Rights of Other Vulnerable Groups

BONDED LABOUR & CHILD LABOUR

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AWARE GROUP

- Action for Welfare and Awakening in Rural Environment
- Established in 1975 by its Founder & Chairman, Dr. P.K.S. Madhavan
- Footprint: 8,760 villages
- Andhra Pradesh, Telangana, Orissa (Rural Development)
- Maharashtra, Gujarat, Uttaranchal (Disaster Relief)
- Kerala, Tamil Nadu (Out-reach)

Dr. P. K. S. MADHAVAN
The Approach

• Programs based on Mahatma Gandhi’s principles of self-sustaining rural development
• People are at the forefront of development
• Withdrawal strategy - After about ten years, AWARE withdraws from the area, leaving people to continue the development, integrating themselves with government development programs.
• Sustaining self-reliance

“to awaken the people and to prepare them identify their own problems and to prepare them to devise their own solutions and plan of action.”

Dr. Madhavan
Programs

SOCIAL ACTION
• Awareness, education, training; social justice, human rights, legal literacy; gender equality;

HUMAN RESOURCE DEVELOPMENT
• Skills training, Health Education, Technical Education; Youth & Women entrepreneurship, leadership;

ECONOMIC DEVELOPMENT
• financial assistance for agriculture, animal husbandry, rural entrepreneurship;

SUPPORT & SERVICES
• Rural Hospitals, Rural I.T.I., Agricultural Polytechnic, Para-Medical and Teacher Education;
• Natural Disasters Relief & Rehabilitation
Achievements

• 54,761 acres brought under cultivation, 42,137 acres brought under assured irrigation;
• 1,69,526 farmers, 1,57,700 landless families and 5,18,261 women benefited;
• 44,000 acres reclaimed from illegal occupation, distributed to landless poor
• Health program serving 2,50,000 families annually with medicare, health education and training para-medicals
• 3,00,000 trees were planted.
• 1,100 bio-gas plants were constructed in the villages.
• 24,000 smokes-less choolas (stoves) installed in tribal villages

• More than four decades in service of Society
• Helped 25 lakhs families to cross above poverty line
• Made 5,000 villages self-reliant
Support & Recognition

• During initial days of AWARE, Chairman Dr Madhavan received encouragement from the then Chief Minister Sri. J. Vengal Rao


• Former Chief Justice of India and champion of Human Rights, Hon’ble Justice P.N. Bhagwati is an eternal inspiration for AWARE.

• AWARE is recipient National and International Awards and honours including from Four Presidents of India, Four Governors, H.H. Dalai Lama, several Central and State Ministers.
**AWARE GROUP – Human Rights**

• Release and Rehabilitation of Bonded Labour.
• Dr Madhavan appointed as Commissioner of Supreme Court, thrice.
• Prevented repeal of Tribal Land Transfer Regulation LTR 1 of 70

• Women empowerment & Gender Justice, Legal Services
• Dr Madhavan as member of Eminent Persons Group of United Nations on Refugee issues & legislation
• Natural Disasters Relief & Rehabilitation
Rights of Vulnerable Groups

VULNERABLE GROUPS

• Women & Children
• Older Persons
• Differently Abled & Persons with Disabilities
• Tribals & Dalits
• Linguistic / Religious Minorities
• Internally Displaced Persons & Refugees
• Migrant Workers
• People with HIV/AIDS
• Persons of LGBT community
Bonded Labour & Child Labour
The Bonded Labour System

- Debtor or his descendants work to repay a loan, which in almost all cases, never gets repaid
- Perpetual indebtedness
- Several generations work under bondage for repayment of a paltry sum, which had been taken by some remote ancestor
- Debtor never gets paid market wage or even minimum wage notified by the Government
Bonded Labour - Causes

• Adverse economic condition / compulsions
• Illiteracy, ignorance, social backwardness
• Natural calamities
• Sudden loss of employment / earning member
• Unproductive expenses (social functions)
• Alcoholism, prolonged illnesses
• Migration in search of employment
• Lack of access to institutional finance
• Faulty system of advances (money lenders)
• Usurious rates of interest
• Lack of collective bargaining strength
Bonded Labour - Prevalence

EARLIER
• Predominantly in rural environment
• Linked to a feudal environment
• Mostly local persons
• Socio-economic exploitation
• Agriculture and few other sectors

NOW
• Shift to Urban & Semi-urban environment
• Linked to increased economic activity
• Migrant population
• Mostly economic exploitation
• Multi-sector, including hazardous industries
Bonded Labour - Sector

• Agriculture Sector – Farm labour
• Non-Agriculture Sector: Brick kilns, Stone quarries, Matchstick & fire-works factories, carpet weaving, construction work, Leather tanning, textile industry etc.
• Domestic workers
• Organised begging
• Migrant labour from States such as Bihar, Odisha, Bengal, Jharkhand, Chattisgarh, Madhya Pradesh, Tamil Nadu are more vulnerable
ARTICLE 23

• *Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.*

ARTICLE 39

• *Article 39(a) provides that the citizens, men and women equally, have the right to an adequate means of livelihood; Article 39 (d) provides that there is equal pay for equal work for both men and women and Article 39 (e) provides that the health and strength of workers, men and women, and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.*
ARTICLE 42
• The State shall make provision for securing just and humane conditions of work and maternity relief.

ARTICLE 43
• The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work and living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.
Bonded Labour Act, 1976

• The Bonded Labour System (Abolition) Ordinance’ was promulgated on 25.10.1975 which was subsequently replaced by The Bonded Labour System (Abolition) Act, 1976, effective from 25.10.75, the date when the Ordinance had been promulgated.

• The The Bonded Labour System (Abolition) Act has a Statement of Objects and Reason, 7 chapters and 24 sections as its substantive content, which can be broadly divided into the following:
  o Definition
  o Consequences which follow the date of commencement of the Act.
  o Relief to the aggrieved
  o Structure of implementing authorities
  o Legal and penal provisions.
Legal Safeguards

Amendment

• The Bonded Labour System (Abolition) Act was amended in 1985; added explanation to Section 2 bringing contract and migrant labour within the purview of the Act if such labourers meet the ingredients of bonded labour system as defined in Section 2(g) of the Act

Section 374 IPC

• Whoever unlawfully compels any person to labour against the will of that person, shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

International Safeguards

• Forced Labour Convention of 1930 (No. 29) [Article 2(1)]
• India ratified ILO Convention on Forced Labour on 30.11.1954
• Article 4 of Universal Declaration of Human Rights, 1948
• UN Supplementary Convention of Abolition of Slavery (1956)
• ILO Report on stopping forced labour (2001) refers to bonded labour
Release & Rehabilitation

Identification, Release and Rehabilitation of Bonded Labour

- Acknowledge the existence of Bonded Labour
- Vigilance Committees to be constituted for all districts and sub-districts and reconstituted whenever due,
- Conduct periodic surveys with imagination and sensitivity
- Response & prompt action on complaints from bonded labour
- Eradication of bonded labour is not a one-time event
- Identification, release and rehabilitation to be simultaneous, ensuring no gap between identification and release; release and rehabilitation
- Issue release certificates to individual bonded labour
- Prosecute employer of bonded labour
- District Magistrates to play key role in release & rehabilitation
AWARE adopted two prong system:

- Psychological support through information, organizing unity among bonded laborers and organizing solidarity of other stakeholders.
  - conducted mass meetings in major villages
  - appointed *Burra Katha* troops
  - conducted Village Association meetings, seeking solidarity
  - conducted survey of existing bonded labours
  - Submitted the list to the District Collectors
  - 56% of our list identified as bonded labours by District Collectors who ordered their release
  - Bonded labours themselves held rallies along with villagers
  - Immediately on release, Rs.500 and a bag of rice provided with AWARE funds
Release & Rehabilitation

AWARE Experience

AWARE adopted two prong system:
• Economic Rehabilitation of released bonded laborer within fifteen days of release.
  • Camps held for released bonded laborers
  • economic development explained
  • schemes like vegetable sales, goat rearing, milk sale, poultry, piggery, rope making, mat making, muggu stone grinding and sale, eggs sale, cycle rickshaw,
• Each released bonded labour was provided an interest free loan of Rs.15,000
Release & Rehabilitation
Support & Recognition

AWARE was able to achieve spectacular results in release and rehabilitation of bonded labours because of:

- Support received from District Collectors & Administration
- Appointment of Chairman Dr Madhavan as Commissioner of Supreme Court, thrice
- Involvement of local village population
- Encouragement and backing from the Hon’ble Supreme Court of India. Two Chief Justices of India, Hon’ble Justice P.N. Bhagwati and Hon’ble Justice Ranganath Mishra personally visited AWARE tribal villages, met rehabilitated bonded labours
- Persistent efforts of its dedicated team of workers
Scheme for Rehabilitation

• To assist State Governments, in May 1978, Ministry of Labour launched centrally sponsored scheme.

• Financial Assistance enhanced from Rs.10,000 to Rs.20,000 from May 2000

• States funded for conducting surveys and awareness

• Government revamped the Scheme wef 17th May 2016
  o State Government need not pay matching contribution
  o Financial Assistance enhanced to Rs.1 lakh (adult male), Rs.2 lakhs (child labour & women) Rs.3 lakhs (transgender, women & children rescued from sexual exploitation)
  o Additional land and housing elements
  o Rs. 4.5 lakhs per district for survey
  o Rs. 10 lakhs corpus to District Bonded Labour Rehabilitation Fund
  o Transfer of benefits to beneficiary through DBT
Role of Voluntary Organisations

Convergence between government departments and voluntary organisations,
• Support District Collector & District Administration in creating awareness, in identifying prevalence of bonded labour system
• Support in district-wise survey of bonded labour
• Cooperation and participation of Voluntary Organisations in Vigilance Committees
• Chalking out the plan for rehabilitating released bonded labourers
• Support rehabilitation through skill development etc.
• Support evaluation studies
• Supporting role to NHRC, State and District Administration in eradication of Bonded Labour
Child Labour

Child Labour is mostly an urban and semi-urban phenomenon

CAUSES

- Spill over of bonded labour problem itself
- Economic and social backwardness
- Illiteracy, ignorance,
- Low enrolment at schools, early drop-out

SECTORS

- Organised begging
- Trafficking and sexual exploitation
- Hazardous industries
- Agriculture Labour
- Domestic help
Legal Safeguards

Child Labour (Prohibition and Regulation) Act, 1986

• Ban employment of children who have not completed 14 years of age
• Schedule of banned occupations and processes
• Regulate conditions of work where they are not prohibited
• Lay down penalties for violation

SECTORS

• Organised begging
• Trafficking and sexual exploitation
• Hazardous industries
• Agriculture Labour
• Domestic help
Legal Safeguards

Some of the Complimentary Acts / Rules

• Juvenile Justice (Care and Protection) of Children Act 2015
• The Right of Children to Free and Compulsory Education Act, 2009

Social Action

• Do not indulge
• Report, report, report
• Make parents aware, help break the jinx
• Promote school enrolment and help sustain
• Raise consumer awareness
Vulnerable Groups - Tribals

Preventing repeal of Tribal Land Transfer Regulation (1 of 1970)

• An attempt to repeal LTR Section 1/70 during NTR regime
• Letter to the Chief Minister highlighting rights of Tribals
• Letters organised from about 165 Members of Parliament
• Letter from Dy. Chairman of Planning Commission
• Letter from former Supreme Chief Justice of India
• Memorandum submitted to Governor
• 6 teams including lawyers traveled across tribal areas
• Letter to Prime Minister Sri Rajiv Gandhi carried by Sri. Jeena Bhai Darjee, Chairman of Landless poor Commission
• Tribals & Dalits march in 1988, organised by AWARE
The way forward...

Therefore, the existence of progressive laws alone is not enough for protection of vulnerable groups like tribals, dalits, women and children.

These groups should know their rights, laws, develop confidence and courage to make use of it in their favor by surmounting obstacles.

It becomes the responsibility of people based organizations like AWARE to support the Government as well as help vulnerable groups understand their rights and the law.

After all it should be the people including tribal women who should be captains of development.

Thank You