



Mains Practice Question

Q. According to the 2016 Global Slavery Index, India has the most slaves in the world (in terms of population). What laws and provisions are available to end bonded labour in India and why have they not been able to eliminate this practice? (250 words)

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Approach

- Describe Modern slavery.
- Enlist and describe the law and provisions available to end bonded labor.
- Describe reasons of failure of these provisions to resolve problem of bonded labour.

Introduction

- **Modern slavery** refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power. Different countries use different terminologies to describe modern slavery, including the term slavery and concepts such as human trafficking, forced labour, debt bondage, forced or servile marriage, and the sale or exploitation of children.
- India has the highest number of people in the world trapped in modern slavery with 18.35 million victims of forced labour, ranging from prostitution and begging according to the 2016 Global Slavery Index released by Australia-based human rights group Walk Free Foundation.

Body

- **Constitutional provisions:** Article 23, Article 21, Article 39, Article 42 and Article 43 are constitutional provisions that act as safeguards against modern slavery.
- **Other related legal provisions**
 - 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.'
 - **Bonded Labour System (Abolition) Act 1976** prescribes imprisonment for a term upto 3 years as well as a fine upto Rs. 2000 for whoever compelling a person to render their service under bonded labour.

Reasons for their failure to end bonded labour

- **Socio-economic inequality:** India has high level of inequalities along social and economic dimensions. Weaker sections like dalits, tribals, women, and children are more prone to bonded labor due to poverty and their lack of awareness of rights and legal provisions as well as general disempowerment.
- **Low cost labor:** Bonded labor is used as cost efficiency mechanism by informal sector. Through various informal financial arrangements like debt bondage individuals are forced to work at

extremely low or no wages. Debt bondage is most prevalent in India because of lack of institutional credit mechanisms.

- **Poor law enforcement: Bonded Labour System (Abolition) Act in 1976** is not strictly enforced and has not been able to act as deterrent.
- **Lack of education** which means people are not educated and that's why they are not aware of their rights and support is available to them against certain forms of exploitation.

Conclusion

- To end bonded labor law has to be implemented properly so that it acts as a deterrent. The administration, both civil and legal, has to be more responsive to complaints of bonded labour.
- Programmes like MNREGA and widely discussed Universal Basic Income can help in reducing poverty the root cause of bonded labor.

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