

Bonded Labour Abolition

A Callous Approach By States

by

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Bonded labour can best be described in terms of debt bondage fixed for a time or life time or hereditarily descending from father to son in some cases. The system grew out of the acute indigence and helplessness of economically and socially weaker people. The system of bonded labour is prevalent in almost all the states in our country, although some of them for sheer political reasons have refused to admit its existence. The states tend to lie blatantly when asked to submit reports on the progress made in the direction of abolition of the evil of bonded labour and rehabilitation of freed bonded labour. In an affidavit filed by the Haryana Government in the Supreme Court, it claimed that the necessary steps have been taken under the Bonded Labour System (Abolition) Act, 1976 and Inter-State Migrant Workmen Act, 1979 to protect labourers from exploitation. The Government in this affidavit stated that a Vigilance Committee had been appointed to see that the labourers are provided with proper facilities. It was further stated that there were no bonded labour in the state and that labourers employed by the contractors were being provided with all the facilities such as medical aid, food, clothing to the migrant labourers.

But a Commission appointed by the Supreme Court headed by a Supreme Court Lawyer found Bonded Labour Act being flouted in the state outrageously.

Bonded labour exist in villages and remote areas where poverty forces people to borrow money at exorbitant rates of interest which in some cases exceed even 100%. Besides heavy rates of interest, the borrower is also forced to render his services to the lender free of charge or at nominal wages till the loan is fully extinguished. The report by the Centre's Standing Committee on the rural unorganised labour observes that 30% of bonded labour families are forced to send two or more of their family members into bondage. One of its more important finding is that the prime motivation is not extraction of interest but extraction

of free labour (only 7.8% of bonded labour pay interest of more than 50%). The average duration of bondage is 6 years. During the period of bondage, the labourer is virtually a slave and he forfeits his right of movement and cannot seek employment elsewhere.

Of the loans taken, it has been found that 55% have been taken to meet the basic necessities of the life and about 30% for festivals and weddings. The amount of loan varies between Rs. 1,100 to Re. 1,500. In Bihar and Orissa, a large number of bonded labourers had taken no loans but were forced because of poverty to take up the only permanent jobs available. It is estimated that 84% of the bonded labourers belong to scheduled castes and tribes.

According to a recent survey by Gandhi Peace Foundation, the total number of bonded labourers may be in the vicinity of 3 millions with U.P. and M.P. having by far the largest numbers. However, the official figures issued by the centre put the number at 1.6 lakhs.

Undoubtedly, the bonded labourship is an evil in the society particularly the one which stands for the doctrine of equality in economic rights. In fact, bonded labourers are virtually the slaves of the money lenders who do not hesitate in exploiting their helplessness. The government feels concerned about the problem and has taken several steps to abolish the system of bonded labour in the country. The various steps taken in this direction include provision for statutory protection to the bonded labour, their release from the clutches of the unscrupulous money lenders and rehabilitation of labour so released.

Under the Indian Penal Code, Section 372, a person who unlawfully compels any person to labour against the will of that person shall be punished with imprisonment for a term which may extend upto one year, or with fine or with both. Likewise, the Constitution also states that traffic in human beings and *beggar* and some other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

The earlier efforts to deal with this problem were also through legislation. The Bihar and Orissa Kamiavti Agreements Act, 1920 declared the agreements entered into between Kamias and their masters void unless: (i) full terms of agreements were duly embodied in a document, (ii) a copy of the agreement was given to the Kamia, if the period of agreement exceeded one year, (iii) the Kamias remuneration under the agreement was fair and equitable and (iv) the liability was completely extinguished within the terms of agreement. But the Act remains a dead letter. The Kamia system continued under a different name called Harwai in other parts.

After independence, the Government took some more legislative and reformative steps to do away with the system of bonded labour. The Dhebar Commission (1961) was appointed

to go into the question of bonded labour. The Commission stressed the need for giving protection to tribals against their exploitation, particularly by the money lenders and recommended among other things the enactment of legislation providing for the prohibition of bonded labour of any kind.

Bonded Labour System (Abolition) Act, 1976 was passed for the purposes of abolition of the bonded labour system and for the rehabilitation of these released bonded labour.

The State Governments and the Union territories have also been requested to take appropriate action to identify, release and rehabilitate the emancipated bonded labourers. Unfortunately the States have not dealt with the problem seriously and sincerely. As a result, some of the States have come out with statements that they are free from the evil of the system of bonded labour whereas others have concealed the true figures of the bonded labourer. As per the statistics released by the 11 States, there were 1,02,060 bonded labourers as on 31 December 1977 out of which 1,00,962 have been freed and 28,728 have been rehabilitated.

Under the scheme of the Government to do away with the system of bonded labour, the freed labour is rehabilitated by providing them with suitable employment in government projects, allotment of agricultural land, house sites, loans for the purchase of milch animals, tools and implements, provision for education. Loans are also granted by the banks at preferential rates of interest to such labourers for their rehabilitation on land based and non-land based avocations; collectors have also been directed to rehabilitate freed bonded labourers under the on-going schemes, soil conservation, irrigation works and tribal and harizan welfare programmes.

No doubt that the legislative and other reformative measures taken by the Central Government to deal with the problem of bonded labourers appear to be commendable. But unfortunately States do not seem to be interested in abolishing the evil of the bonded labour for more than one reason. Perhaps the most important being that many of them are being employed by big and influential people who themselves are either politicians or enjoy the protection of politicians. Several MLA's in the States have bonded labourers.

The callous approach of the States towards the bonded labour problem is also evident from the fact that they have not even taken the trouble of collecting funds for the rehabilitation of the freed bonded labourers from the centre sanctioned for this purpose. The Planning Commission had earmarked Rs. 25 crores for this purpose between 1978-1983. To begin with only 9 states initiated the steps and asked for during 1978-79 only Rs. 97.69 lakhs. Next year, seven states applied for the grant and in the coming years the response was even poorer. This basically seems to be due to the reason that Centre grants that much money which the State is willing to contribute from its own funds. The States unfortunately do not want to spend money on the rehabilitation of freed bonded labourers.

One more aspect of this problem is that whatever number of bonded labourers who have been freed are those who have been taken from one State to another for construction projects. By far the largest number to have been freed at one stroke of pen are the ones who had been employed in for six years in quarries near Hyderabad. Most of them were from Tamil Nadu, Andhra Pradesh and Karnataka. Unfortunately, no serious efforts are being made to release those who are in the clutches of big landlords in the countryside which is where most of them are.

Illiteracy amongst the people in the villages is another important cause of the continuation of the bonded labour practice so much so that most of them even do not know that they have been set free eight years after the ordinance abolishing this obnoxious practice.

If the government is sincerely thinking of abolishing the practice of bonded labour it will have to attack this problem with renewed strength from all the sides and in particular the root causes of the problem i.e. poverty and illiteracy. If poverty and illiteracy are removed from the vast masses in the villages, the number of bonded labourers would come down substantially even if states remain indifferent to the problem. Till poverty and illiteracy is removed vigorous efforts are needed to free the existing labour and rehabilitate properly.