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Eradication Of Bonded Labour System—A System Being Shielded & Protected By Power Hungry Politicians Today

A bonded labourer is one who is subjected to forced labour in lieu of debt or some other obligation.

As we enter the 21st century, millions of people all over the world have been subjected to forced labour. According to an estimate (made in the year 2000) by the UN Working Group on Contemporary Forms of Slavery, nearly 20 millions are forced to work as bonded labour in the world.

Though the official accounts do not quite reveal the magnitude of the problem in India, independent surveys by some Western Non-Governmental Organisations place the total number of people mired in different forms of bonded labour, which is treated as forced labour under International Conventions at tens of millions. According to one report, it also exists in the United States and some countries in Europe.

Bonded labour has existed for thousands of years. In South Asia, it took roots in the caste system and continues to flourish in the agricultural relationships even at present. In colonial times, bonded labour was also used as a method of recruitment for British plantations in Africa, the Caribbean and South East Asia.

Poverty and deprivation are also the causes of the existence of bonded labour. Often without land, education or any other source of livelihood, the need for cash just for daily survival forces the poor to sell their labour in exchange for a loan or some other obligation.

Bonded labourers are treated as sub-humans, living a life worse than that of animals, for the animals are free to roam about as they like but the bonded labourers are not.

Bonded labour constitutes a form of slavery. It has been declared illegal in India. Article 23 of the Indian Constitution prohibits the use of forced labour. Bonded Labour System (Abolition) Act, 1976 has outlawed this practice. The law provides that if a case is brought before the District Magistrate, he/she can order the release and rehabilitation of the bonded labourer. It also provides for the setting up of District Vigilance Coordinator. There are International Human Rights treaties that India has signed that prohibit the practice of bonded labour.

Though bonded labour is constitutionally declared illegal in India, yet politics has kept the bonded labour alive in invisible forms through corrupt law enforcement agencies who shield the landlords and other business interests employing forced labour. It is only in recent years that a group of public dedicated individuals helped in the freeing of many a bonded labourers.

Though the ministry of labour has identified only 13 states with 172 districts as bonded labour prone, examination of the problem in the light of the 'Bandhua Mukti Morcha' and 'ASIAD' judgements of the Supreme Court would leave no one in doubt about the prevalence of bonded labour in almost all the states/UTs.

A number of states are found to be deluding themselves into believing that with the coming into force of Bonded Labour Act in 1976, all the bonded labourers had been freed and bonded labour system totally abolished in their area. It is sometimes difficult to know whether this denial is a deliberately put an act of naiveté or a stratagem to mislead others. In all probability, it is the latter.

With corrupt politics and its compulsions taking hold of governance in the country, the civil service has become less and less autonomous surrendering its own initiative and even duties, i.e., responsibilities cast upon it under the law, so much so that unless the chief minister of a state clearly indicate what his political priorities are, no justice gets done to the poor in general and the poorest of

the poor in particular, like the bonded labour. It is absolutely essential that mechanisms have to be devised to squarely hold the political leadership in the states responsible for the implementation of the Bonded Labour System (Abolition) Act, 1976 and all other laws that have a bearing on it, such as those relating to minimum wages, equal wages, migrant labour, contract labour, etc. This is the single most important reform we need for it is time, after 55 years of democratic governance, when everybody realises that those who are voted to power by the people should be held accountable to their actions and not merely the civil servants who in any event have to carry out the orders of their political masters.

Even though the central and the state governments have been heard to publish their commitment to the eradication of the poverty as their main goal of governance, they have not shown commitment to this goal, particularly in the context of the poorest of the poor, represented by the bonded labour. It is important, therefore, to establish this first principle that in poverty eradication efforts the first priority should be for the poor in bondage, including children.

According to the 2001-report of the expert group constituted by, the National Human Rights Commission (under direction of the Supreme Court), the "most fundamental and the single most important imperative for successfully dealing with the question of bonded labour is an honest desire on the part of the political leaders of the country. This, the group believes, is singularly lacking. The absence of issues relating to bonded labour system is really the absence of political will or lack of desire on the part of the political leadership in various states. This lack of political will disguises itself in the minds of the bureaucracy as problems of definition in the bonded labour law. The absence of political will and political commitment to the abolition of the bonded labour system has led to the bureaucracy blindly denying the very existence of the bonded labour system in certain states, like Karnataka, Punjab and Himachal Pradesh. Certain other states tactically acknowledge the existence of the bonded labour system but make it appear that it is so negligible that it calls for no particular effort to deal with the problem with any sense of urgency. This leads to the non-implementation of some of the most essential provisions in the act, such as the identification, release and rehabilitation and the constitution and convening of the district and sub-divisional vigilance committees. Though the Act has empowered the executive magistracy to try the offences and impose punishment, the executive magistracy rarely acts in terms of the powers conferred on them, thanks mainly to their belief that it pleases their political masters if they did not act against employers of bonded labour. The first and foremost recommendation of this group, therefore, is that the Supreme Court and the NHRC should devise means to hold the Chief Ministers of the states squarely and personally responsible for the implementation of Bonded Labour Act and in carrying forward the mandate of the Honourable Supreme Court in this regard. One way of doing it is to compel the Chief Ministers rather than Chief Secretaries to file affidavits of the compliance on the implementation of the Supreme Court's mandate issued to the states in this regard.

The Universal Declaration of Human Rights, adopted 50 years ago, proclaimed that no one should be held in slavery and servitude. It is difficult to believe that as this great and tragic century draws to be close the problems of slavery and slave-labour remain unresolved. All of us have a critical role to play in ensuring that the issues of the enslaved labour and debt-bondage are returned to the top of the human rights agenda. Bonded labour is the existing form of slavery—unconstitutional, yet present in most countries. Bonded labour is not an issue that political parties have on their agenda concerns. Yet 20 millions of the humanity is trapped and victimised in a system that defy and deny human rights to men, women and children.

Today, the corporate capitalist system, its crime and power-oriented politics and its power-hungry, unscrupulous and double-dealing parties and politicians have become the main protectors of the bonded labour system. This is, because the continuation of the bonded labour system strengthens the free market-geared corporate labour theory, which considers labour as a commodity that can be hired and fired at capitalist's will and which rejects the objective reality of labour as a human resource. The only way to end the bonded labour system lies in rejecting the deceptive politicians in all social spheres and replacing the corporate capitalist system by the nature-human centric system. The immediate task is to empower the workers (both mental and manual) in all spheres and reject the political control of the trade unions by the politicians.