

BONDED LABOR IN INDIA

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ABSTRACT

Bonded labor, bondage or bond labor are the appropriate terms to use when economic penalties are connected to forced labor. Bonded labor is a sort of patronage when the minimum wage paid to the workers is barely enough to meet the daily expenses of the employee and the relation between the employer and employee is often characterized by unsettled and exploitative payment agreements which are beneficial to the employer. All kinds of bonded labor are not considered forced but most forced labor practices possess a bonded nature, regardless of whether the work involves adults or children. In this research paper, the understanding of bonded labor has been highlighted; the main areas that are emphasized upon are origin and causes of bonded labor in India, the different sectors where bonded labor is prevalent, characteristics of the bonded labor system and critical view of India's response to bonded labor. Bonded labor has been widespread in India, under the menace of a penalty, that is because of loan taken and when people are unable to pay back the loan, they become bonded laborers. This penalty may consist of loss of rights and privileges, bonded laborers are subjected to physical violence, control, hazards and deal with economic consequences.

Keywords: Bonded Labor, Employment, Debt, Sectors, Modernization

INTRODUCTION

Bonded labor or debt bondage is the least known form of slavery today, and it is the most widely used method of enslaving people. A person becomes a bonded laborer when his labor is demanded in terms of repayment of a loan. A person who becomes a bonded laborer is then trapped into performing manual labor for very little or no pay. Bonded labor is prohibited in India by law in the Articles 21 and 23 of the Constitution. A specific law to prohibit the practice was legislated only in 1976 known as the Bonded Labor System Abolition Act (Bonded Labor, n.d.).

With the commencement of the Act the consequences that occurred are as follows: bonded laborers are positioned freed and discharged from any responsibility to render to bonded labor. All practices, traditions, contracts, agreements or instruments by virtue of which a person or any member of the family is dependent on such person is required to render bonded labor shall be invalid. Every responsibility of bonded laborer to repay any bonded debt shall be deemed to have been extinguished. No suit or any other proceeding shall lie in any Civil Court or any other authority for recovery of any bonded debt (Bonded Labor, n.d.).

Despite the statutory prohibition, bonded labor is widely practiced; the most terribly affected are the children and women particularly those from the Dalit community. The legal framework against bonded labor provided in the Bonded Labor System Abolition Act, 1976 is supported by other legislations like the Contract Labor (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; and the Minimum Wages Act, 1948 (Bonded Labor, n.d.).

ORIGIN AND CAUSES OF INDIA'S BONDED LABOR PROBLEMS

There have been many causes of bonded labor; some of the major causes are discrimination on the basis of caste and status, vast poverty and inequality, inefficient system of education, unreasonable social relations, and disinclination on the part of the government to modify the status quo (Finn, n.d.). India has been under the British rule for over three centuries; Indians have been the slaves of the British, therefore the trait of bonded labor in India is not something new in the country. There are many cultural reasons for the prevalence of child labor in India; an expectation that children would contribute to the socioeconomic survival of the family and community, land scarcity, and inadequate enforcement of labor laws are contributing factors to this problem. In urban areas, due to the migration of families to overpopulated cities, the degeneration of such families due to alcoholism and unemployment often results in a production of children living on the street, becoming bonded laborers and entering into prostitution.

In understanding the causes of forced labor in post-colonial agriculture in India, it may be functional to recognize the extent to which these occur out of customary or habitual relationships, or were born out of forms of debt-bondage which materialized during the colonial period strengthened by marks of tradition, or otherwise have their beginning in the requirements of the capitalist agriculture. Many forms of labor attachment and those that were discussed in the first and second agriculture labor enquiry committee reports bear primarily established attributes which subsume loan and land-lease relationships (Srivastava, 2005).

Many of the rural sector industries that have a high frequency of bonded labor are located in secluded areas, where intermediaries control the employment structure. The possessors of these industries are either part of or have strong connections with the rural power structure. Moreover, these industries are technically in a backward state and are labor intensive. Lack of technological modernization is both a cause and an effect of the low cost labor processes that dominate these industries and this has been a major factor to encourage bonded labor (Srivastava, 2005).

BONDED LABOR IN DIFFERENT SECTORS

The bonded labor takes place in different sectors and they have been classified as follows: (Srivastava, 2005).

Bonded Labor in Agriculture – In the agricultural sector, bonded labor is drawn basically from low castes; they belong to the scheduled caste communities and have no independence to choose their own employment, right of movement, freedom to work elsewhere for minimum wage and they have to work long hours. In the agricultural sector, bonded labor is mainly in the form of cattle shed cleaners, in the agricultural work, even children are employed, there are male farm servants who provide labor in the home and farm of the employer till their debt is cleared. This bondage is a new phenomenon arising from the economic vulnerability of households in drought prone and ecologically fragile regions.

Bonded Labor Systems among the Tribal – The scheduled tribes belonging to different regions such as Orissa, Chhatisgarh, Haryana, Madhya Pradesh, Southern Uttar Pradesh, Uttaranchal, Andhra Pradesh, Maharashtra, Rajasthan and Gujarat, who have suffered a gradual erosion of accessibility to traditional livelihood systems, have long been issued to exploitative debt relations leading to loss of land and bondage to non-tribal. The tribal who have lost most of their land to non-tribal had no other option but to take loans from landlords. In exchange, they or their children were required to work for the landlords for little food or minor prerequisites. Their low wages were adjusted against the loans that they had taken.

Brick Kilns – Brick kilns operate in rural areas of the country for six to eight months in a year. There are varying estimates of the number of workers in an industry. The National Commission on Rural Labor estimated that there were about one million workers but according to the All India Brick Kiln Manufacturer's Association, its membership extends to 22,000 units with about 3 million workers. Around 50,000 brick kilns in total, employ about 100 workers each as according to the muster rolls.

In almost all the regions for which verification has been discussed here, brick kilns rely mainly on recruitment of migrant labor through contractors, based on a system of progress which is equivalent to the monetary requirements of the laborers from the poor regions. It is not extraordinary for the laborers to utilize the cash advances to settle their debts at home. Once laborers are employed, various devices such as the use of power, persistent loans, and one-time settlement of payments are used to link the workers to the kilns for the season. Wage rates are generally low, given that in procedures such as molding and carrying bricks, entire households are engaged. The local pressure of the brick kiln owners, the isolation and rural setting of the kilns and fragile ruling lead to the non execution of labor laws. There are however some state-level discrepancies in the situation. Continuation of strong trade unions might have led to a decline of bondage in a few states, but generally there is insufficient information on the differences between states and its causes.

Stone Quarries, Crushers and Mines - The study group on bonded labor for the National Commission on Rural Labor reported a high frequency of bonded labor in stone quarries and crushers, sandstone, marble and slate mines in a number of states including Haryana, Uttar Pradesh, Madhya Pradesh, Rajasthan, Karnataka and Tamil Nadu. The Bachpan Bachao Andolan reported the liberty of 101 bonded laborers including men, women and children from a quarry in Charki Dadri in Haryana; some of the bonded laborers had been employed in the quarry for more than three decades. Within the mining industry, women's labor is marginalized, being focused in small mines where the labor procedure is controlled by contractors, and bondage and utilization are soaring. Women are compelled to take up actually laborious and exploitative work as men lose employment due to mine closing and automation; they are often subject to sexual exploitation or turn to prostitution to make ends meet.

Power Looms and Cotton Handlooms - Labor bondage has been reported in handlooms and power looms in different parts of the country, especially from Tamil Nadu and Andhra Pradesh. The power looms are concentrated in Periyar, Salem and Coimbatore districts of Tamil Nadu. The weavers are bonded to the loom owners primarily due to their debt; in some cases, the weaver's children also become bonded laborers. There have been reasons for bondage; firstly, the advances were normally high, that the laborers could not reimburse and secondly, employers used other tricks, including physical intimidation, to ensure that laborers are under regulation and remain with them. The owners of bonded laborers are demanding in their attitude.

Bonded Labor in other Sectors - The other sectors are construction, plantations, gem cutting, rice mills, bidi workers, fish processing, silver works, mat weaving, and salt pan workers. These are some of the sectors where labor in large public works and construction sites is often categorized through middlemen and contractors, leading to well-entrenched systems of advances and resulting in bondage. Workers are engaged in their jobs for about 12 hours a day for extremely little pay or in some instance no pay.

Bonded Child Labor - There are a number of industries in India where labor of their children is guaranteed against the loans taken by their parents. Children become bonded laborers and have to work for long hours under insufferable conditions. Human Rights Watch in the year 1996, based on a survey of 100 bonded children in five states of Rajasthan, Tamil Nadu, Karnataka, Maharashtra and Uttar Pradesh, has recognized bonded child labor in a number of occupations including agriculture, brick kilns, stone quarries, carpet weaving, bidi rolling, rearing of silk cocoons, production of silk sarees, silver jewellery, synthetic gemstones, precious gem cutting, diamond cutting, leather products etc. These children are made to work against the debt taken by their parents or guardians, for extremely low or no wages, from a very young age.

SECTORS OF THE ECONOMY WHERE BONDED LABOR SYSTEM IS PREVALENT

Bonded labor is prevalent in the agricultural as well as the non-agricultural sectors: (Bonded Labor, 2010).

1. Bonded labor is widespread in the agricultural sector in the states of Andhra Pradesh, Bihar, Haryana, Karnataka, Orissa, Maharashtra, Punjab, Tamil Nadu and Madhya Pradesh.
2. In the non-agricultural sector, it is prevalent in brick kilns, stone quarries, bidi manufacturing, carpet weaving, match and fire works industry, pottery, construction projects and in sericulture processing industry.
3. Migrant bonded labor signifies a form of withdrawal and exploitation often amounting to bonded labor system.
4. In the form of bonded labor system, domestic workers, jogins and devdasis are subjected to exploitation.

CHARACTERISTICS OF THE BONDED LABOR SYSTEM

One of the principal characteristics of the bonded labor system is the existence of creditor-debtor relationship and the

loss of freedom; loss of freedom may be of different forms such as: (Bonded Labor, 2010).

1. Loss of freedom for employment or alternative employment opportunities in order to earn a decent livelihood.
2. Loss of freedom to earn minimum wage regarding a planned employment as notified by the Government.
3. Loss of freedom to migrate from one part of the country to another.
4. Loss of freedom to sell any products in the market or even the labor of any of his family member dependent upon him.

CRITICAL VIEW OF INDIA'S RESPONSE TO BONDED LABOR

Bonded labor was outlawed by the Government of India with the Bonded Labor System Abolition Act (1976). The Constitution of India guarantees free and dignified existence to all the citizens of the country and prohibits bonded labor through Articles 21, 23(1) and 24. The National Human Rights Commission (NHRC) exposes the fact that in twenty eight representative districts across India, there were not any programs put forth by the Government to improve food security and right to live with dignity. In 2001, NHRC presented its report on bonded labor; bonded labor has been prevalent due to lack of sincere political will and adequate global strategy which requires strong political dedication (Modern Slavery in India, 2012).

In India, bonded labor is still widespread and not very many measures have been implemented in order to eradicate the problem of bonded labor. Bonded labor has led to immense loss of freedom for the workers; children who are engaged in bonded labor are entitled to work under intolerable conditions; their childhood becomes miserable. Labor market segmentation, social discrimination, lack of land, lack of financial services, substantial economic vulnerability, among other social issues requires long term development measures and affective poverty alleviation strategies (Modern Slavery in India, 2012).

DISCUSSION

Bonded labor is profoundly entrenched in India's socio-economic and cultural structure; it exists primarily in the informal and the unregulated sectors which employ around 90% of the Indian labor force. Bonded labor is more prevalent in rural than in urban areas because it was largely widespread in the agricultural and the mining sectors; in the present existence bonded laborers are commonly found working in households, in the production of silks, carpets, matches, cigarettes, fish processing, silver works, gem cutting, leather products, mat weaving, agricultural sector, power looms, cotton handlooms, stone quarries, crushers and mines and brick kilns.

Between the employer and the bonded laborers, the terms and conditions are established from the beginning of the recruitment process. This is characterized by lack of labor standards, the uneven contractual power between the two parties, and the indefinite duration of the agreement. It normally happens that a bonded worker after rendering some years of service passes his bonded status to other members of the family such as his children or younger siblings. Adults and children from the Dalit communities make up the majority of those who are trapped in bonded labor. There are many different reasons for bonded labor in India; these are widespread poverty, inequality, caste-based discrimination and the inadequate education system.

Bonded labor in India leads to loss of freedom of an individual with respect to employment, earning a living, earning minimum wages, migrating to different regions and even selling any products in the market; bonded laborers are forced to work to repay debts their employer states that they owe, and they are not allowed to work for anybody else. Various forms of force are used to make sure that they continue to work. In many cases they are kept under observation, and sometimes even under lock and key. Bonded labor in the farming sector is mostly due to caste based prejudices practiced against the Dalit communities and due to the absence of a proper land reform policy.

In order to solve the problems of bonded labor, it is required that protective attempts must identify the social dimensions of bondage, and thereby concentrate on through public sensitization and rights awareness, adult literacy, organizing workers, income generation and vocational skills development. The strategies to eliminate bonded labor are required to go

beyond the signs to address the root causes. The multifaceted and deeply rooted nature of those causes requires an incorporated and long term approaches.

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