

INTERNATIONAL JUSTICE MISSION

# Nyaya Pathrika

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**IJM**

*Bonded labourers picked 10-50 cms long, slimy red worms using bare hands at the backwaters of the Pulicat Lake.*



## ANNA INSTITUTE OF MANAGEMENT CONDUCTS WORKSHOP ON BONDED LABOUR SYSTEM

The daily struggle faced by victims of bonded labour and the exploitation they face makes it imperative to fight the crime proactively. Over the course of the last year, the government has trained 52 Deputy Collectors. Over 35 of them have gone on to become Revenue Divisional Officers (RDOs) and 12 of them have proactively rescued and released 243 victims.

Anna Institute of Management (AIM), in collaboration with the Adi Dravidar and Tribal Welfare Department (ADTWD), conducted a workshop for RDOs from the 19th to 21st of August, 2015. The spokesperson at the workshop, Thiru. S. Kandasamy, former RDO of Ponneri, and currently, the Joint Director of Disaster Management, addressed 32 RDOs on Pro-active Engagement and Holistic Approach in the Abolition of Bonded Labour System. He spoke in detail about the existence and brutality of the bonded labour system and the procedures he had followed in leading a landmark rescue of 512 bonded labourers from a brick kiln. He emphasised the need to proactively look into the

requirements of vulnerable community members, which would include not just their basic needs such as food, water, security and shelter, but also government entitlements such as ration cards, community certificates and voter IDs.

Prakash Rao from International Justice Mission said, “The workshop conducted for RDOs by the Tamil Nadu Government is reflective of its commitment to curb the crime. It gave a holistic overview on the bonded labour system. Thiru. Kandasamy spoke with great passion and stressed the urgency of shouldering the responsibility of rescuing and rehabilitating bonded labourers.”

IJM was also present at the workshop as knowledge partners, sharing their experiences and presenting different practical experiences, case studies and insights on bonded labour issues.



## RELEASE CERTIFICATES: THE KEY TO A HOPEFUL FUTURE

29th June, 2015 was a special day for the bonded labour survivors released from the Arumugam Wood Cutting Unit in 2010. After an arduous wait of over four years, they were granted their Release Certificates!

“The almost-five year wait was extremely trying! As we began our journey as free individuals, we felt hopeless,” says Gowri, one of the rescued labourers. “We did not have a job. We did not have any proof that our debts were cancelled. We had no money and nothing to fall back on.”

“Though we were freed, there were unpleasant days. The owner’s house is very close to mine and I could not avoid meeting him. During every encounter, he would threaten to hit me, spit at me and make unnecessary comments. He would keep coaxing me to come back and work for him saying I still owed him money.”

It is precisely because of situations like these that the Release Certificate plays such a crucial role. A government-signed document, cancelling all outstanding debt, gives survivors a sense of security and self-assurance, as it demonstrates their legal right to be free citizens. It also functions as a deterrent to coercive owners.

“Since the day I received my Release Certificate, the owner does not trouble me anymore. Along

with my fellow community members, I am now eagerly waiting to receive the rehabilitation money, Aadhar Card and Ration Card that we have been able to apply for.”

Hope is restored in Gowri’s life and she stands confident today. Her children are in school and are studying well. Despite being a widowed, single mother, Gowri faces the challenges of her life with calm assurance. “When I was a bonded labourer, I did not know anything and felt hopeless. Even when my relative gave me information about IJM and how they rescue bonded labourers along with the government, I couldn’t trust immediately.”

“But one day, when the owner treated me very badly, I decided to call IJM. Soon, IJM and the government came to rescue me and the other families who were working there. For the first time in my life, I saw hope! Since then, I have gained confidence and I am not afraid of the owner anymore.”

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*In June 2015, the Vellore District Administration led by RDO of Ranipet, Thiru. Murugesan conducted an enquiry. Release Certificates were issued to eight bonded labourers rescued in 2010, including Gowri.*



▲ Bonded labourers from a worm-digging unit lived in four-foot high huts situated close to the backwaters of the Pulicat Lake where they harvested worms for prawn hatcheries.

▲ Even children worked at this worm-digging unit. The little boy used a broken part from a truck to dig into the ground and demonstrate to the RDO how he picked worms every day.

## PHOTO SERIES:

Bonded labour system is usually prevalent in labour-intensive industries such as rice mills, brick kilns, rock quarries etc. However, the system is increasingly becoming rampant across newer avenues as well. Worm-digging or worm-harvesting industry is one such. One of the victims from this unit got in touch with IJM through the bonded labour helpline. IJM brought the case to Thiru. M. Narayanan, Revenue Divisional Officer, who handled the case proactively. After rescuing the labourers, the RDO also arranged a medical screening for the labourers at a government hospital.



▲ The RDO, Thiru. Narayanan conducted the initial enquiry at the labourers' living site soon after the slush-covered labourers returned from a hard day's work.

# GOVERNMENT SPOTLIGHT

Bonded labour is classified under human trafficking, which is an organised criminal activity.

The Ministry of Home Affairs (MHA) lists bonded labour as one of the various forms of Human Trafficking in India. Human trafficking is a serious offence and can be tried under Section 370 of the Indian Penal Code (IPC). In most cases, the conditions of bonded labourers are very similar to people who have been trafficked for labour. Therefore, a large number of bonded labour offenders can be tried both under the Bonded Labour Act as well as under Section 370.



Thiru. G. Sudhakar Babu, Additional Public Prosecutor from Tirupati, secured a conviction against the perpetrator of a human trafficking for labour case under Section 370 of the Indian Penal Code (IPC). The perpetrator was sentenced to 7 years of rigorous imprisonment and a fine of Rs. 7,500.

## 1. This is the first judgment on the amended section of 370 of IPC in human trafficking for labour. What arguments led to this decision?

There have been many cases on bonded labour that have been reported, but the purview of bonded labour under human trafficking for labour was not understood clearly until the amendment of Section 370 of the IPC. This amendment elicits the severity of human trafficking across the country. Thus, the clarity through the 2013 amendment by itself was a sufficient argument to place before the Hon'ble court in this case.

## 2. What are the challenges faced in prosecuting human trafficking for labour?

Since the victims were from Odisha, I understood from the police that it was tedious to travel to their native place and record statements of the victims under Section 161 of the Criminal Procedure Code. It was also challenging to ensure the appearance of the victims on the exact date of hearing. Furthermore, on the day of trial, it was a huge challenge to translate the victims' statements from Odiya to Telugu. This consumed a lot of time unlike trials in other cases.

## 3. How is prosecuting perpetrators under Section 370 of IPC advantageous in ending human trafficking for labour?

Prosecuting perpetrators ensure that those indulging in the crime become aware of its magnitude and the seriousness with which the authorities regard it. It aims to encourage owners to employ people by paying them the state's minimum wage and giving them the dignity and freedom that is enshrined by the Constitution of India. This will also restrict them from trafficking vulnerable community members and trapping them into contemporary forms of slavery.



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