

# Bonded Labour in India

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## Abstract

This research article focuses on the concept of bonded labour and its various aspects and teachers and prevalence in India. Bonded labour or debt bondage refers to a method of repayment of loans or debts through the use of labour or work. This type of labour is characterized by a relationship between employers and employees through a loan. This type of labour is prohibited in India through the articles 21 and 23 of the constitution and the bonded labour system (prohibition) act of 1976. However despite this prohibition bonded labour is still widely practiced especially upon those with poor backgrounds and backward communities being the most affected. Despite being a form of forced labour it is still a definite part of the Indian socio economic culture from its history of class systems to colonial past. Bonded labour was historically considered to be a part of rural communities where poor peasants and workers would pay off their loans by working for landlords. However it is also becoming increasingly present in urban areas in the unorganized industries, such construction, quarries, etc. It's considered a type of forced labour derived from debts that places several constraints on working conditions and duration of work often involving illegal and excessive work levels which are hidden under a relationship of creditor and debtor.

The excessive prevalence of bonded labour in India is due to the weak enforcement of legislation and Labour acts which prohibit bonded labour. Further due to the excessive loans in the situations the work extends to different generations and members of the family which increases the problem. The aim of this research paper is to analyse the different forms of bonded labour the history and evolution of bonded labour and its concepts in India; its prevalence in different areas of the country; their effects on society and public; as well as the labour laws and institutions in place to prohibit its influence and reduce the form of forced labour and finally the effectiveness of these systems.

**Keywords:** bondage, slavery, liability.

## 1.INTRODUCTION:

Bonded labour also known as debt bondage, debt or loan slavery among others is where a person is obliged to provide their services and agree to work under an employer as a means of repaying a certain debt or loan or some kind of obligation that he or she may have incurred from their employer or creditor. This kind of labour usually takes place in the unorganized sector and is typically the result of large loans at high interest rates being provided to people, who without the ability to repay the debts are forced into labour bondage.

It is an involuntary form of work which generally involves debts or loans, the terms and conditions of repayment are undefined or vague and, the amount is itself excessively large and come with high interest rates. This involves, for the most part, peasants, small laborers, who by use of the large debt and the

unclear service duration are made to provide their services, sometimes indefinitely, to their creditor. This service can involve the debtor themselves or someone close to them and it can in some cases even be passed down through generations, most such work in unfair conditions.

In modern times bonded labour is primarily prevalent in regions of Western and Southern Africa but especially in countries of South Asia such as India and Pakistan. This kind of work is often under poor conditions in places such as mines, construction, manual work, agriculture, and often illegal work for little or no wage.

It is considered as a form of slavery in current times considering it's involuntary and involves the loss of freedom and use of force and intimidation, force, coercion and other illegal means by the employers.

This form of labour and debt is greatly prevalent in rural areas and backwater settlements, however, research shows that they are prevalent in both rural and urban regions in the unorganized sector. Such labour methods are usually employed by loan sharks and illegal debt collectors and in several cases is utilized as a tool for organized crime and can involve crimes such as prostitution and human trafficking.

These forms of labour are often rooted in history or culture of several such areas where such practices have been carried on for decades or centuries. This results in the practice being difficult to remove as it was considered as a form of common practice.

## **2.HISTORY AND EVOLUTION:**

Debt labour or forced labour has existed in a variety of forms for hundreds of years as a method of exploitation of underprivileged workers to gain services at cheap cost. After the advent of the destruction of the slave trade in the 1800s several former slaves and poor workers were subsequently brought under debt or loans based bondage to force them into indebted labour. This practice became prevalent in several regions including having a historical prevalence in South Asia.

This paper will focus on bonded labour and its practice in India:

### **2.1. INDIA**

Bonded labour and its various forms were very widespread throughout India's ancient history and are rooted in the complicated social structure and caste and other social hierarchies and systems. These existing issues were made more expansive and rampant after the advent of colonialism. It is important to note that out of all the various types or systems of forced labour, the debt bondage system practiced in India produces one of the highest numbers of forced labourers. There exists several reasons for the proliferation and prevalence of forced labour in ancient India, some of which include:

#### **2.1.1 Land ownership and the caste system in the Indian economy:**

During ancient times, agriculture was the primary and most widespread occupation and this required extensive land and fields. This often led into large sections of land falling under the ownership of a few owners of high caste or landlords. Those who were of a higher class in the system often had ownership and influence over larger swaths of land and controlled villages and centers of livelihood which left little

resources and livelihood to those who were on the lower end of the caste system. Such poor peasants and workers did not possess a sufficient means of livelihood and therefore were forced to take up work under these landlords, often in return for poor wages or little remuneration. This type of debt bondage also often specified a master-servant relationship.

This was exacerbated by the fact that those who were in weaker sections of the system often relied on the landlords and owners for loans and debts. The system of land and resource ownership were based on the caste system which mirrored feudalism and this meant a near exclusive reliance of the part of the lower caste on the higher caste on financial support. Therefore in order for repayment of debt or loan the debtor were forced into perpetual bondage to the creditor, often without means of repayment.

The caste separation and economic division resulted in peasants and laborers being forced to depend on the higher caste for debts and other types of sustenance on a regular basis. There were several environmental factors which also contributed to this as well, the need for festivals and traditions such as marriage events and purchase of gold and ornaments as well for daily needs.

Those who resided in the lower spectrum of social class often became prone to drought, unemployment, failure in agriculture, low salary, poor standard of living, which meant that they would require frequent economic assistance from the wealthy landowners and their employers. This also resulted in the perpetuation of the cycle of debt bondage and forced labour through debt.

It was also not uncommon for labour bondage to include relatives or successive generations into the debt and therefore the bonded labour in this case would be followed by the children and sometimes even grandchildren of the debtors. This aspect of continuation of bondage of debt to indefinite terms is an aspect of slavery, since the debt could never be repaid by poverty based peasants and laborers. This has also resulted in India having a high number of child workers. Also the vast majority of forced labour was present in the agricultural sector.

### **2.1.2 Colonial history and bonded labour:**

During the Colonial period of British rule, bonded labourers were made use of extensively as a method of cheap and efficient labour by the British to construct projects and infrastructure to increase trade between Indian colony and Britain. This part of history in India marked a new turning point in the system of bonded labour.

The prospect of indebted labour became very attractive to colonial powers and several forced labourers were used in a variety of services. Some were even shipped overseas to work in other British colonies as a result of the high demand for cheap labour, an example being the sending of indentured workers to Australia so as to reduce the cost of labour.

The colonial government in India set up a coercive system by which to exert control and influence over a large number of workers by having them provided with loans and other kinds of financial assistance which the poverty stricken laborers and peasants were unable to repay in due time. The terms and conditions offered along with the loan were purposefully exploitative with the intention of creating a debt trap.

Due to colonial rule, these practices regarding debt bondage and forced labour became more widespread and commonplace due to the influence of the colonial Indian government in enforcing and propagating this system. The system included a variety of forms and types which ranged from the use of legislation and laws to compel civilians and workers, to the use of other landlords and owners to achieve the indentured labour. These different systems were employed together as a form of framework to ensnare various communities both through direct and indirect means. These were usually aimed at weaker and more exploitable sections such as tribes, *Adivasis*, and weaker peasants and small time laborers.

### 2.1.3 Types of Debt Bondage Systems:

The various systems employed by the Colonial Government to propagate and enforce bonded labour are:

1. **Zamindari System:** Introduced by Lord Cornwallis through the Permanent settlement act, this system comprised 3 parties, namely the British, the zamindar (landlords), and the workers. This land revenue system made landlords the owners of the land and were allowed to make peasants work in their property.
  - The workers were made to pay rent for their work in the zamindar's land. In turn, the landlords were intermediaries who were also made to pay the required revenue to the British government. The workers were exploited under this system and were often forced into debt bondage through loans at massive interest rates to ensure cheap and continuous labour.
2. **Ryotwari and Mahalwari Systems:** These were another land revenue system formed by the British. These systems were meant to simplify tax collection. The Ryotwari system was implemented by Sir Thomas Munro, and it recognised the peasants and farmers as the true owners of the land with rights. However, they were made to pay exorbitant taxes directly to the British.
  - The Mahalwari system was implemented by Holt Mackenzie and divided land into Mahals. Each mahal was managed by one or more villages and owned by the peasants. Large taxes were levied on them and collected by the village chief and given to the British. Both these systems were heavy on taxes and pushed peasants and workers directly to debts and bonded labour.
3. **Indenture System:** This system involved the collection and use of workers who were under debt bondage and their transport to other British colonies so they could work in other areas as off-country plantations and industries. This system spanned greater than India and was used by the British government as a method of cheap labour.
  - It functioned by making underprivileged laborers and workers be forced to sign long term contracts or take on debts to work in such harsh conditions. An example, Thousands of Indian workers were shipped to Australia to serve as labour.
4. **Debt Bondage Through Advances:** A large number of workers especially in the agricultural and industrial sector were provided with loans and debts by their employers. The terms and conditions of the debts were formulated in such a way that they form a system whereby the interest and repayment amount is too much for the workers and labourers to pay back in the time period. This system intern forced the workers into debt bondage and were made to work poor wages or salary until the debt could be repaid. The conditions in the loans were often long term.
5. **Legislation and Regulations:** The Colonial government enacted and enforced several legislations and laws which under the guise of protecting workers were made as a way to exploit peasants and workers for cheap labour. There were laws for imprisonment for loan default which prolonged bondage.

- An example, the Government of India act<sup>1</sup>, 1935, which was meant to assist Colonial India's economy resulted in the division in the social status which worsened economic inequality between the communities. Such conditions promoted the existing debt bondage systems in the regions.

### 3. THEORETICAL FRAMEWORK (LAWS AND REGULATIONS):

There currently exists a multitude of laws, acts, regulations and articles which work to regulate and prohibit the practice of bonded labour. Many of these legislations focus on the practice itself or aim to regulate aspects of employment or debt. In the case, **People's Union for Civil Liberties (PUCL) v. Union of India**<sup>2</sup>, the Supreme Court of India addressed the prevalence of bonded labor, especially in the form of manual scavenging and other degrading occupations. The court directed various measures to identify, release, and rehabilitate bonded laborers, emphasizing the eradication of this illegal and exploitative practice. The judgment laid out guidelines for the enforcement of existing laws and the rehabilitation of those subjected to bonded labor, marking a significant step towards combating this form of exploitation.

These laws and regulations include the following:

#### 3.1. Before independence:

- **Indian slavery act, 1843**<sup>3</sup>: Prior to independence, the various forms of slavery in India were legally abolished by the British Government through the Indian slavery act, of 1843. All forms were addressed by this act and declared as illegal in British India. The act stated that no person held in slavery or forced servitude could not be lawfully compelled to work and are considered as free. It also invalidated any contracts pertaining to the matter as null and void.
- However, this act was largely unable to effectively curb the practice of bonded labour due to complicated socio-economic factors. The act did little to regulate the systematic issues which fosters debt bondage and moreover, other laws and acts of the British had the opposite effect and even facilitated bonded labour.

Examples of such act include the following:

1. **The seditious meetings act of 1907**: which prevented labour organization and indirectly fostered bonded labour
2. **The criminal tribes act of 1871**<sup>4</sup>: which caused discrimination among tribal groups and ostracized them, and thus resulted in their exploitation and contributed to bonded labour.

Therefore, this act was largely ineffective in regulating the practice of bonded labour since the conditions which facilitated the practice and public mindset of the people were still persisting and no major reforms were made in that regard.

#### 3.2. Post-Independence and Current Laws:

Bonded labour is defined in legal terms as "Bonded labour is a system where a person is compelled to provide labour or service as a means of repayment of a loan or debt. This person often referred to as a

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<sup>1</sup> Government of India Act 1935

<sup>2</sup> AIR (1997) 1 SCC 301

<sup>3</sup> The Indian slavery act, 1843

<sup>4</sup> Criminal Tribes Act (CTA).

bonded laborer is under conditions of servitude and unable to leave or change employers due to being under a debt which may or may not be inherited and might be impossible to be paid or manipulated through coercion force or other means.”

**Legislations and Acts:** There are several laws and acts which are constructed to deal with the subject matter of bonded labour. These regulations either work to prohibit and abolish the practice outright or function as a way to regulate the different aspects of occupation and debt. The case **Bandhua Mukti Morcha vs Union of India**<sup>5</sup> was a landmark legal battle in India that focused on the issue of bonded labor, which refers to a form of labor where a person pledges their labor as security against a loan or debt. The case was heard in the Supreme Court of India.

The Bandhua Mukti Morcha, a non-governmental organization, filed a petition highlighting the exploitation of workers in various industries, particularly in stone quarries and brick kilns, where individuals were forced into bonded labor. The Supreme Court's judgment in this case was crucial in addressing the issue of bonded labor in India. It resulted in the formulation of guidelines and directives to protect the rights of bonded laborers, ensure their rehabilitation, and prevent the practice of bonded labor.

The case marked a significant step in the legal battle against bonded labor and emphasized the government's responsibility to eradicate this inhumane practice by enforcing strict measures and providing relief to the affected individuals.

These laws include the following:

1. **Bonded Labour System (Abolition) Act, 1976:** This act prescribes guilty, any individual who coerces or forces any person to provide their services as a means of repayment of debt under bonded labour or any one who is guilty of providing and circulating debt bondage.
  - This act allowed for the release of the bonded labourers and the extinguishment of the liability to repay the bonded debt. The implementation of this act follows a hierarchy which starts with the state government to the district magistrate who delegates this authority to an appointed officer for this implementation.
  - This act also provides for the setting up of a vigilance committee for the purpose of monitoring of the conditions in indebted labour and working conditions as well as providing of advisory and other assistance to the district magistrate and others.

Apart from this act there also exists several other acts which regulate different aspects of bonded labour such as:

2. **Contract Labour (Regulation and Abolition) Act, 1970:** This act deals with the regulation of employment of contract labour and the security of their welfare. It addresses debt bondage in an indirect fashion. It enforces the need for licenses in the employment of labourers as specified and emphasizes the need for adherence to working conditions, wages, health and safety so as to prevent illegal practices and exploitation. In the case, **Shankar Mukherjee v Union Of India (1990)**<sup>6</sup>, the supreme court emphasized the importance of protecting the rights of contract workers and ensuring

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<sup>5</sup> AIR 1984 SC 802

<sup>6</sup> AIR 1990 SC 2196

their fair treatment, particularly in cases where they were engaged in activities that were of long duration in term.

- The judgment underscored the need for the enforcement of provisions within the Act that aimed to prevent exploitation and ensure reasonable working conditions for contract laborers. It recognized that the Act's regulations were pivotal in safeguarding the rights of laborers engaged in various industries. Such unfair practices of contract laborers is a form of bonded labour and must be abolished and the responsibility of both the government and employers is to ensure compliance with these regulations, thereby protecting the interests and rights of contract workers.
3. **Minimum Wages Act,1948:** This act is crucial in ensuring the providing of minimum wages to labourers for services rendered. Through the mandate for a minimum wage to be paid to workers, this act helps prevent people being forced into bonded labour through their desperate economic situation as with fair wage, there is less chance of debt exploitation.

#### **CASE LAWS (regarding minimum wage act):**

- In the landmark judgment case **PUDR V Union Of India (1982)**<sup>7</sup>, it was held that the right to minimum wage was essential in combating forced labour. Workers in the construction of Asian Games village were paid less than minimum wage. The supreme court held that migrant and impoverished laborers were vulnerable to unfair work conditions and that payment of less than minimum wage comes under forced labour.
4. **Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:** This act protects the rights of inter state migrant workers in India and helps prevent their exploitation. It helps ensure better conditions for such workers and prescribes licenses and standards like wages, health, safety, and working conditions to employers. This diminishes the conditions in the working environment which might lead to bonded labour and such exploitation.
5. **Child Labour (Prohibition and Regulation) Act, 1986:** Bonded labour can often be extended to children and under such circumstances, allow them to be vulnerable to exploitation. This act prevents children from being forced into labour especially in hazardous conditions and being forced into payment of debt through bondage.
6. **Indian Penal Code**<sup>8</sup>: Section 370: prevents the trafficking of people and Section 374: Deals with unlawful compulsory labour and work being forced onto people. These provisions help crimes relating to practices of bonded labour.
7. **Constitutional Provisions:** there are also several constitutional provisions which prevent practices such as bonded labour and protect rights of people. They are the following articles:
- **Article 21:** this guarantees the right to life and personal liberty and ensures dignity of people which directly opposes the practise of bonded labour.
  - **Article 23:** This article prohibits practices of human trafficking and forms of forced labour which includes bonded labour.
  - **Article 24:** this article helps to protect the rights of children from employment under hazardous conditions.

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<sup>7</sup> AIR 1982 SC 1473.

<sup>8</sup> Section 370 of IPC, Section 374 of IPC

- **Article 39:** this is a directive principle of policy of the state to ensure the livelihoods and health of the citizens and to ensure they are not forced by economic necessity to unfavorable work conditions.
- **Article 42:** this directive principle of the state drives it to make available all proper and humane working conditions for labourers.

#### **CASE LAW ( about constitutional provisions):**

- Therefore such constitutional provisions ensure the rights of all such labourers and workers. In the case **Dharambir v State (1979)**<sup>9</sup> it was held by the supreme court that prisoners who work and provide labour services are entitled to fair wages. If forced into providing free labour, it would violate Article 23 as it's a form of forced labour.

### **3.3. International Laws and Regulations on Bonded Labour:Article**

Several international conventions and agreements address the issue of bonded labor, and India is a signatory to some of these, committing to uphold their principles. Some of the key international conventions regarding bonded labor include

#### **1. International Labour Organization (ILO) Regulations:**

- **Forced Labour Conventions of (No. 29):** Prioritizes the elimination of all forms of forced or compulsory labor, including bonded labor.
  - **Abolition of Forced Labour Conventions of (No. 105):** Aims to abolish and eliminate forced labor, including debt bondage and similar practices.
2. **Universal Declaration of Human Rights or (UDHR):** Article 4 of the UDHR explicitly prohibits slavery, servitude, and forced labor, encompassing bonded labor within this scope.
3. **United Nations Convention against Transnational Organized Crime Or the (UNTOC) :** Protocols are to Prevent, Suppress and Punish Trafficking of human beings, Especially that of Women and Children: Addresses various forms of trafficking, which can involve elements of bonded labor.

While these international laws and conventions do not have direct jurisdiction in India's domestic legal system, they set global standards and principles that guide nations in formulating their own laws and policies. India's commitment to these conventions influences its domestic legislation and policies aimed at combating bonded labor and upholding human rights. International Laws and Regulations on Bonded Labour.

#### **4. Issues and Problems:**

Bonded labour is a form of slavery or servitude which still rampantly spreads throughout the society and as a result this leads into serious consequences. The fallout caused by bonded labour includes a multitude of societal problems which also bring with them a host of economic, social and legal complexities. The irregularities which result from bonded labour can be listed as, but are not limited to the following:

1. **Exploitation:** The practice of bonded labour brings with it the issue of exploitation and associated problems such as terrible working conditions. The workers are forced into involuntary servitude as a means of repayment of their debt. This leads to the payment of little to no wages to the laborers. Since the workers possess little agency, they are often subjected to hazardous work conditions and lack basic rights.

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<sup>9</sup> AIR 1979 SC 855.



2. **Social Fragmentation and Discrimination:** bonded labour is often intertwined with social hierarchy such as the caste system. This causes a further divide between higher and lower positioned communities and brings about social instability and breaks down social cohesion due to exploitation of vulnerable communities. Lower classes in the system are especially the victim of such exploitation and are provided with a lack of resources and development.
3. **Economic Fallout:** Several sections of the society are further pushed to economic decline and dependence as a consequence of debt bondage. It increases the dearth of resources and hinders development which brings economic inequality and minimizes the opportunities available to such people and reduces their standards of life. It also leads to distorted markets due to the artificial lowering of wages and unfair competition in business. The loss of opportunities also leads to a reduction in the overall economic productivity.
4. **Spread Of Criminal Activity:** Bonded labour is itself considered an unlawful practice and a form of slavery, but this also leads to a proliferation of other kinds of criminal activity. Human trafficking is a major concern as both are kinds of modern day slavery and bondage often related to such illegal networks and contributes to the spread. Other practices such as prostitution and loan sharks are also rampant with bonded labour and it often contributes to organized crime.
5. **Legal And Regulatory Challenges:** Enforcing laws and regulations to combat bonded labor can be challenging due to its clandestine nature, making it difficult to identify and prosecute offenders. In order to address the issue of bonded labour, significant time and resources are necessary and this also requires a complex and effective legal framework to address both the debt bondage and the root causes of the issue. Due to the difficulty in identifying offenders and its nature in the informal sector, its enforcement is challenging. This is compounded by the fact that bondage has been prevalent in many societies' history.
6. **Physical And Mental Problems:** The laborers who are victims of debt bondage also more susceptible to and are likely to suffer from health issues and ailments which are a direct result of their hazardous work conditions. Since this is a form of forced labour where there exists little rights for workers, unfair work environments are common and worker safety is not given priority. In addition to this, mental health ailments are also of high concern as a result of the high stress work space, the coercion and exploitation and long term psychological suffering which can extend to several groups. These challenges are propounded by the fact that the access to healthcare and services are very poor due to the nature of the work and the conditions associated.
7. **Impact On Labour Standards:** The forced labour practices undermines the continued use of more favorable and lawful standards of labour practiced by industries. Due to the use of coercion, bonded labour comes at a low cost and this affects the market by providing advantages over the more fair and ethical labour systems practiced by competitors. This sets a precedent for the use of such unfair labour practices and lowers the integrity of the market through issues like unfair wages, worse conditions and the like.
8. **Human Rights Violations:** Practices such as child labour, human trafficking and work in dangerous environments are a core part of bonded labour. Furthermore, fair compensation of work is denied to the workers, and worker's freedom is suppressed and they are often the subject of abuse, exploitation and subjugation. Many of these factors make bonded labour a violation of human rights.

## 5. Bonded Labour on a Global Scale:

Bonded labor remains a significant issue globally. Unfortunately, this practice often leads to exploitation and a cycle of never-ending debt. Many regions, especially in parts of Asia, Africa, and some parts of Latin America, still struggle with bonded labor despite international efforts to eradicate it. Governments and organizations continue to work towards its elimination through legislation, awareness campaigns, and support for affected communities. Such areas with a history of practicing bonded labour with such experiences still being prevalent include:

### 5.1.AFRICA

The practice of bonded labour was a common occurrence during the 17th century. This was characterized by a system known as pawnship which was utilized in East and West Africa. This system witnessed the usage of people in trying to settle the loans and debts by transferring their rights and services to the creditors. After abolition of slavery in Africa, freed slaves faced with harsh conditions, often were forced into unfair debts and contracts and became forced into labour as a means of repayment.

Presently the International Labour Organisation estimates a figure of 660, 000 victims of bonded labour in the regions of Sub Saharan Africa due to enduring history and practice of forced service. This problem is compounded by the increasing conditions of military violence, political unrest, child labour and severe poverty. These conditions which continued from the region's history into present day are what led to the practice continuing to exist.

This practice is prevalent among chiefs and authority figures and there is a linkage between traditional slavery and modern day forced labour. The descendants of former slaves and those of targeted groups like religious and ethnic minorities are subjected to this most often. This is most often in the countries of West Africa, such as Benin, Burkina Faso, Cameroon, Chad, Guinea, Mali, Mauritania and Niger. This also is the result of trafficking.

Here are a couple of examples of legislation in **African countries** aimed at addressing bonded labor and related issues:

1. **Ghana:** Ghana has the Human Trafficking Act, which criminalizes trafficking and related offenses. This legislation prohibits all forms of trafficking, including debt bondage and forced labor. The law provides for penalties for offenders and protection for victims.
2. **Uganda:** Uganda has the Prevention of Trafficking in Persons Act, which criminalizes trafficking in persons, including debt bondage, forced labor, and slavery-like practices. This law outlines punishments for traffickers and provides support and rehabilitation for victims.

### 5.2 AMERICAS

Bonded labour was quite rampant during the early colonial period of the history of the United States. In this period, those who traveled to the US were forced to take on exorbitant debts from creditors and were later forced into long time debt based slavery and work, often in fields and plantations as repayment. This practice extended till the 1950s and worked as a means of exploitation of the impoverished workers who often consisted of ethnic minorities and immigrants.

South American countries also practiced a system of bonded labour called peonage which involved various forms of small time servants for personal use for low wages.

Other forms of debt and forced labour existed in several regions such as Brazil, Peru, Bolivia, Paraguay, several other parts of Latin America along with the Caribbean.

These laws aim to combat bonded labor and other forms of exploitation by defining offenses, establishing penalties for perpetrators, and instituting measures to protect and assist victims.

In **Latin America**, several countries have enacted legislation to address bonded labor and related issues. Here are a couple of examples:

1. **Brazil:** Brazil has laws addressing forced labor and debt bondage. The "Eradication of Slave Labor" law criminalizes the use of forced labor and provides for the confiscation of properties where such exploitation occurs. It also establishes penalties for companies found to be using forced labor.
2. **Peru:** Peru has laws that address human trafficking and forced labor, including debt bondage. The Penal Code criminalizes human trafficking for labor exploitation and prescribes penalties for offenders. Additionally, Peru has measures in place to provide support and protection to victims of these crimes.

In the **United States**, legislation related to bonded labor primarily falls under broader laws addressing human trafficking and forced labor. Here are a few key legislative measures:

1. **Trafficking Victims Protection Act (TVPA):** This federal law, initially enacted in 2000 and subsequently reauthorized, aims to combat human trafficking, including situations that involve debt bondage. It provides for the prevention of trafficking, protection for victims, and prosecution of traffickers.
2. **13th Amendment to the U.S. Constitution:** While not a traditional law, the 13th Amendment, passed in 1865, abolished slavery and involuntary servitude except as punishment for a crime. This amendment is foundational in addressing any form of forced labor, including situations akin to bonded labor.
3. **Fair Labor Standards Act (FLSA):** The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments. It includes provisions to protect workers from exploitation.

### 5.3. ASIA

Debt labour has been especially prevalent in South Asian countries such as India, Pakistan, and other Southeast Asian countries such as Indonesia and others such as China. It is estimated that a total of 84% to 88% of the victims of bonded labour are present in south asia. These labour practices are especially prevalent in aspects of manual labour in areas such as but not limited to : Factories, mines and caverns, buildings and construction, mills, agriculture and fields among others. This also brings about other such illegal activities such as forced prostitution and human trafficking.

Pakistan is a good example of another Asian country which suffers from bonded labour. Bonded labor remains a prevalent issue in Pakistan despite efforts to combat it. Many individuals, especially in rural

areas and marginalized communities, are subjected to debt bondage due to socioeconomic disparities, lack of education, and limited employment opportunities.

Although there have been legislative measures and initiatives to eradicate bonded labor, the enforcement of laws and the implementation of programs aimed at freeing individuals from this cycle of exploitation face challenges. Factors such as poverty, lack of awareness, and social structures contribute to the persistence of bonded labor in various parts of the country. Efforts by the government and NGOs continue to address this issue, but it remains a complex and challenging problem to fully eliminate.

In **Pakistan**, legislation aimed at addressing bonded labor includes:

1. **Bonded Labour System (Abolition) Act, 1992:** This law was enacted to abolish the bonded labor system in Pakistan. It prohibits bonded labor and the exploitation of workers, outlining penalties for those involved in enforcing such practices.
2. **The Provincial Bonded Labour System (Abolition) Acts:** Some provinces in Pakistan, such as Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan, have enacted their own provincial laws to specifically address bonded labor issues within their regions. These laws complement the federal legislation and focus on eradicating bonded labor practices at the provincial level.

### Conclusion:

In conclusion, the prevalence of bonded labour in the current society and economy cannot be disregarded. It is a practice which uses debts and loans charged at high interest rates in order to trap debtors into a debt trap. Creditors then use the repayment as a means of forcing the victims into long term servitude. Multiple countries and regions often have a history of this practice which explains its abundance in nations like India. These practices are most used to exploit weaker and poverty stricken groups in the society.

However, despite this being forced labour and a form of slavery with the existence of multiple laws against them, such methods of labour continue to run rampant by employers due to lack of proper enforcement. Due to being unlawful this method often moves along with crimes like human trafficking, forced prostitution and child labour. Along with human rights violations, they also cause economic and labour instability and further social division. One of the major reasons for its continued prevalence is due to the lack of attention force labour receives. Legislations and law enforcement aren't made to specifically come about such forms of forced labour and they often fall short in addressing the root causes and economic and social connections that debt bondage has to society. This practice is especially prevalent in the countries of South Asia like India due to a combination of social history and economic inequality. Therefore, the efforts to eradicate the practice of bonded labour must require more legal and social focus and attention.

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