



The Status of Coparcenary Rights For Daughters In Hindu Joint Family

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Abstract

Bonded labour remains one of the most pervasive forms of modern slavery, rooted in poverty, social exclusion, and unequal power relations. This paper examines the structural, economic, and cultural factors that sustain bonded labour across various sectors, including agriculture, manufacturing, domestic work, and informal industries. Drawing from existing literature, case studies, and human rights reports, the study explores how debt dependence, caste- and class-based hierarchies, and lack of legal enforcement perpetuate cycles of exploitation. The analysis highlights the gaps in policy implementation, the challenges faced by rescue and rehabilitation mechanisms, and the socio-economic vulnerabilities that force individuals into debt bondage. The paper concludes with recommendations for comprehensive interventions, including stronger legal frameworks, community-based awareness programs, economic empowerment strategies, and multi-stakeholder collaboration. Addressing bonded labour requires not only legal reform but also long-term social and economic transformation.

Keywords: Bonded Labour, Modern Slavery, Forced Labour, Debt Bondage, Rehabilitation, Human Rights, Labour Law, Tamil Nadu, Socioeconomic Inequality, Caste System, Vulnerable Communities, Enforcement Challenges, Labour Exploitation, Poverty, Informal Sector, Labour Rights, Abolition Act 1976, Social Justice, Rehabilitation Policy, Legal Implementation

INTRODUCTION

The objective of this paper is to delineate the current nature and pattern of bonded labour in India. Article 23 of the Constitution of India prohibits trafficking in human beings and forced labour.¹ However, a specific law prohibiting bonded labour was enacted only in 1976 through the Bonded Labour System (Abolition) Act.²

The first large-scale national survey to assess the prevalence of bonded labour was carried out in 1978.³ Since then, the Supreme Court of India has delivered several landmark judgments clarifying the meaning and scope of bonded labour.⁴ The Court has also appointed commissioners and issued directions to Central and State governments for identification, release and rehabilitation of bonded labourers, emphasising strong enforcement of the Act. Since 1997, the National Human Rights Commission (NHRC) has played a pivotal role in monitoring compliance and ensuring implementation of Supreme Court directives relating to bonded labour.⁵

This paper analyses contemporary literature, reports, and surveys to understand the changes in the incidence and nature of bonded labour since the mid-1990s. The National Commission on Rural Labour Report (1991) remains a significant reference point for analysing subsequent developments.⁶

OBJECTIVES

1. To evaluate how the Bonded Labour System (Abolition) Act is being used and enforced in Tamil Nadu, as well as the effect it has had on ending bonded labour
2. To assess the efficacy of rehabilitation initiatives, such as financial aid, job training, and social reintegration programs, offered to released bonded labourers.
3. To pinpoint obstacles and weaknesses in the Act's enforcement and offer suggestions for improving Tamil Nadu's application of the law.
4. To explore the role of poverty, debt cycles, caste dynamics, migration, and lack of education in pushing individuals into bonded labour.

¹ Constitution of India 1950, art 23.

² Bonded Labour System (Abolition) Act 1976 (Act No 19 of 1976).

³ Ministry of Labour, Survey on Bonded Labour in India (Government of India 1978).

⁴ People's Union for Democratic Rights v Union of India AIR 1982 SC 1473.

⁵ National Human Rights Commission, Annual Report on Bonded Labour (1997).

⁶ Ministry of Labour, National Commission on Rural Labour Report (1991).

5. To evaluate the rehabilitation and reintegration mechanisms available for rescued bonded labourers, including government schemes and NGO interventions.
6. To investigate the impact of bonded labour on physical health, mental well-being, family structure, and children's education.
7. To identify the challenges faced by enforcement agencies in detecting, rescuing, and prosecuting cases of bonded labour.
8. To recommend evidence-based strategies to eliminate bonded labour through legal reforms, community empowerment, economic support, and awareness programs.
9. To document real-life case studies that illustrate patterns, vulnerabilities, and systemic failures related to bonded labour.
10. To understand employer perspectives, labour recruitment practices, and economic incentives that sustain bonded labour practices.

IMPORTANCE FOR TAMIL NADU BONDED LABOUR ABOLITION ACT (1976)

Preventing Exploitation

The primary objective of the Bonded Labour System (Abolition) Act, 1976 is to dismantle a historically entrenched system of exploitation wherein vulnerable individuals—predominantly from socially and economically marginalised communities—were trapped in debt-based servitude and forced labour arrangements. The Act recognises bonded labour as a violation of fundamental human rights and explicitly criminalises the practice, making it punishable by law. By declaring all forms of bonded and forced labour illegal, the statute safeguards human dignity and reinforces the constitutional promise of equality, liberty and protection from exploitation.⁷

Legal Safeguards

The Act establishes a comprehensive legal framework to eliminate bonded labour by prescribing penalties for those who engage in or facilitate such practices.⁸ It empowers law enforcement authorities to identify, rescue and prosecute offenders, thereby offering legal recourse to victims who otherwise lack institutional support. By converting bonded labour into a cognizable offence, the Act seeks to deter

⁷ Kailash Satyarthi, *Bonded Labour: A Study of the Problem and Its Solutions* (Concept Publishing 1991).

⁸ Sathiaymuthy NK, *Bonded Labour in India* (New Delhi 2002).

exploitative behaviour and promote accountability.

Strengthening Social Justice

The legislation is aligned with the principles of justice, equality and welfare embedded in the Indian Constitution, particularly under Articles 14, 21 and 38, which mandate the State to ensure social and economic justice and eliminate inequality.⁹ By targeting a system that perpetuated caste-based subjugation, poverty and discrimination, the Act plays a critical role in restructuring social hierarchies and advancing constitutional morality.

Rehabilitation and Reintegration

Beyond merely abolishing bonded labour, the Act provides structured mechanisms for the rehabilitation of released labourers through welfare assistance, vocational training, financial grants, housing, healthcare and livelihood support.¹⁰ Rehabilitation enables freed labourers to rebuild their lives with autonomy, reducing the risk of re-entering exploitative dependency due to economic vulnerability. Reintegration programmes acknowledge that legal liberation alone is insufficient without sustainable social and economic empowerment.

Property Rights and Debt Cancellation

The Act legally nullifies all debts incurred under bonded labour arrangements, declaring them void and non-recoverable from the labourer or their family.¹¹ Additionally, any property or land pledged as security for the bonded debt must be restored without financial liability. This provision breaks the cycle of hereditary bondage, wherein generations were enslaved due to unpaid ancestral debt.

Provisions of the Bonded Labour System (Abolition) Act, 1976

Abolition of Bonded Labour System

The Act unequivocally abolishes the bonded labour system throughout India and declares all practices

⁹ Constitution of India 1950, arts 14, 21, 38.

¹⁰ Bonded Labour System (Abolition) Act 1976, s 12.

¹¹ *ibid* s 6.

compelling individuals to render forced or debt-based labour to be unlawful.¹² This provision ensures that every person held in bondage is immediately released from any obligation to provide labour under coercion.

Discharge of Debts

All debts or financial liabilities incurred under bonded labour arrangements are legally extinguished and deemed null and void.¹³ Neither the labourer nor their family members can be compelled to repay such debts, ensuring the permanent eradication of hereditary bondage.

Prohibition of Contracts

Any contract, agreement, or arrangement—whether oral or written—that purports to enforce bonded labour or restricts a labourer's freedom is rendered invalid.¹⁴ Employers are prohibited from executing or enforcing such agreements, reinforcing the unlawful nature of the practice.

Rehabilitation of Bonded Labourers

The Act mandates the State to identify, rescue and rehabilitate bonded labourers by ensuring financial assistance, vocational training, housing, healthcare and reintegration support.¹⁵ Rehabilitation is recognised as essential to breaking cycles of poverty and preventing re-bondage.

Penalties and Offences

Forcing any person to render bonded labour, or failing to enforce provisions of the Act, constitutes a punishable offence. Penalties include imprisonment of up to three years and monetary fines, along with legal action against persons who attempt to recover bonded debts.¹⁶ These punitive measures aim to deter exploitative practices and strengthen compliance.

¹² Bonded Labour System (Abolition) Act 1976, s 4.

¹³ Bonded Labour System (Abolition) Act 1976, s 5.

¹⁴ Bonded Labour System (Abolition) Act 1976, s 6.

¹⁵ Bonded Labour System (Abolition) Act 1976, s 10.

¹⁶ Bonded Labour System (Abolition) Act 1976, s 16.

Authority Empowerment

The Act grants District Magistrates and subordinate officers the authority to enforce implementation, conduct rescue operations, initiate prosecutions, and coordinate with rehabilitation agencies.¹⁷ Magistrates act as supervisory heads to ensure accountability.

Vigilance Committees

The Act mandates the constitution of Vigilance Committees at both district and sub-divisional levels to identify cases, monitor enforcement, collect data, review rehabilitation progress and recommend further action.¹⁸ Their institutional role strengthens community-level oversight and prevention mechanisms.

Implementation and Action Taken by the Tamil Nadu Government

Tamil Nadu has taken proactive measures to implement the Bonded Labour System (Abolition) Act, 1976 by formulating a dedicated **State Action Plan** that focuses on identification, rescue, rehabilitation, and continuous monitoring of bonded labour cases. This plan is administered under the supervision of the Commissioner of Labour, who is responsible for coordinating interdepartmental responses and reviewing enforcement progress.¹⁹ As a symbolic commitment to eradicating bonded labour, the State observes **9 February as 'Bonded Labour System Abolition Day'** each year.²⁰

At the district level, **District Collectors** head monitoring committees consisting of representatives from relevant government departments, police authorities, and social welfare agencies. These committees coordinate field inspections, rescue operations, and the preparation of rehabilitation proposals.²¹ Immediate relief measures, including emergency financial support, food supplies, and temporary shelter, are provided to rescued labourers.²²

¹⁷ Bonded Labour System (Abolition) Act 1976, s 10A.

¹⁸ Bonded Labour System (Abolition) Act 1976, s 13.

¹⁹ Government of Tamil Nadu, State Action Plan for Eradication of Bonded Labour (Commissioner of Labour, Chennai, 2023).

²⁰ *ibid.*

²¹ Bonded Labour System (Abolition) Act 1976, s 13.

²² Government of Tamil Nadu, Labour Department Circular, GO (Ms) No 47 (2022).

Long-term **rehabilitation programmes** are implemented to support released bonded labourers through **vocational training, livelihood assistance, healthcare facilities, housing benefits, and enrolment in welfare schemes** designed for socio-economic reintegration.²³ To strengthen accountability, **legal assistance is extended through the State Legal Services Authority** for prosecuting offenders and ensuring protection of victim rights throughout judicial proceedings.²⁴

The government has also undertaken extensive **awareness campaigns**, community education drives, and collaboration with NGOs to encourage reporting and prevention. Periodic monitoring reports submitted by the Commissioner of Labour help evaluate performance and maintain transparency in implementation.²⁵

Challenges in Implementation of the Act

Despite statutory abolition, the implementation of the Bonded Labour System (Abolition) Act, 1976 continues to face substantial structural and systemic barriers. The covert and informal nature of bonded labour, particularly within unregulated sectors—such as agriculture, brick kilns, textile mills, stone quarries, domestic work and construction—makes identification and rescue extremely difficult.²⁶ Many exploitative labour arrangements operate without written records, enabling employers to evade legal scrutiny.²⁷ Furthermore, a significant proportion of affected workers remain unaware of their constitutional and statutory rights, perpetuating cycles of exploitation and dependency.²⁸

Socioeconomic factors such as chronic poverty, caste hierarchies, landlessness, unemployment and illiteracy disproportionately push marginalised communities into debt bondage and restrict their capacity to seek legal recourse.²⁹ Weak enforcement capacity, irregular inspections, and bureaucratic resistance contribute to widespread underreporting and ineffective implementation.³⁰ Prosecution and conviction rates remain low due to inadequate documentation, victims' fear of retaliation, and influence exercised

²³ Ministry of Labour and Employment, Central Sector Scheme for Rehabilitation of Bonded Labourers (2016).

²⁴ Tamil Nadu State Legal Services Authority Report (2021).

²⁵ Annual Report of the Commissioner of Labour, Tamil Nadu (2022–23).

²⁶ Satyarthi, K, Bonded Labour: A Study of the Problem and its Solutions (Concept Publishing 1991).

²⁷ *ibid.*

²⁸ National Human Rights Commission, Report on Bonded Labour (NHRC 2001).

²⁹ Ministry of Labour, Government of India, *Report of the National Commission on Rural Labour* (1991).

³⁰ Tamil Nadu Labour Department, Annual Report (2022–23).

by economically powerful offenders.³¹ Delays in rehabilitation assistance—such as financial support and livelihood training—frequently result in survivors returning to exploitative environments in order to sustain livelihood needs.³² Additionally, local economic and political pressures often obstruct strict enforcement, undermining accountability and deterrence mechanisms.³³

Effectiveness of the Act

Although the Bonded Labour System (Abolition) Act, 1976 was enacted to eradicate bonded labour, its practical effectiveness remains limited by structural barriers. Weak rescue and identification systems, insufficient legal prosecution, inadequate rehabilitation frameworks, and persistent social stigma dilute its impact in practice.³⁴ Lack of awareness and inadequate grievance mechanisms restrict the ability of victims to assert their rights. Economic precarity and unemployment continue to push released workers back into bonded arrangements, revealing systemic shortcomings in enforcement and welfare support.³⁵ As a result, bonded labour persists across various informal sectors despite the legal framework abolishing it.

Conclusion

The Tamil Nadu Bonded Labour System (Abolition) Act, 1976 remains a critical legal instrument for combating exploitative labour practices and advancing human rights protections. However, the persistence of bonded labour demonstrates the gap between legislative intention and practical implementation. Socioeconomic inequalities, lack of awareness, weak enforcement capacity, and institutional failings continue to undermine the Act's objectives.

Effective eradication of bonded labour requires a multidimensional strategy, including strengthening monitoring systems, improving rehabilitation frameworks, promoting economic empowerment, and addressing structural injustices rooted in caste and poverty. A collaborative approach involving

³¹ *Bandhua Mukti Morcha v Union of India* AIR 1984 SC 802.

³² Ministry of Labour and Employment, *Central Sector Scheme for Rehabilitation of Bonded Labourers* (2016).

³³ Human Rights Watch, India: Invisible Chains (HRW 2015).

³⁴ NHRC (n 3).

³⁵ Sathyamurthy NK, *Bonded Labour in India: A Study of Rural Poverty* (New Delhi 2002).

government agencies, NGOs, judiciary, and civil society is essential to secure freedom, dignity, and equality for vulnerable workers.

