

## **CASE COMMENT: BANDHUA MUKTI MORCHA V. UNION OF INDIA (1984)<sup>i</sup>**

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### **INTRODUCTION**

The Bandhua Mukti Morcha (BMM) is a non-governmental organization established in 1981 to fight against bonded labor in India. In 1983, the BMM filed a public interest litigation (PIL) in the Supreme Court of India against the Union of India and the State Governments, challenging the legality of bonded labor and seeking its abolition. The case, *Bandhua Mukti Morcha v. Union of India*, was heard by a three-judge bench comprising Justice PN Bhagwati, Justice Ranganath Misra, and Justice D.A. Desai. The judgment was delivered on December 10, 1984<sup>ii</sup>.

### **FACTS OF THE CASE**

The case was filed in response to a letter from the BMM to the Chief Justice of India, highlighting the plight of bonded laborers in the country. The BMM alleged that bonded labor was widespread in various industries, including mines, brick kilns, and agriculture. The workers were trapped in a cycle of debt bondage, where they had to work for their employers to repay their debts. The workers were often subjected to physical and mental abuse, and their wages were meager, barely enough to meet their basic needs.

The BMM argued that bonded labor was unconstitutional and violated several fundamental rights guaranteed under the Indian Constitution, including the right to life, liberty, and equality. The BMM also argued that bonded labor was prohibited under several international

conventions, including the International Labour Organization (ILO) Convention No. 29, which India had ratified in 1958.

## ISSUES BEFORE THE COURT

*The primary issues before the court were as follows:*

Whether bonded labor was unconstitutional and violated fundamental rights guaranteed under the Indian Constitution.

Whether bonded labor was prohibited under international conventions, including the ILO Convention No. 29.

Whether the State was liable to take necessary steps to eradicate bonded labor.

## JUDGMENT

The Supreme Court, in its judgment, held that bonded labor was unconstitutional and violated several fundamental rights guaranteed under the Indian Constitution, including the right to life, liberty, and equality. The court observed that bonded labor was akin to slavery, which was abolished by the Indian Constitution. The court held that bonded labor was a violation of the dignity of the individual and a gross exploitation of the poor and the downtrodden.

The court also held that bonded labor was prohibited under international conventions, including the ILO Convention No. 29, which India had ratified<sup>iii</sup>. The court observed that India had an obligation to comply with international conventions and to ensure that bonded labor was eradicated from the country.

The court further held that the State was liable to take necessary steps to eradicate bonded labor. The court directed the Union of India and the State Governments to identify bonded laborers, release them from bondage, and rehabilitate them. The court also directed the Union of India and the State Governments to take necessary steps to prevent the practice of bonded labor in the future.

## COMMENTARY

Bandhua Mukti Morcha vs. Union of India is a landmark case in Indian constitutional law that dealt with the issue of bonded labor in India. The case was filed by the Bandhua Mukti Morcha (Bonded Labour Liberation Front), a non-government organization, on behalf of bonded laborers in the state of Haryana, India. The petitioners argued that the bonded labor system violated several fundamental rights guaranteed under the Indian Constitution, such as the right to life and liberty (Article 21), equality before the law (Article 14), and the prohibition of forced labor (Article 23)<sup>iv</sup>.

The judgment of the Supreme Court of India in this case had far-reaching implications and led to the abolition of bonded labor in India. The court declared the "Bonded Labour System (Abolition) Act, 1976" as constitutional and ordered the release and rehabilitation of bonded laborers. The court held that bonded labor was violative of human dignity and the fundamental right to life and liberty under the Indian Constitution. The court also issued a number of directions to the Union and State Governments to ensure the effective implementation of the Act and to prevent the re-emergence of bonded labor in India.

The Bandhua Mukti Morcha vs. Union of India case is significant for several reasons. Firstly, it brought the issue of bonded labor to the forefront and led to the effective implementation of the "Bonded Labour System (Abolition) Act, 1976". The case exposed the prevalent practice of bonded labor in India and highlighted the lack of effective implementation of the law. Secondly, the case is a milestone in the struggle for the protection of human rights in India. The judgment of the Supreme Court of India in this case recognizes the importance of the right to life and liberty and the prohibition of forced labor under the Indian Constitution.

Furthermore, the case is significant in the context of public interest litigation (PIL) in India. The case was filed by a non-government organization on behalf of bonded laborers, who were unable to access the justice system due to their marginalized and vulnerable position. The Supreme Court of India, through this case, emphasized the role of PIL in ensuring the protection of human rights and in providing access to justice to marginalized and vulnerable groups.

In conclusion, the Bandhua Mukti Morcha vs. Union of India case is an important case in Indian constitutional law, which brought the issue of bonded labor to the forefront and led to the effective implementation of the "Bonded Labour System (Abolition) Act, 1976". The case highlights the role of public interest litigation in ensuring the protection of human rights and the importance of the judiciary in safeguarding the fundamental rights guaranteed under the Indian Constitution. The case is a milestone in the struggle for the protection of human rights in India and continues to serve as a reference in subsequent cases related to the protection of fundamental rights.

The Bandhua Mukti Morcha case was a landmark case in the history of India's labor laws. The judgment not only abolished bonded labor but also recognized it as a violation of fundamental rights guaranteed under the Indian Constitution. The judgment provided a new perspective on the interpretation of fundamental rights, which was based on the principles of human dignity and equality<sup>v</sup>.

The judgment also recognized the importance of international conventions and India's obligation to comply with them. The judgment strengthened India's commitment to international conventions and provided a basis for the development of international human rights law.

The judgment was significant in that it provided a roadmap for the eradication of bonded labor. The court directed the Union of India and the State Governments to take necessary steps to prevent the practice of bonded labor in the future, such as creating awareness campaigns, providing education and training, and enforcing strict penalties for violations. The judgment played a crucial role in the development of labor laws and human rights in India, and continues to serve as a precedent for future cases related to bonded labor and fundamental rights.

## ENDNOTES

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<sup>i</sup> 3 SCC 161 (Decided on 16th December, 1983)

<sup>ii</sup> Bandhua Mukti Morcha v. Union of India. Retrieved from <https://main.sci.gov.in/jonew/judis/9643.pdf>

<sup>iii</sup> International Labour Organization. (n.d.). Convention No. 29. Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312175:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312175:NO)

<sup>iv</sup> The Constitution of India. (n.d.). Retrieved from [https://indiacode.nic.in/handle/123456789/2146?sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/2146?sam_handle=123456789/1362)

<sup>v</sup> The Wire Staff. (2019, October 15). 35 Years On, the Bandhua Mukti Morcha Case is Still Relevant. The Wire. Retrieved from <https://thewire.in/rights/bandhua-mukti-morcha-case>

