BLOGS

# Bandhua Mukti Morcha v. Union of India: Landmark Case on Bonded Labour

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## Introduction

Bandhua Mukti Morcha v Union of India, decided by the Supreme Court of India in 1984, significantly contributed to the understanding and enforcement of the constitutional prohibition of bonded labour. The case arose from a public interest litigation (PIL) filed by Bandhua Mukti Morcha (BMM), an organization dedicated to the liberation of bonded labourers.

## Facts of Bandhua Mukti Morcha Case

The genesis of this case lies in a letter addressed to Justice Bhagwati of the Supreme Court by Bandhua Mukti Morcha in 1982. This letter highlighted the deplorable conditions of labourers working in stone quarries in Faridabad, Haryana.

Bandhua Mukti Morcha alleged that these workers were subjected to bonded labour, forced to work under inhuman conditions for meager wages, and trapped in a cycle of debt.

Taking cognizance of the letter as a writ petition under Article 32 of the Constitution, which guarantees the right to constitutional remedies, the Supreme Court initiated an investigation into the allegations of debt bondage, forced labour, and inhuman working conditions in the stone quarries of Faridabad.

The letter detailed instances where workers were trapped in perpetual servitude due to small loans with exploitative interest rates, compelled to work under threats of violence, and subjected to hazardous conditions without basic amenities like clean water, sanitation, or medical care.

Labourers were paid significantly below the legal minimum wage, making it impossible to escape their debt, and in many cases, this bondage was passed down through generations. A team of advocates appointed as Commissioners conducted an on-the-spot inquiry and submitted a detailed report to the Court, corroborating the prevalence of bonded labour, exploitative work conditions,

and the violation of fundamental rights of the labourers.

## Issues Identified

Based on the facts presented, the Supreme Court framed the following key issues for consideration:

1. Whether the labourers working in the stone quarries in Faridabad were bonded labourers within the meaning of the Bonded Labour System (Abolition) Act, 1976?
2. Whether the State had failed to discharge its constitutional and statutory obligations to identify, release, and rehabilitate bonded labourers?
3. What directions should the Court issue to ensure the abolition of bonded labour and the rehabilitation of the affected labourers?

## Arguments Advanced by Bandhua Mukti Morcha (Petitioner)

- Bandhua Mukti Morcha argued that the labourers in the stone quarries were clearly bonded labourers as they were working under conditions of debt bondage and were forced to provide labour against their will. They were not free to move or seek alternative employment due to their indebtedness.
- They contended that the State government had failed in its duty to effectively implement the Bonded Labour System (Abolition) Act, 1976. They argued that the government had not taken adequate steps to identify, release, and rehabilitate the bonded labourers in the Faridabad region.
- BMM emphasized the fundamental rights of the labourers, particularly Article 21 (right to life and personal liberty) and Article 23 (prohibition of traffic in human beings and forced labour) of the Constitution, which were being violated by the practice of bonded labour.
- They urged the Court to issue directions to the government to take immediate steps to release the bonded labourers, ensure their safety and well-being, provide them with adequate rehabilitation, and prosecute those responsible for perpetuating bonded labour.

## Arguments Advanced by the Union of India and the State of Haryana (Respondents)

- The respondents initially denied the allegations of widespread bonded labour in the stone quarries. They argued that while some labourers might have taken advances, this did not necessarily constitute bonded labour within the meaning of the Act.
- They contended that the State government was taking steps to enforce labour laws and provide welfare measures to the workers in the quarries.
- The respondents argued that the definition of “bonded labour” under the Act required a specific element of coercion and compulsion arising out of the debt or any other obligation. They suggested that the labourers were working voluntarily, although perhaps under difficult circumstances.
- The government assured the Court that it would conduct further inquiries into the allegations and take appropriate action if instances of bonded labour were found.

## Judgement Given

The Supreme Court, after considering the report of the Commissioners and the arguments of both parties, delivered a landmark judgment in favour of Bandhua Mukti Morcha.

The Court held that the labourers working in the stone quarries in Faridabad were indeed bonded labourers within the meaning of the Bonded Labour System (Abolition) Act, 1976.

The Court adopted a broad interpretation of bonded labour, holding that any system of forced labour arising from economic compulsion, including debt or other obligations, constitutes bonded labour, even without formal agreements or physical coercion.

It emphasized that the lack of freedom to move or choose employment is a crucial indicator. Reiterating the State’s constitutional duty under Article 23 to abolish bonded labour, the Court stressed the need for proactive measures to identify, release, and rehabilitate affected labourers.

It also shifted the burden of proof to employers, requiring them to prove that a worker was not in bonded labour if such a claim was made.

The Court issued comprehensive directions to the Union of India and the State of Haryana, including conducting surveys to identify bonded labourers, ensuring their immediate release and safe return, providing rehabilitation through financial aid, housing, education, and employment, prosecuting employers under the Bonded Labour System (Abolition) Act, 1976, setting up vigilance committees to oversee enforcement, ensuring basic amenities and safe working

conditions, and conducting regular inspections to ensure compliance with labour laws.

## Conclusion

Bandhua Mukti Morcha v. Union of India stands as a pivotal judgment that significantly strengthened the legal framework for combating bonded labour in India and underscored the constitutional commitment to ensuring freedom and dignity for all citizens. The case continues to be cited as a precedent in matters relating to forced labour and the enforcement of fundamental rights.

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