



## Bonded Labour System: Prevalence and Tackling

### KEYWORDS

Bonded Labour - Prevalence - Laws and legislations - Case Study – Tackling ways to end bonded labour.

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**ABSTRACT** *The bonded labour is the most widespread form of slavery today and one of the contemporary issues in India. It exists all over India even after 5 decades implementation of international laws and 3 decades implementation of bonded labour abolition act in India. The term bonded labour referred as any labour or service provided under any forced labour conditions. Bonded labour denies its victim to enjoy their fundamental rights and incapacitates them from experience the basic human rights. The victims of bonded labour are denied freedom of movement, freedom of occupation, freedom of speech, expression, association and freedom from discrimination. Hence this paper aims to present on bonded labour system, prevalence and how to tackle this issue in India.*

### 1. Introduction:

The bonded labour system is an ancient enslavement practice still exists all over country in various forms even after the implementation of national and international conventions, constitutional and legal provisions. The district administration plays vital role in releasing and rehabilitating bonded labourers but level of importance given to eradicate this issue is minimal. Taking advantage of these minimal actions, the growth of bonded labour in our country is outnumbering.

### 2. What is bonded labour system:

The bonded labour abolition act 1976, defines as a worker who rendered service under condition of bondage arising from economic consideration, notably indebtedness through a loan or an advance. Where debt is the root cause of bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid'.

### 3. Different in Names of bonded labour:

This bonded labour system was known by different names in the different parts of the country such as in the farming sector it is known as Hali in Gujarat and Uttar Pradesh; Kaimuti, Janouri, Kamiah and others in Bihar; Gothi in Orissa; Gassi-Gullu in Andhra Pradesh; and PanalPathiran in Tamilnadu (ILRC, 2010).

### 4. Causes of Bonded Labour:

The issues of bonded labour is closely linked with social-economical problem, limited employment opportunity, landlessness, irregular and low wages, poor condition of agricultural land, inherently faulty policies and land reforms, caste based discrimination, illiteracy, exploitation, exploitative share cropping system, and cultural and religious beliefs (Human rights commission, 2010).

### 5. Different Forms of bonded labour

The prevalence of bonded labour is in different forms and these forms are based on the type of occupations and the practice that is prevails in the based on the regions (Reddy, 1995pg 35).

#### 5.1 Debt bondage:

The debt bondage is the common forms in the bonded labour

system. The proprietors use debts to extract the work from the debtor who is under the burden repay the debt that he received

#### 5.2 Seasonal Bondage:

In this form, the debtor has to work for the proprietors during certain months in the year. Rest of the months, he is free to work in some other place. When the season comes, the debtor has no choice other than returning back to the facility.

#### 5.3 Generational Bondage:

In this type of bondage, the father work for his debt, when he week due to old age, then his son/ daughter has to work behalf of him to repay the debt that he received from the creditor.

#### 5.4 Child Bondage:

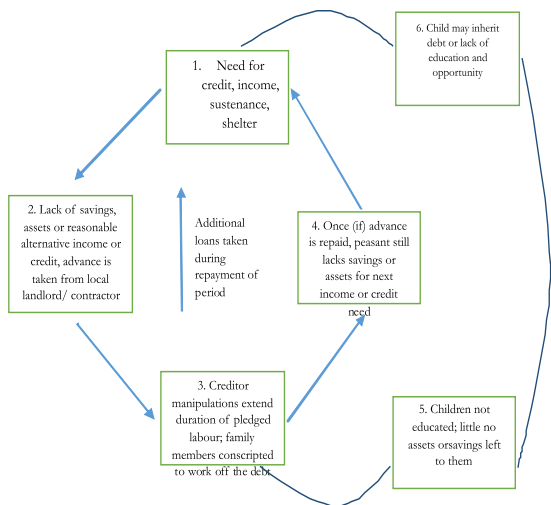
Children are forced to work for the debt that is received by the parent. When the parent receives the money from the proprietor, he also includes the children. In this case, the children are restricted to go to school and free to leave anywhere outside of the facility.

#### 6. The bonded labour prevalence industries:

The Supreme Court commission listed that the following industries are in which the prevalence of bonded labour is found. Agriculture, Quarrying, Gem Cutting, Beedi, Silk Weaving, Handloom Weaving, Power Loom Weaving, Mat weaving, Plantation (Specifically Tea and Cardamom), floriculture, cotton rope making, fishing, silk twisting, dyeing, wood cutting, salt pans, rice mills, brick kilns, fireworks and Match works.

#### 7. Bonded labour cycle:

Siddharth Kara, the author of bonded labour and Tackling the system of bondage 2012, clearly mentioned the cycle of bonded labour system and how it victimize the economically deprived communities.



**8..Bonded labour – International and National**

The recent estimate of Walk Free Australian based organization conducted survey in all 162 countries and estimated that 29.8 million slaves around worldwide (Timothy, 2013). India got the first place to have 13.9 million slaves in the country.

Countries with highest absolute numbers of slaves	
Country	Estimated slaves
India	13.9 million
China	2.9 million
Pakistan	2.1 million
Nigeria	701,000
Ethiopia	651,000
Russia	516,000
Thailand	473,000
DR Congo	462,000
Myanmar	384,000
Bangladesh	343,000

Source: Global Slavery Index 2013, Walk Free

**9.International safeguard to prevent bonded labour**

The government of India ratified in number of international human rights conventions and also legally bound by them. According to Human Rights Watch report describe the following international law to eradicate bonded labour system in India.

1. Convention on the Suppression of Slave Trade and Slavery, 1926
2. Forced Labour Convention, 1930
3. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956
4. International Covenant on Civil and Political Rights (I.C.C.P.R.), 1966
5. International Covenant on Economic, Social and Cultural Rights (I.C.E.S.C.R.), 1966
6. Convention on the Rights of the Child, 1989. Article 32, 35 and 36.

7. International Labour Organization (I.L.O.) Conventions. Convention No.29, 105

**10.Bonded Labour: National laws to safeguard**

This bonded labour system considered as a social problem when it was included in the 20 point program in the year 1975 and it was 5th point (Reference).

**10.1. Constitutional Provisions**

The Constitution of India promised to protect it citizen's dignity and fundamental rights. This also promised to eradicate any form of bonded labour system (Singh,2003).

- Article 23 - Prohibition of traffic in human beings and forced labour
- Article 39 - Certain principles of policy to be followed by the State
- Article 39(a) provides that the citizens, men and women equally, have the right to an adequate means of livelihood;
- Article 39 (d) provides that there is equal pay for equal work for both men and women and Article 39 (e) provides that the health and strength of workers, men and women, and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- Article 42 - Provision for just and humane conditions of work and maternity relief and Article 43 - Living wage etc. for workers

**10.2. Indian Penal Code:**

Under Section 370, Unlawful compulsory labour - Whoever unlawfully compels any person to labour against the will of that person shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**10.3. Salient features of The Bonded Labour System (Abolition) Act, 1976**

According to the bonded labour (abolition) act 1976, any practices, agreements or instruments requiring any person to render any service as bonded labour is cancelled. The obligations to repay the bonded debt received from the labourers from the perpetrator have been extinguished from the date of commencement of the act and the property of bonded labourers is freed from the debt.

- > Executive Magistrates are assigned with the powers of a Judicial Magistrate
- > The responsibility of identification, release and rehabilitation of bonded labour has been assigned to the Vigilance Committees constituted at District and Sub-Divisional level in the States and Union Territories.
- > The Committees are required to be constituted in each district and sub-division under the Chairmanship of the District Magistrate and Sub District Magistrate.
- > The Act provides for imprisonment up to 3 years and fine up to Rs.2000/- to whoever advances any bonded debt. An offence under the Act may be tried in a summary manner. Every offence under the Act is cognizable and bailable.

**11.Prevalence of bonded labour**

According to Ministry of labour and employment annual report of 2005 clearly mentioned about the respective state government and the central assistance released so far under centrally sponsored schemes are given below.

Name of the State	Number of Bonded Labourers		
	Identified and Released	Rehabilitated	Central assistance provided (Rs. in lakhs)
Andhra Pradesh	36,289	29,552	680.10
Bihar (including Jharkhand)	13,112	12,396	317.28
Karnataka	63,583	56,106	1470.28
Mahdya Pradesh (including Chattisgarh)	12,928	12,021	158.75
Orrissa	49,971	46,843	898.13
Rajasthan	7,478	6,321	71.42
Maharashtra	1,401	1,319	9.55
Uttar Pradesh (including Uttranchal)	27,797	27,797	533.22
Kerala	823	710	15.56
Haryana	544	28	0.82
Gujarat	64	64	1.01
Arunachal Pradesh	3,526	1,992	568.94
Tamil Nadu	65,573	65,573	1661.94
Punjab	69	69	6.90
<b>Total</b>	<b>2,83,158</b>	<b>2,61,791</b>	<b>6393.44</b>

### 11.1. Bonded Labour- Case Study:

In order to understand the life on bonded labourers, and echoing 13.9 millionslaves in India, the case study of former bonded labourerRavi (Pseudo Name) will describe the cruelty of bonded labour.

Ravi was a victim of bonded labour whoworked in a rice mill in Tamil Nadu, India. He worked in bondage for 10 years along with his wife and children. Raja is illiterate, belongs to scheduled tribe. Ravi's worked 16 hours a day and 7 days in a week without any holiday.The wage he received per day was Rs.18 and 1 Kg of broken rice which far below minimum wage and with that money he have to feed the family. Ravi was forced to do menial work of cleaning his master septic tank at his house.

Ravi thought of working in nearby rice mill, earn money to feed his family and repay the advance rapidly but he was slapped, punched, spit and dragged back to the rice mill by his master. Ravi's right to work is completely denied and he was not able to even enjoy his basic human rights.

Ravi was denied permission to take part in any of the social and family events. During all the festival times Ravi and his family was asked to process the paddy. He was not allowed to attend his grandfather's funeral and his cousin's wedding. He totally broke for not able to take part in any of his family events. When he asked for his rights to go for funeral, all he could hear was shouting from the owner as "do you think if you didn't go, they will not bury your brother in law? Even if they are not, let him rotten like street dog and decay.

These restrictions and inhuman condition triggered Ravi to escape from the rice mill. Ravi and his family was trafficked, physically abused by his master with bamboo stick till he bleeds."You low caste dogs, why are running away like thieves? Don't you remember you made an agreement to work for me

until you repay the advance money? The perpetrator always shouted Ravi with his caste name and threatened him using the debt that he received. Raja was not allowed cast the vote and to register any of the government schemes and programs including ration and voter identification cards. Not only Ravi's work even Ravi's wife was taken for granted in the facility and sexually assaulted several times by the owner.\*Pseudo name and place is used in this case study to protect the identity of the person.

### 12. Tackling Bonded labour system in India:

In order to protect million more bonded labour vulnerable communities, the system of bonded labour should be eradicated. To eradicate this bonded labour system, the public justice system should function holistically and constantly.

#### 12.1. Significant implementation and with required changes

Special attention should be given to the implementation on bonded labour abolition act by the national and state government officials.They should be specially trained on the bonded labour abolition act. Considering safety and security of the bonded labourers, the cases should be conducted in fast track courts and the justice should be provided to the labourers.

#### 12. National Bonded labour advisory board:

National Bonded labour advisory board should be formed. There should representatives from all the state governments to display the bonded labour atmosphere in their respective states.

#### 12.4. Micro Credit system

Since economic deprived people are vulnerable to this issue, bonded labour and poverty prone district should have micro credit system run directly by the government to help the people to borrow money government not from other moneylenders or landlords.

#### 12.5. National and State Level Periodical survey

Periodical survey on bonded labour should be conducted by the district administration in order to find out bonded labour.

#### 12.7. Vigilance committee:

Mandatory vigilance committee should be formed in all the districts and they should be recognized and actively involve with the work of release and rehabilitating bonded labour. This vigilance committee should compose of social activist, social worker, government officials and released bonded labourers.

#### 12.6. Structured Rehabilitation module

Apart from the centrally sponsored schemes, structured rehabilitation module should be prepared and the entire bonded labourer should be rehabilitated based on the module. This structured rehabilitation module should consist of economical, physical, emotional and psychological aspect of rehabilitation not just economical.

#### 12.7. Awareness campaign

The date 9th February 1976 (Bonded labour abolition act came to practice day) should be declared as a day of "Bonded Labour Free Day" and therefore awareness campaign should be organized by the district administration with simple explanation on bonded labour.1

**12. Conclusion:**

It is shame that developing country like India playing first role in having 13.9 million bonded labour globally. To safeguard the rights and dignity of the people, this bonded labour system should be stand abolished immediately.

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