

Human Rights Commission Impact On Bonded Labour: A Study

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Abstract:

India, a country admired for its culture and unity in diversity suffers from certain historical ideologies that are deep-rooted in Indian society like the Caste system. One such offshoot of this ideology is the Bonded Labour. Bonded labor means where a person (worker) is exploited and forced to work under another person from whom certain debt amount is received and that worker is unable to pay off the debt. Human rights are the rights possessed by human beings and are guaranteed through fundamental rights which are recognized by law and legally enforceable as well as through statutory provisions. Bonded labor is a social evil that creates a violation of human rights and thereby violatesthe fundamental rights of the Constitution and statutory provisions. Though penal sanctions are guaranteed under law and statutes, they are not properly enforced, due to certain loopholes or negligence through which the wrongdoers escape or such a crime goes unnoticed. To analyze the prevalence of bonded labor practices in India and how the human rights of the laborers are affected due to bonded labor.

Key Notes: Bonded Labour, Human Rightscommission, Causes, Fundamental Rights, Conclusion

Introduction:

India, a country admired for its culture and unity in diversity suffers from certain historical ideologies that are deep-rooted in Indian society like the Caste system. One such offshoot of this ideology is the Bonded Labour. Bonded Labour means where a person (worker) is exploited and forced to work under other people from whom certain debt amount is received and that worker is unable to pay off the debt. Human rights are the rights possessed by human beings and are guaranteed through fundamental rights which are recognized by law and legally enforceable as well as through statutory provisions. Bonded Labour is a social evil that creates a violation of human rights and thereby violatesthe fundamental rights of the Constitution and statutory provisions. Though penal sanctions are guaranteed under law and statutes, they are not properly enforced, due to certain loopholes or negligence through which the wrongdoers escape or such a crime goes unnoticed.

Though at present bonded Labour practice is abolished after bringing statutory prohibition, it cannot be presumed that there has been the complete eradication of this evil practice. In many places, this social evil is still taking place in spite of the prohibition provided by law. So, some serious actions have to be taken to prevent such activities. Bonded Labour is more or

less similar to slavery but here under the condition of debt. As stated by the National Commission on Labour, Bonded Labour is the “Labour which remains in bondage for a specific period for the debt incurred.” In the 24th Report, the Commissioner of Scheduled Castes and Tribes stated bonded laborer persons who are forced to work for creditors for the loan incurred either without wage or on nominal wage.

This social evil is not of recent origin but can be noted back to ancient times where Rajput's and Brahmins being of high caste exploit Sutras who were considered low caste people. Due to the economically weaker position and improper means of livelihood, they fall under the exploitation of such so-called high caste exploiters. Dalit people were forced to sell or due to the economic crisis they sell themselves to work for limited remuneration or no remuneration to village landlords or moneylenders.

Forms of Bonded Labour and their Causes:

Bonded Labour practice can be found in the Agriculture sector as traditionally land belonged to high caste people and low-status people worked on those lands as they were economically unstable and due to nonpayment of debts they were forced to work. But after statutory regulation and land reforms, there has been a gradual decrease in such practice in states like Kerala but cannot be eliminated in States like Gujarat, Uttar Pradesh, Bihar, Tamil Nadu and Karnataka where lands are still held under feudal land ownership practice and Labour employment.

Bonded Labour is not completely eradicated which can be seen from an incident in Karnataka in the year 2000 when Karnataka Rajya Sabha Sangh found out the way five laborers were treated badly and forced to work in the quarry in Hangarahalli. They were made to work to compensate the loan amount due to the owner which ranges between 500Rs to 2,500Rs. Only after 9 years, there happened the conviction of four people regarding this issue. Not only laborers in agriculture activities are exploited but also in urban areas, people of the poor economy are exploited in sectors like matchmaking, brick industries and many who are migrated from villages to cities for Labour. Laborers engaged in the agriculture sector are not restricted physically but are subjected to high-interest debt bonds by landlords thereby increasing their mental pressure and confining them indirectly.

Laborers from distant places are promised of paying lump sum amount after the period of work or by paying a certain amount in advance are brought to work, but once they begin work, they are confined physically and subjected to physical abuse and even made to work for 18 hours a day. Even children are subjected to such inhumane treatment in industries like firecracker units, textiles, leather goods manufacturing, etc. and even in tea-shops, restaurants.

The main cause of origin and prevalence of bonded Labour is the extreme poverty and caste system which leads to certain other economic disabilities like no proper livelihood, unequal education system, high expenses needed for marriage, death, birth of child, not able to manage the losses suffered due to natural calamities, very low income and raise in price of goods. All these lead to heavy debts and make them bonded workers to an owner. Even poor

enforcement of laws, reforms, and schemes by the government can serve as a cause for the still prevalence of bonded Labour in our country.

Human rights are the rights that every human being possesses during their lifetime. They are guaranteed through fundamental rights which are recognized by law and legally enforceable as well as through statutory provisions. Bonded Labour is a social evil that creates a violation of human rights and thereby violates the fundamental rights of the Constitution and statutory provisions. Though penal sanctions are guaranteed under law and statutes, they are not properly enforced, as they constantly remain certain loopholes or negligence through which the wrongdoers escape or such a crime goes unnoticed.

In November 2017, in Rajasthan's Baran district about 25 bonded laborers which include children were rescued from farmlands and they were migrant workers from Madhya Pradesh made to work for debt amount ranging between Rs.500 to Rs.20,000 and were promised to give work. But they were not paid for the work but were forced of hard Labour. Another incident is that bonded Labour happening in tea plantations which is still creating a menace in India. The Plantations Labour Act, 1951 was enacted after independence to protect the rights of exploited workers during British Rule in India. But even today after the passing of so many years, the situation of such workers has not changed. The laborers in tea gardens face problems of poor sanitation, drinking water problems, and problems relating to minimum wages, education and proper shelter.

There are also issues relating to malnutrition, human trafficking at higher rates in these regions. Few NGOs have volunteered in the protection of these plantation workers but still, there is poor awareness about the problems faced by such plantation workers.

Regarding child laborers, there has been an issue in Karnataka where they are made to work. And bonded laborers are assigned to work in quarries by assuring them of being paid Rs.20,000. The Mine Owners take the help of contractors who supply such bonded laborers and mostly these contractors are illiterate and have no knowledge of Labour laws. And these laborers are exploited by mine owners and even wages are not paid for overtime work. The seasonal migrants are depended on large quantity about 61% to work in quarries in Andhra Pradesh and Telangana. They being migrant have no commitment and can work for long hours and they don't fight but settle for even fewer wages to satisfy the economic needs. Most of the workers were from SC, ST or OBC groups and few were from so-called upper castes and many were illiterate.

These workers in mines not only caused early deaths but also gave hearing problems due to the loud sound of drilling. They also suffered from back pain and eye problems. Working conditions are unsanitary and result in malnutrition and poor drinking water and most of the time result in medical issues. The Global Slavery Index, 2016 has recorded that India has the most slaves in the World. Whereas among 46 million slaved people, India consists of 18 million people enslaved. To abolish bonded Labour the Central Government has adopted three strategies: Constitutional restriction on bonded Labour, the Bonded Labour System (Abolition) Act, 1976 and the Schemes relating to rehabilitation of Bonded Laborers, 2016

Initially, the Central Government has initiated the Rehabilitation of Bonded Laborers Scheme in 2011 which dealt with the grant of financial help for rehabilitation of bonded laborers. This Scheme was later revised in 2016 where the amount granted for rehabilitation is raised from the earlier amount. Despite these policies and measures framed, India still has many bonded laborers and it's because of poor implementation of four-decade-old Labour law, under-resourced police and judiciary and deep societal and economic inequities at present. Such bonded workers do not have written contracts and so cannot claim paid holidays, health insurance, provident fund, and other medical benefits.

The NCRL found a high incidence of migrant bonded Labour:

Bihar Labour in the fields of Punjab, Haryana and Uttar Pradesh; in brick kilns of these states; in sugarcane fields in Gujarat; in stone and slate quarries and mines; in plantations of Assam; and even in the seaports of Gujarat. The Commission highlighted bondage among women on account of social as well as economic factors and mentioned the login is of Andhra Pradesh and the devadasis of Karnataka. In the Jaunsar-Babbar area, the Commission's report highlighted the indebtedness-induced prostitution of women and children.

The Commission mentioned a high incidence of child labor and child bondage in several sectors. The Commission also highlighted the well-entrenched system of tribal exploitation, expropriation, and bondage in many parts of the country including the Santhal Parganas. In examining the regional spread of bonded Labour, it found the practice widespread in all parts of the country.

The Commission noted the interesting and significant phenomenon of the same region both supplying and importing bonded Migrant Labour. Laborers from Andhra Pradesh outmigrate for work in quarries and kilns in Haryana, Punjab and Madhya Pradesh whereas laborers from other states are in bondage in the quarries of Andhra. Similarly, two-way traffic of migrant bonded labor existed from Chhattisgarh and out of Singhbhum and in the sugarcane farms of Maharashtra and Gujarat.

In the neighboring district of Sonbhadra, the NHRC investigated a complaint from the South Asian Coalition on Child Servitude (SACCS) that eight laborers belonging to the Koll community had been kept in bondage by an upper-caste landlord and for two years had not been paid wages, which were ostensible, adjusted against advances. One of the laborers, who could not attend work due to illness, was beaten badly by the employer. The district administration, in its report to the Commission, said that four of the laborers had left the landlord because they were paid meager wages and were beaten by him. The other four were still working with him but were paid a wage of only 2 kg of grain per day. The Commission directed that proceedings under the Bonded Labour Act and SC/ST Atrocities Act be initiated against the employer, and steps are taken to rehabilitate the laborers (NHRC Report 2001-02).

The NHRC took cognizance of a press report of a low caste bonded laborer in Palamau district of Bihar. The person had been working as a bonded laborer for 20 years for

supposed non-payment of a loan of Rs.2,000, although he had, in reality, repaid the loan 15 years previously. The laborer had to work for over 16 hours a day and was paid a daily wage rate of Rs.10, although the prevailing wage rate was Rs.60.21 Several other cases of bonded Labour in agriculture, in some cases intergenerational bondage, have been reported from Patna, Nalanda, Bettiah, Gaya and other districts of Bihar.

NHRC has also conducted various awareness drives, competition programs, conferences, seminars, and workshops frequently and across the country for dissemination of information and sensitizing masses about the evil clutch of the bonded Labour system grasping vulnerable segments brutally ever since. The recommendations made by the Commission concerning workshops, seminars or visits held regarding scrutinizing of bonded Labour system are all properly recorded. These observations are then forwarded to all the Chief Secretaries/Administrators for their requisite necessary compliance. Currently,

The NCRL saw the bondage of agricultural Laborers as still being the main form of bondage in India. The Commission concluded that agricultural Labour bondage was higher in States and districts characterized by a high percentage of rural laborers, low irrigation and agricultural productivity and poor infrastructure. However, there were bonded laborers also in the plantation sector: for example, bonded laborers from Orissa and Bihar were employed in the plantation sector in Assam and Tripura. The NCRL mentioned the following non-agricultural sectors as having a high incidence of bonded Labour stone quarries; migrant Labour; brick kilns; the system of joggings and devadasis; fishermen; forest Labour; bide workers; carpet weavers; pottery; weavers; head loaders; child Labour in match and fireworks; carpet weaving etc.

Recommendations:

1. Improvement of conditions of bonded laborer can result in complete eradication of this social evil.
2. Providing education irrespective of caste inequities and decent work will be helpful to enhance the worker's livelihood.
3. Creating awareness about the laws governing Labour and laborers, contracts, employer-employee relationship and duties and penalties is necessary.
4. Reforms should be brought in Labour laws then and there whenever necessary to ensure the progressiveness of the laws following the changing conditions of society.
5. Proper and accurate statistics should be maintained regarding the Laborers working in factories or industries in India and regarding redress and rehabilitation of these workers in case of grievances.
6. The enforcement of legal mechanism which respects to Labour law provisions should be transparent and following international obligations and statutory provisions.

Conclusion:

The reformative and preventive approach should be followed to abolish the bonded Labour system completely in India. And a proper organization mechanism must be built to create a database of bonded laborers and transparency of such mechanism should be ensured. Bonded Labour in India can be viewed as an outcome of social, historical, economic and cultural factors. Though legislations were framed and constitutional protections are granted against such a bonded Labour system, it can be useful only when there is effective enforcement of the laws, end of class-based prejudices and public awareness. When any law does not reach the low levels of the public, such a law is deemed to be ineffective though received statutory recognition. Hence reformative and preventive approaches should be followed to abolish the bonded Labour system completely in India. And a proper organization mechanism must be built to create a database of bonded laborers and transparency of such mechanism should be ensured. This can be a difficult task but it can form the first initiative for liberation and rehabilitation.

References:

- [1] Bagesree.S., Caught in the vicious circle of bonded labor, The Hindu (Apr. 3, 2016).
- [2] Puja Mondal, Bonded Labour: Concept, Causes and Other details, Your Article Library.
- [3] <https://www.lawteacher.net/free-law-essays/humanrights/bonded-labour-in-india.php>
- [4] Nivedita Singh, Problem of Bonded Labour in India: Human Rights Perspective.
- [5] Rosamma Thomas, 25 Bonded Labourers rescued in Baran, The Times Of India (Nov. 8, 2017).
- [6] Indian School of Development Management, Your Favorite cup of Chai is keeping Tribal People in Bonded labor, Youth Ki Awaaz (Oct. 31, 2017)
- [7] Press Trust of India, With over 18 million people, India tops Global Slavery Index, NDTV (May 31, 2016).
- [8] Factly, Towards an unchained Nation- Analyzing the Govt's revised scheme to rehabilitate Bonded Labourers, The Better India (Dec. 17, 2016).
- [9] <http://www.indiacelebrating.com/social-issues/bonded-laboursystem/>
- [10] <http://www.legalserviceindia.com/article/l94-The Removal Of bonded Labor-System-In-India.html>