

Bonded Labour

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ABSTRACT

Bonded labor is one among the various socio-economic evils of India. Bonded labour stems from a variety of causes which include caste-system, denial of access to land ownership and corruption within the political and judicial spheres. In India, bonded labor continues to be significant in various fields like as a vestige of traditional social relations, unorganized and informal sector, agriculture and Child bonded labor. The Supreme Court has played an important role for abolition of Bonded Labor and on rehabilitation part. Many other organizations in India have bonded labor on their agendas, such as the National Institute of Rural Development, the National Human Rights Commission, and the Centre for Education and Communication. Along with these efforts people themselves need to change their mentality towards weaker sections of the society.

Keywords

Bonded labour, colonialism, caste-system, unorganized and informal sector, rehabilitation

1. INTRODUCTION

Bonded labour is one among the various socio-economic evils of India. It is being practiced in our society since ancient times and unfortunately, it is still continued to be practiced in various forms.

Bonded labour is a person's pledge of their labour or services as security for the repayment for a loan or other obligation. The services required to repay the debt may be undefined, and the duration of the services may also be undefined. It can be passed on from generation to generation. Bonded labour is based upon two principles: that an individual is required to work under the threat of a penalty, and that the service performed is involuntary. The penalties and restrictions placed upon bonded labourers are the key differentiators between debt-bondage slavery and otherwise poor working conditions.

The system of bonded labour is one of the main characteristics of the feudal hierarchical society. The system was designed to enable a few socially and economically powerful sections of society to exploit the weaker sections of the society. This practice was in existence in various forms in several parts of the world. It was one of the cruellest outcomes of colonialism all over the world. One of the worst forms of bonded labour all

over the Colonial world was the system of **Slave Trade**. Under which black people mainly from African countries were sold at Plantation and Mining works in the countries of North and South America by their European colonial masters. They were forcefully exploited for their labour and were put into inhuman conditions. This trade remained in practice for centuries and only in modern times due to sustained movements by Black people (for instance in South Africa under the leadership of Nelson Mandela) and also due to end of Colonial era their conditions somewhat changed.

2. CAUSES OF BONDED LABOUR

Bonded labour stems from a variety of causes, which are highly debated in the literature:

A. Caste-System:

Bonded labour has its roots in the caste system. The caste system has been described as uniquely Indian [1] and slavery could not exist without it since the majority of slaves are Harijans (the lowest social group, actually outside the traditional varna system of caste). Wealthy higher-caste landlords typically give small loans to destitute individuals or families without assets, whose labour is their only means of repayment. It is clear that land ownership, wealth, power, and higher caste status are interrelated. Harijans have been coerced into working the land of others, because they have no opportunity to purchase land of their own. By and large, the only asset belonging to the Harijans is their labour. Many Dalit families currently residing in rural India began as migrant labourers and settled upon finding agricultural or quarry work. Employment agencies have often been used to help migrant workers find positions with upper-caste landlords, and in such circumstances the fee paid by the landlord to the agency becomes the worker's debt [2].

B. Denial of access to land ownership

The denial of access to land ownership is also an important contributing factor to bonded labour. Land has been identified as the most important asset in Indian agriculture economy because its possession "is a symbol of entitlement, power and privileges and is synonymous with not only the economic status of a household but its social status as well" [3]. Besides status, employment options (especially self-employment) in rural areas are heavily dependent on land ownership. In rural India, the number of Scheduled Castes in 1994 who cultivated their own land amounted to less than half the number of higher

castes who owned and cultivated land [4]. Bonded labour will certainly continue so long as land rights are denied to lower portions of society.

C. Political Corruption

Corruption within the political and judicial spheres has perpetuated the quiet acceptance of forced bonded labour. Justice is often blocked by the severely congested Indian court system. There are at least twenty-five million cases pending in courts, and most cases take decades to reach resolution. The rule of law has disintegrated in India to the point at which it is nearly impossible to conduct business, preserve human rights, or achieve justice through legitimate channels [5]. The fundamental problems are the lack of access to a speedy trial, low rates of conviction and administrative corruption, apathy, and non-performance [6].

Political corruption discourages individuals without the necessary connections from running for public office, the filing of incident reports with police, and the bringing of claims to trial. It has become ingrained in public sentiment that justice is unlikely to be achieved through legal means. Without the support of local public servants (e.g., politicians and/or police), bonded labourers have virtually no recourse within the Indian government to seek refuge from tyrannical landlords.

3. FORMS OF BONDED LABOUR IN INDIA

Eighteen of India's twenty-two states have documented cases of bonded slavery: Andhra Pradesh, Arunachal Pradesh, Bihar, Chattisgarh, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand, and West Bengal [7]. An estimated 80 per cent of bonded labourers in India work in the agricultural sector [8]. As reported by Anti-Slavery International, many other Indian workplaces employ bonded labourers, including brick kilns, stone quarries, silk farms, rice mills, salt pans, fisheries, mines, forests, match and firework factories, tea and cardamom plantations, shrimp farms, cigarette factories, domestic households, and textile plants [9]. The following types of bonded labour continue to be significant:

A. Bonded labour a vestige of traditional social relations

Traditional social relations have sanctioned a caste-based division of labour in which servile castes are expected to perform low status functions for repaying the debt. These personalized servile relationships based on the traditional social structure persist in some parts of the country. These exist mainly in backward agriculture sector, but are also sometimes carried over into the non-agrarian sector like domestic service. These relationships have declined over

the years. Their exist today probably less due to social custom and more due to other elements like force and compulsion.

B. Bonded labour in agriculture

Most of the exploitation occurs in Farming or Agriculture Sector and it is the weaker portion of the society which is exploited most due to caste hierarchy and due to the absence of a proper land reform policy. The land is traditionally owned by the higher castes and lower strata people have very little or no land for farming. Thus they are forced to work as labourers in other's fields. In states like Kerala, where land reforms have been implemented by statute, bonded labour virtually has been eliminated. But in States like Gujarat, Uttar Pradesh, Bihar, Tamil Nadu and Karnataka, large portions of land are still held by families who practice feudal forms of land ownership and labour employment.

The modernization of agriculture has created new demands for a stable and servile labour force, which, in some cases, is obtained through credit bondage and elements of force, deceit and compulsion. The condition of agricultural bonded labour is so worst that thousands of farmers, when faced with the possibility of a lifetime in bondage, have chosen to commit suicide [10]. More than 180,000 Indian farmers are estimated to have committed suicide since 1997 because of their formidable debts. The Indian government attempted to cancel the farmers' debts with a \$13 billion bailout, which was unsuccessful since an estimated 88 per cent of debts were owed to private creditors (landlords) [11]. The suicides indicate the magnitude of desperation experienced by millions of landless low-caste individuals in rural India.

C. Bonded labour in unorganized and informal sector

The incidence of bonded labour is perhaps the highest in the unorganized and informal sector in India. And among the unorganized sectors, the incidence of bondage is probably the highest in quarries and open mines. These industries are mainly characterized by the predominance of manual processes, seasonality, remoteness and contract migrant labour. Brick kilns are another industry which reportedly continues to have a sizeable incidence of bonded labour. The industries like rice mills, sericulture and silk weaving, woolen carpets, fish processing, and construction are also a big origin of bonded labour.

D. Child bonded labour

A significant number of bonded labourers in India are children. In India, children most often fall into bonded labour because of the actions of their parents. Debt inheritance is a common way for children to become bonded to a landlord. Children are bonded for labour when money is borrowed (usually by parents, sometimes by children) from a business-owner or landlord. Parents knowingly send their children away to work (often in

another state) in order to receive an advance on the children's wages, making the children comparable to commodities exchanged between the parents and the employers [12]. The cash advance is often considered a loan, and accrues interest over time. In rural areas, landlords expect the debt to be paid by any means, and in some villages families have been in bondage for two hundred years, over eight generations [13]. Employers subject child slaves to extremely hazardous work conditions, perhaps because children are unlikely to defy orders given by an adult authority. Many industries that employ child slaves occupy dimly lit buildings with poor ventilation, leading to damaged eyesight and the spread of infectious diseases. In the silk industry, children work with boiling water, frequently suffering severe burns, scars, and the removal of skin on their hands and feet. Children are especially susceptible to various forms of maltreatment because of their inherent vulnerability. Incidents of verbal, physical, and sexual abuse are common in cases of child slavery. Children working in stone quarries are made to carry explosives because their small bodies are a better fit for the tight cracks in the stone [14].

4. ABOLITION OF BONDED LABOUR SYSTEM

A. Role of the Supreme Court in Abolition of Bonded Labour

Improper or non-implementation of legal provisions has given rise to several judicial pronouncements by the Supreme Court through Public Interest Litigations (PILs). For instance in the case of **Bandhua Mukti Morcha v Union of India (1984 SC)**, a PIL was filed by an organization working for the upliftment of bonded labourers. Large numbers of labourers were working in stone-quarries in Haryana under inhuman conditions with no medical aid, no safety rules and on very little remuneration; the State authorities were not properly enforcing relevant laws. Thus, the SC ordered release of these people from bondage immediately and also emphasized on the rehabilitation of released bonded labourers. This was one of the landmark cases where the Highest Court had to intervene for the cause of poor bonded labourers.

On rehabilitation part, the SC, in the case of **Neeraja Chaudhari v State of M. P. (AIR 1984 SC)** has observed that bonded labour must be identified and released and, on release, they must be suitably rehabilitated. In 1997, the Court asked the National Human Right Commission (NHRC) to take over the monitoring of the implementation of the directions of Court regarding release and rehabilitation of bonded labourers and also that of the provisions of the Bonded Labour System (Abolition) Act, 1976. Thus, the SC has played an active role in fighting this social menace.

B. Constitutional and Other Provisions

As per **Article 23** of the Constitution of India, traffic in human beings, *beggar*, and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. The Supreme Court has ruled in various decisions that bonded labour can be regarded as a form of forced labour and hence is unconstitutional under Article 23. So this is one of the Fundamental Rights guaranteed by our Constitution and to give effect to Article 23, Parliament has enacted the **Bonded Labour System (Abolition) Act (BSLA), 1976**. The BLSA applied to all of India, clearly defined terms relevant to bonded labour, and outlined what practices were to be forbidden. It was explicitly stated that upon the commencement of the act every bonded labourer was to be released, any agreements entailing bonded labour were void, and that henceforth any agreements to render individuals as bonded labourers were prohibited. Upon its commencement, thousands of bonded labourers were identified, released, and rehabilitated by the state. But Anti-Slavery International has reported that since the 1990s, "the process of identification and release has dramatically slowed and government authorities have downplayed the extent of bonded labour in India and failed to recognize new forms of bonded labour." [19]

C. Role of other organizations

Aside from the government, many other organizations in India have bonded labour on their agendas, such as the National Institute of Rural Development (NIRD), the National Human Rights Commission (NHRC), and the Centre for Education and Communication (CEC). NIRD has recognized that individuals often fall into bonded labour because they are forced to take out loans to survive the "lean season", when food is scarce during July and August. In Maharashtra, the Academy of Development Science (ADS) has established grain banks in conjunction with NIRD to ensure that SC and ST families in rural areas have access to grain during the lean season without taking out loans from landlords.

The NHRC was founded as part of India's 1993 Human Rights Act. The NHRC has a mechanism for citizens to register complaints of human rights violations, and bonded labour is on a list of the major types of recently filed complaints. Seemingly the most active and effectual body against debt bondage in India, the NHRC has carried out numerous reports and investigations as recently as April 2010. Its actions have ranged from liberating groups of bonded labourers to mounting legal challenges against decisions made by state governments on bonded-labour issues. One of the NHRC's current projects involves establishing human rights "cells" or offices throughout India, an important step in addressing large-scale human rights violations.

The mission of CEC is to provide education about Indian workers. CEC has a specific focus on understanding the evolution of labour relations in an increasingly globalised world, defending labour rights and democratic rights, and providing a means for organizing trade unions and people's movements. Spreading information on debt-bondage slavery can be considered a form of action against it, and CEC has taken the initiative to publish many documents and maintain a website (bondedlabour.org) to address the practice of forced/bonded labour in India.

The ILO (International Labour Organization) promotes microfinance initiatives as potentially preventative measures against debt bondage. The ILO's Social Finance Programme stated in a working paper that microfinance is not sufficient to prevent bondage, but a group-based savings and credit delivery mechanism can be an excellent vehicle to provide other essential services for economic and social empowerment ... related activities should strengthen the capacity of households to generate a livelihood, contribute to the reduction of expenses that can push them into bondage, reduce their economic and social dependence on the employer, and support their greater social inclusion in the community[16]. Microfinance is the most plausible way for bonded labourers to build capital for personal use and lift themselves out of the desperate financial circumstances that drive individuals to take out loans. NGOs will be the main force behind rural microfinance programmes, since Indian banks have a history of imposing drastic increases in loan interest rates and confiscating land and homes from rural farmers [17].

8. CONCLUSION

The steps taken by CEC, the NHRC, and NIRD to improve human-rights and labour-rights standards for India's working poor represent significant accomplishments. However, their basic limitation is that they are small organizations unlikely to have the capacity to extend their positive influence throughout all of India. Due to efforts of several NGOs and vigilant role played by the Supreme Court, the system of bonded labour has been on decline. But it's not altogether abolished from the society which is a very unfortunate situation for a country like India who wants to be a world leader in 21st century. We can still see around us adult and children both working in worst of the working conditions on very little payment; forced to work on 12 to 14 hour shifts in various occupations. Moreover, the mental attitude of so-called higher castes or higher economic strata people has not entirely changed; news reports confirm that still domestic maids are being treated like animals and various kinds of cruelties including sexual exploitation are being done upon them; they are provided with very little food, worst place to sleep and minimum amount of payment. Such kind of

incidents cannot be stopped only by the efforts of NGOs or the SC or by Government authorities; it is the people themselves who need to change their mentality.

Therefore, it is important that we as a society must change our attitude towards persons of weaker sections and try to restore the value of human dignity which is a part of right to life.

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