



BONDED LABOURS - GS II MAINS

Q. Why does bonded labours still persist in India and discuss the steps taken by the Indian government to address the issue of bonded labourers in India. (15 marks, 250 words)

News: *Who are the bonded labourers of India and where do they work?*

What's in the news?

- About **84 percent of India's bonded labourers** identified and released to date come from **five States - Karnataka, Tamil Nadu, Odisha, Uttar Pradesh and Andhra Pradesh.**

Key takeaways:

- A total of **3,15,302 bonded labourers** have been released till date and from 1978 to January 31, 2023, a total 2,96,305 bonded labourers have been rehabilitated.
- In 2016, the Central government declared its intention to release and rehabilitate 1.84 crore bonded labourers across the country.
- The 41st report of the Lok Sabha's Standing Committee on labour, textiles and skill development (2022-23), reveals that despite regular advisories from the Ministry of Labour and Employment to State/UTs, urging them to identify districts suitable for surveys and related initiatives aimed at the welfare of bonded labourers, there is a lack of tangible or substantial progress in the efforts to eliminate bonded labour.

Bonded labour:

- Bonded labour is generally described as a type of **forced labour** and is also known as debt bondage or debt labour. It occurs when a person is forced to use their physical labour to pay off a debt.
- According to the **Bonded Labour System (Abolition) Act (BLSAA), 1976**, there are three elements that go into making a labour situation bonded:
 - a. Being under an obligation such as repayment of loan.
 - b. Meeting the obligation (that is, repaying the loan) through unpaid or underpaid labour or service.
 - c. Having no freedom to escape the obligation.

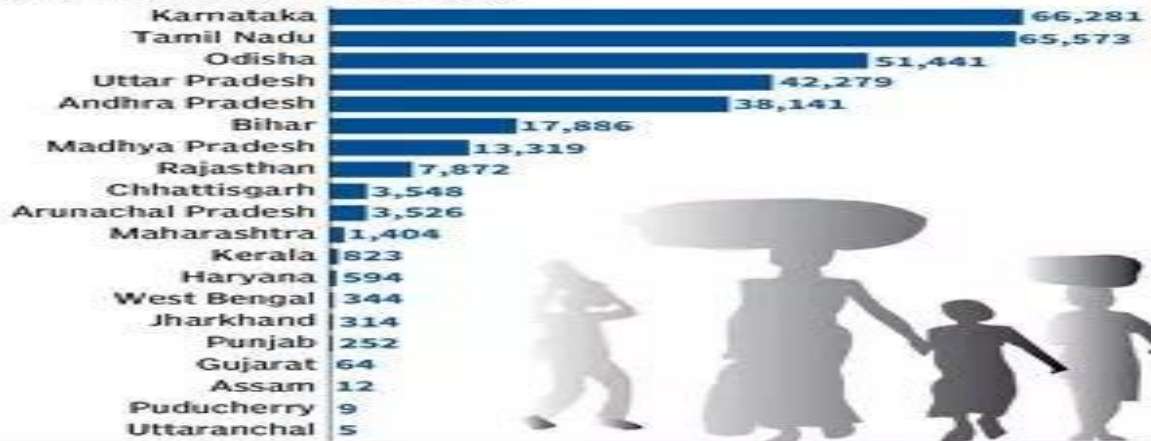
Bonded Labour results in Loss of Freedom:

- Loss of freedom for **employment** or alternative employment opportunities in order to earn a **decent livelihood.**
- Loss of freedom to earn **minimum wage** regarding a planned employment as notified by the Government.
- Loss of freedom to **migrate** from one part of the country to another.



- Loss of freedom to **sell any products** in the market or even the labour of any of his family members dependent upon him.

Total number of bonded labourers identified and released (1978 to 2018)



Source : Lok Sabha 2023

Prevalence of Bonded Labour in India:

- According to the International Labour Organization there were 1.17 crores bonded labourers in 2014.
- The most current available data from the National Crime Records Bureau (NCRB) indicate that there were 8,132 reported cases of human trafficking across India in 2016.
- Bonded labour is mostly prevalent in **agricultural sector, informal sector including cotton textile handlooms, brick kilns, construction work**, brothels, stone quarries, carpet weaving, beedi rolling, rearing of silk cocoons, production of silk sarees, silver jewellery, synthetic gemstones, precious gem cutting, leather products, domestic help etc.
- The low-income states such as Jharkhand, Odisha, Rajasthan, Uttar Pradesh, Bihar, Chhattisgarh, and Madhya Pradesh are more vulnerable to prevalence of bonded labour.
- A large number of bonded labourers are also rescued every year from Karnataka and Tamil Nadu.

Modern Slavery

Bonded labourers rescued & rehabilitated and rehabilitation amount released during (2020-21 to 2022-23)

Year	State/UT	Assistance (₹ in lakh)	Number of bonded labourer rehabilitated
2020-21	Bihar	43.65	220
	West Bengal	11.20	16
	Rajasthan	9.80	49
	Assam	2.00	1
	Madhya Pradesh	6.20	34
2021-22	Chhattisgarh	50.00	250
	Tamil Nadu	203.13	1016
	Bihar	58.00	360
	Rajasthan	10.00	50
2022-23	Rajasthan	14.00	70
	Uttar Pradesh	390.20	287
	Tamil Nadu	59.40	297
Total		734.73	2080



Causes of Prevalence of Bonded Labour in India:

1. Economic causes:

- a) **Chronic Poverty and Inequality:** Widespread chronic poverty and socio-economic inequality is the prime cause behind prevalence of bonded labour which often takes up an **inter-generational form of bonded labour**.
- b) **Landlessness:** Having no property or possessions of their own to sell when money is needed can result in families relying on landlords to help them cover medical costs or other important expenses, and serving them as bonded labourers to repay back.
- c) **Lack of access to formal credit:** In the absence of formal credit, rural poor are forced to approach **money lenders** who then exploit illiterate rural poor into debt bondage which at times turn inter-generational.
- d) **Informal economy:** More than **90% of India's total workforce** are engaged in the informal economy. Lack of formal employment opportunities leads individuals to seek employment in the informal sector where withholding of wages, debt bondage, and physical and sexual abuse at the workplace are common.

2. Migration:

- **Search for better economic and employment opportunities** acts as a powerful incentive for people to migrate from low to high income states and poor rural migrants are most vulnerable to bonded labour in urban areas.
- A **lack of official identity documents** increases internal migrant worker's vulnerability to bondage and exploitation.
- Also, the **children of migrant workers** are vulnerable due to lack of access to education and end up working at sites where their parents work.

3. Social-causes:

- a) **Caste-based discrimination:** Social stigmatisation and economic **marginalisation of lower castes and Dalits** have led to **unequal power dynamics** between marginalised and dominant groups and resulted in poor low caste and tribal people being more vulnerable to exploitation and debt bondage.
- b) **Lack of concrete social welfare schemes** to safeguard against hunger and illness has compelled poor people to take loans from informal sources, often leading to debt bondage.
- c) **Education:** The prevailing educational infrastructure is highly unsuitable to children of economically deprived families who often fall into the trap of bonded labour.
- d) **High expenses** on occasions like marriage and dowry, death, birth of a child, etc. also lead to heavy debts.

Constitutional Safeguards:

1. **Article 19 (1) g** enables an individual to practice any trade, profession, and employment of their choice.
2. **Article 21** guarantees a right to life and personal liberty. Also no person or authority can own a life of another human being. The practice of bonded labour violates all constitutionally mandated rights.



3. **Article 23** prohibits the practices like beggar, forced labour and human trafficking. The term beggar may mean labour or service provided by the person with less or no remuneration.

4. **Article 24** prohibits employment of children whether bonded or otherwise.

5. **Article 39** requires the State to “direct its policy towards securing”:

- Economic necessity of workers,
- Personality development of children and youth.
- Protection against all forms of exploitation.

SC on Bonded labour:

- **People’s Union for Democratic Rights v. Union of India:** The SC observed that where a person provides labour or service to another for remuneration which is less than minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the word ‘forced labour’.

Legal Provisions:

1. Bonded Labour System (Abolition) Act, 1976:

- It is an extension to article 23 of the Indian constitution.
- The Act intends to free all bonded labourers, cancel their debts, establish rehabilitative measures and punish the offender through imprisonment and fine.

2. The Minimum Wages Act (1948):

- The law sets the standard amount of wages to be paid to labourers. The Act also covers the time frame which has to be set for the workers, which involves overtime, necessary breaks, necessary leaves and other facilities for the workers

3. Contract Labour (Regulation and Abolition) Act, 1970:

- It is enacted to introduce better working conditions and minimize exploitation of contract labourers.
- The Act also enjoins joint and several responsibilities on the principal employer and contractor.

4. Interstate migrant workmen (regulation and employment conditions of service) Act, 1979:

- It was enacted to regulate the working conditions of inter-state labourers in Indian labour law.

5. Indian Penal Code:

- Under Section 370, Unlawful compulsory labour is prohibited.

6. Child Labour (Prohibition & Regulation) Act, 1986 and Amendment in 2016:

- It prohibits the engagement of children in certain employments and regulates the conditions of work of children in certain other employments

7. Trafficking of Persons Bill 2018:

- It makes special note of trafficking for the purpose of forced labour, and categorises it as an aggravated form of trafficking.

8. Draft Domestic Workers Regulation of Work and Social Security Bill 2016:

- It is prepared by the National Platform for Domestic workers.
- It seeks to extend existing labour laws to cover domestic workers and ensure that they are entitled to the minimum wage and to access social security.



Schemes:

1. Rehabilitation of Bonded Labour Scheme, 2016:

The salient features of the scheme are as follows.

- **Financial assistance** of Rs.1 lakh is provided for rehabilitation of a rescued adult male bonded labourer and 2lakh for rescued child bonded labourer
- The Scheme also provides for financial assistance of Rs. 4.50 lakh per district to the States for conducting survey of bonded labourers, Rs.1 Lakh for evaluatory studies and Rs. 10 Lakhs per State per annum for awareness generation

2. Ujjawala scheme:

- Initiated by the Ministry of Women and Child Development, the scheme provides shelter and rehabilitation for female victims of trafficking.

Challenges in addressing the issue of bonded labour:

1. Poor Surveys:

- There has been no government-led nationwide survey since 1978, despite each district having been given ₹4.5 lakh for such surveys

2. Data:

- The government statistics on bonded labour is based on rescue and rehabilitation numbers.
- Such statistics do not properly reflect the extent of prevalence of bonded labour in India.

3. Under-reporting of cases:

- National Crime Records Bureau data show that not all cases are reported by the police.
- Between 2014 and 2016, they recorded just 1,338 victims, with 290 police cases filed.

4. Poor Implementation of Laws and corruption:

- Inefficient law enforcement is one of the reasons why bonded labour continues to be a problem in India.
- The International Labour Organisation has observed that district-level Vigilance Committees meant to identify and rehabilitate bonded labourers do not take their duties seriously enough.
- Further, cases against employers are dropped in favour of settlements made out of court.

5. Lack of awareness among workers:

- The bonded Labourers are not aware of the legislation and report to the authorities only when it becomes overly violent.

6. Issues with rehabilitation:

- There are a range of practical challenges to the rescue and rehabilitation of bonded labourers including child labourers.
- These include failure to provide adequate reintegration services, a lack of human and financial resources, limited organisational accountability, and poorly structured partnerships between NGOs and government.

WAY FORWARD:

- Concerted efforts must be made to create a **database** of bonded labourers by conducting periodic surveys.



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- A **preventive approach** should be taken to address bonded labour. It is important to reduce the conditions that perpetuate bondage for example by providing decent work, education, access to formal credit and by removing possible elements of bondage and coercion in the worker-employer relationship.
- Robust **inter-state coordination mechanisms** is required to address the issues of migrant. Provisions should be made workplace improvements and linking them to social security schemes
- Measures should be taken to improve the implementation of the Bonded Labour abolition act. Further, bonded labour cases should be tackled in **fast track courts** and justice should be provided to the labourers
- It is important to strengthen the **role of the National Human Rights Committee (NHRC)** as an independent government body to oversee and coordinate India's response to all forms of modern slavery.
- **Corporate Social Responsibility:** Private companies can be encouraged to fund local initiatives and NGOs which are combating forced and bonded labour and providing victim services, as part of the fulfilment of the CSR requirements under the 2013 Companies Act.

