratic Rights v. Union of India**¹⁹, it was contended that the Employment of Children Act, 1938 was not applicable in case of employment of children in the construction work of Asiad Projects in Delhi since construction industry was not a process specified in the schedule to the Children Act. The Court rejected this contention and held that

¹⁸ AIR 1984 SC 802.

¹⁹ AIR 1983 SC 1473.

the construction work is hazardous employment and therefore under Art. 24 and no child below the age of 14 years can be employed in the construction work even if construction industry is not specified in the schedule to the Employment of Children Act, 1938. Expressing concern about the 'sad and deplorable omission', Bhagwati, J., advised the State Government to take immediate steps for inclusion of construction work in the schedule to the Act, and to ensure that the constitutional mandate of Article 24 is not violated in any part of the country. In yet another case the Court has reiterated the principle that the construction work is a hazardous employment and children below 14 cannot be employed in this work.

In **M. C. Mehta v. State of Tamil Nadu**²⁰, the Supreme Court has held that children below the age of 14 years cannot be employed in any hazardous industry. Exhaustive guidelines were laid down as to how State Authorities should protect economic, social and humanitarian rights of millions of children, working illegally in public and private sections. The court issued directions to implement directions:

- (1) A survey about the child labour within 6 months.
- (2) 'The Court identified nine industries first where the work could be taken up namely—the match industry, the Diamond Polishing Industry etc.
- (3) The employments given could be in the industry where the child is employed, a public sector undertaking, and could be manual in nature inasmuch as the child in question must be engaged in doing manual work. The undertaking chosen for employment shall be one which is nearest to the place of residence of the family.
- (4) In those cases where no alternative employment is available, to the adult- member of child's family the parent would be paid income from interest of Rs. 25,000 the employment given or payment made would cease if the child is not sent for education by parents. -
- (5) On discontinuance of the employment his education could be ensured until they complete the age of 14 years and shall be free as required by Art. 45 of the Constitution. It would-be the duty of the Inspectors to see that this call of the Constitution is carried out.

²⁰ (1991) 2 SCC 193

(6) The Secretary of the Ministry of Labour of the Union of India would apprise the Court within one year about the compliance of the directions of the Court in this regard.

Articles 38, 39, 41, 42, 43, 43-A and 47 of the Constitution embody the Directive Principles of State Policy which though cannot be enforced through a court of law are nevertheless fundamental in the governance of the country, casting a duty on the State to apply those principles in making laws. Under these articles it is the duty of the State to promote the welfare of the people, by securing and protecting a social order in which justice social, economic and political shall inform all the institutions of the national life; to make effective provision for securing the right to work, education and public assistance in cases of employment, etc., subject to limits of its economic capacity to make provision for just and humane condition of work and for maternity relief; to endeavor, to secure by suitable legislation or economic organization to all workers work, living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, to promote cottage industries on an individual or cooperative basis in rural areas, and to raise the level of nutrition and the standard of living and improve public health etc.

To achieve the above object the State is duty-bound to direct its policy towards securing an adequate means of livelihood for all citizens; to so distribute the ownership and control of the material resources of the community as best to subserve the common good; to avoid concentration of wealth and means of production to the common detriment; to secure equal pay for equal work both for men and women; to prevent abuse of health and strength of workers, men, women and children of tender age and to protect children and youth against exploitation and against moral and material abandonment.

With the onward march of civilization, our notions as to the scope of the general interest of the community are fast changing and widening with result that our old and narrower notions as to the sanctity of the private interest of the individual can no longer stem the forward flowing tide of time and must necessarily give way to the broader notions of general interest of the community. The emphasis is unmistakably shifting from the individual to the community. This modern trend in the social and political philosophy is well reflected and given expression in our Constitution. The Directive Principles of State Policy, though not strictly enforceable in courts of law, are yet fundamental in the governance in the country. Provisions contained in the chapter on Directive Principles of State Policy cannot be enforced by courts. But while

considering the question of enforcement of fundamental rights of a citizen it is open to the court to be guided by the Directive Principles to ensure that in doing justice the principles contained therein are maintained. Fundamental rights, and the directive principles constitute "conscience of the Constitution". The Constitution aims at bringing about a synthesis between 'Fundamental Rights and Directive Principles of State Policy' by giving to the former a place of pride and to the latter a place of permanence, together they form core of the Constitution. They constitute its true conscience and without faithfully implementing the Directive Principles it is not possible to achieve the welfare State contemplated by the Constitution.

The view that the principles contained in Articles 39(a) and 41 must be regarded as equally fundamental in understanding and interpreting the meaning and content of fundamental rights is in consonance with the following observations of Chinnappa Reddy, J. in **Randhir Singh v. Union of India**²¹, in the context of the concept of 'equal pay for equal work' in service jurisprudence: "It is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be fundamental right. Article 39(J) of the Constitution proclaims 'equal pay for equal work for both men and women' as a Directive Principle of State Policy. Directive Principles, as has been pointed out in some of the judgments of this Court, have to be read into the fundamental rights as a matter of interpretation Construing Articles 14 and 16 in the light of the Preamble and Article 39(d) we are of the view that the principle 'equal pay for equal work' is deducible from those Articles."

Article 39 specifically requires the State to direct its policy towards securing the following principles :

“(a) Equal right of men and women to adequate means of livelihood.

(b) Distribution of ownership and control of the material resources of the community to the common good,

(c) To ensure that the economic system should not result in concentration of wealth and means of production to the common detriment.

(d) Equal pay for equal work for both men and women.

²¹ (1982) 1 SCC 618.

(e) To protect health and strength of workers and tender age of children and to ensure that they are not forced by economic necessity to enter avocations unsuited to their age or strength.

(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Clause (f) was modified by the Constitution (42nd Amendment) Act, 1976 with a view to emphasize the constructive role of the State with regard to children. In **M. C. Mehta v. State of Tamil Nadu**²², it has been held that in view of Art. 39 the employment of children within the match factories directly connected with the manufacturing process of matches" and fireworks cannot be allowed as it is hazardous. Children can, however, be employed in the process of packing but it should be done in area away from the place of manufacturing to avoid exposure to accidents.

Pursuant to Article 39 (d), Parliament has enacted the Equal Remuneration Act, 1976. The directive contained in Article 39 (d) and the Act passed thereto can be judicially enforceable by the court. **Randhir .Singh v. Union of India**, the Supreme Court has held that the principle of "Equal pay for equal work though not a fundamental right" is certainly a constitutional goal and, therefore, capable of enforcement through constitutional remedies under Article 32 of the Constitution. The doctrine of equal pay for equal work is equally applicable to persons employed on a daily wage basis. They are also entitled to the same wages as other permanent employees in the department employed to do the identical work²³. However, the doctrine of 'equal pay for equal work' cannot be put in a strait jacket. This right, although finds place in Article 39, is an accompaniment of equality clause enshrined in Articles 14 and 16 of the Constitution. Reasonable classification, based on intelligible criteria having -nexus with the object sought to be achieved is permissible. Accordingly, it has been held that different scales of pay in the same cadre of persons doing similar work can be fixed if there is difference in the nature of work done and as regards reliability and responsibility.

²² (1991) 1 SCC 283.

²³ Surindersing v. Engineer-in-Chief, C.P.W.D., AIR 1986 SC 534

Article 41 directs the State to ensure the people within the limit of its economic capacity and development:

(a) employment,

(b) education, and

(c) public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.

Article 42 directs the State to make provision for securing just human conditions and for maternity relief. **Article 43** requires the State to take steps, by suitable legislation or in any other way to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry. **Article 43** requires the State to try to secure by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, and in particular, the State shall endeavor to promote cottage industries on an individual or co-operation basis in rural areas.

Article 43 refers to a "living wage" and not "minimum wage". The concept of living wage includes in addition to the bare necessities of life, such as food, shelter and clothing, provisions for education of children and insurance etc.

Article 45 required the State to make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years. The object was to abolish illiteracy from the country. In a landmark judgment in **Unni Krishnan v. State of A.P.**²⁴ the Supreme Court has held that the "Right to education" upto the age of 14 years is a fundamental right within the meaning of Article 21 of the Constitution, but thereafter the obligation of the State to provide education is subject to the limits of its economic capacity. "The right to education flows directly from right to life", the Court declared.

Article 47 imposes duty upon the State to raise the level of nutrition and the standard of living of its people and the improvement of public health. In particular, the State should bring about

²⁴ (1993) 1 SCC 645.

prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. Article 46 enjoins the States to promote with special care the education and economic interest of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and of all forms of exploitation.

Other laws in India

Apart from the above mentioned constitutional provisions and safeguards, there are also a few legislations which deal with the subject at hand. However, the major law governing the practice of bonded labour is The Bonded Labour System (Abolition) Act 1976. In addition to this, there are a few more legislations in consonance with this major law in India such as Contract Labour (Regulation and Abolition) Act 1970, Minimum Wages Act 1948 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and even the Indian Penal Code 1860.

The Indian Penal Code recognizes the offence of unlawful compulsory labour and imposes a punishment of imprisonment for a term extendable to 1 year or with a fine or both. The Minimum Wages Act 1948 sets the minimum wage for certain enumerated occupations and requires that overtime be paid to whoever working beyond the 'normal working day.' Similarly, the Bonded Labour System (Abolition) Act 1976 prescribes imprisonment for a term upto 3 years as well as a fine upto Rs. 2000/-. This punishment is for whoever compelling a person to render their service under bonded labour and whoever advancing the bonded debt. Every offence under the Act is cognizable and bailable.

Initiatives of the National Human Rights Commission:

The Supreme Court in the Writ Petition (No. 3922/1985) – **Public Union for Civil Liberties Vs State of Tamil Nadu & Others**²⁵ – requested the NHRC in 1997 to get involved in the monitoring of the implementation of the Bonded Labour System (Abolition) Act, 1976. Since then, the NHRC has been focusing on States where bonded labour is prevalent. During 2011, it took stock of the situation and the following charter of activities have been taken up by the Commission on the issue of Bonded Labour:

²⁵ Writ Petition (civil) 3922 of 1985

1. Constitution of Core Group on Bonded Labour: A Core Group on Bonded Labour has been constituted by the Commission who will advise in chalking out and suggesting strategies to the State/Central Government for elimination of bonded labour in the country.

2. Organized a National Level Seminar: The Commission organizes National level Seminar on elimination of bonded labour at various places. The Officers from State Government/UTs participate in the seminar.

3. NHRC team to carry out surprise visits to bonded labour prone areas: Teams have been constituted in NHRC to carry out surprise visits to bonded labour prone areas. The team consists of officers from the Investigation and Law Divisions of the Commission. Recently, one team conducted a surprise visit in Ghaziabad, Bhagpat, Meerut and Bulandshahar Districts of Uttar Pradesh. Due to off season at brick-kilns, no workers were found.

4. Development of an instructional manual on Bonded Labour: As of now, the Commission has brought out a booklet under the Know Your rights series on Bonded Labour which is being disseminated to all concerned.

5. Review existing schemes of the Central and State Governments on Bonded Labour: The Commission has taken up the issue with the Ministry of Labour and Employment. It has conveyed that they have adopted an integrated convergence based approach to prevent bonded labour with the help of ILO. Recently, Justice Shri B.C. Patel held a meeting with the Director General in the Ministry of Labour & Employment to discuss increase in the rehabilitation grant under the centrally sponsored scheme.

6. Recommendation to State Government for organizing orientation training programme in each bonded labour prone district: The Commission has written to all the Chief Secretaries of the State Government /UTs for organizing orientation training programmes for DMs/DSMs/SSPs and also for the field functionaries of labour law enforcement.

7. Recommending States to constitute a State Level Monitoring and Coordination Committees: under the chairmanship of Chief Secretary with Secretaries to Government of various departments as Members. The committee will also convene meetings to take stock of bonded labour situation in their States and will apprise the Commission every six months.

Way Ahead: Towards the Eradication of Compulsory Labour in India

The abolition of bonded and forced labour in India cannot be accomplished solely through the presence of constitutional and statutory provisions it necessitates sustained political will, institutional responsiveness, and structural socio-economic reform. Despite the constitutional mandate under Article 23 and the enactment of the Bonded Labour System (Abolition) Act, 1976, the ground reality reflects that bonded labour continues to thrive in multiple informal sectors across the country, particularly among historically marginalised communities.²⁶ Two principal factors underpin this persistence: entrenched caste-based hierarchies and economic deprivation. These realities render the most vulnerable populations especially Dalits, Adivasis, and migrant workers susceptible to coercive labour arrangements masked as informal employment.²⁷ Thus, the strategy for eradication must be holistic and multi-dimensional, addressing not only legal enforcement but also the social roots of inequality.

1. Strengthening Institutional Mechanisms

Although the 1976 Act provides for district and sub-divisional vigilance committees, their actual functionality is often nominal due to lack of monitoring and resources.²⁸ There is a pressing need to reactivate and empower these local bodies to identify, rescue, and rehabilitate bonded labourers. District magistrates, as the nodal officers under the Act, must be made accountable through mandatory quarterly reporting and independent audits.²⁹ Moreover, the National Human Rights Commission (NHRC) should be vested with greater authority to recommend binding action in cases of systemic lapses by state authorities.³⁰

2. Legal Literacy and Awareness

One of the foremost challenges in combatting forced labour is the widespread ignorance of legal rights among affected populations. The Ministry of Labour and Employment, in collaboration with NGOs, must conduct legal literacy drives in vulnerable districts. These should include vernacular awareness campaigns, community paralegals, and the use of mass

²⁶ See Bonded Labour System (Abolition) Act, 1976, and NHRC, Annual Report on Bonded Labour, 2021–22.

²⁷ Jan Breman, *Footloose Labour: Working in India's Informal Economy*, Cambridge University Press, 1996, p. 19.

²⁸ Government of India, Ministry of Labour & Employment, *Implementation of Bonded Labour System (Abolition) Act*, Report to Parliament (2020), p. 3.

²⁹ Section 13, Bonded Labour System (Abolition) Act, 1976.

³⁰ National Human Rights Commission, *Compendium of NHRC Recommendations on Bonded Labour*, 2019.

media to disseminate knowledge about rights under the 1976 Act, the Minimum Wages Act, and constitutional protections under Articles 21 and 23.³¹

3. Comprehensive Rehabilitation Policies

Freedom from bondage must not stop at release; it must extend to dignified reintegration into society. However, rehabilitation schemes often suffer from bureaucratic delays and underfunding. Although the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 increased monetary assistance, its implementation remains disjointed.³² Rehabilitation must include housing, access to education, health care, vocational training, and livelihood support facilitated through local governance mechanisms and monitored by civil society actors.

4. Data Transparency and Independent Monitoring

Accurate and updated data is indispensable for meaningful intervention. Yet, many states report 'zero' bonded labourers, indicating underreporting rather than actual absence.³³ The Labour Bureau, in collaboration with independent researchers, should conduct periodic, transparent surveys. Public access to this data would not only inform policymaking but also enable judicial scrutiny and public accountability.

5. Judicial Oversight and Dedicated Forums

The judiciary has played an instrumental role in expanding the scope of Article 23 through cases like *Bandhua Mukti Morcha v. Union of India*³⁴ and *People's Union for Democratic Rights v. Union of India*.³⁵ However, there is a need to establish specialised benches or fast-track mechanisms in labour courts to ensure timely adjudication of bonded labour cases. Judicial directions must be accompanied by strict timelines for compliance by state governments, and contempt proceedings for deliberate negligence.

³¹ International Labour Organization (ILO), *Ending Forced Labour by 2030: A Review of Policies and Programmes in India*, 2021.

³² Ministry of Labour & Employment, *Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 – Guidelines*.

³³ Human Rights Watch, "No One Will Be Left to Complain": Forced Labour in India's Brick Kilns, July 2017.

³⁴ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161.

³⁵ *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.

Conclusion

Abolition of the bonded labour system has been a constant struggle in India. There are several problems which have to be addressed and tackled with. However, the two strongest reasons for the existence of bonded labour system in the current times are firstly, the predominant caste structure of India and secondly the extreme poverty. Even though the Act read with Article 23 of the Indian Constitution declares the system as illegal, there are several issues pertaining to its implementation which makes this system prevalent even today. NHRC constantly encourages the state governments to conduct surveys and provide rehabilitation to the bonded labours but the results continue to remain staggeringly poor due to aforementioned reasons. Till the point the law does not instil its existence even at the lowest sections of the society, it would be regarded as insufficient, despite having a statutory recognition. Therefore, preventive as well as reformatory methodology must be followed. The bonded labour system must severely be condemned and eliminated from the grass-root levels of the society. Proper implementation of the existing laws and rules could work wonders and can actually make the Indian society completely free from such forms of oppressive systems which restrict social prosperity. The persistence of bonded labour in modern India is not a reflection of legislative inadequacy but of systemic indifference and socio-economic inertia. The constitutional promise of freedom, dignity, and equality will remain hollow unless the invisible shackles of caste-based servitude and economic coercion are dismantled. A rights-based, multi-stakeholder approach rooted in constitutional morality and transformative justice is indispensable. The State must not only prohibit forced labour in law but must also eliminate its enabling conditions in practice. Only then can the vision of a truly free and equal India be realised.