Bonded labour is a crime that is rarely talked about. It is often perceived as a social evil. Victims of bonded labour hail from the poorer sections of society. They are cut off from the rest of the world and are bound within the invisible walls of their worksites for months and sometimes years. Unaware of the rights and freedoms guaranteed by our Constitution, they suffer in silence.

IJM India has been working with the State and District governments on bonded labour cases for over 15 years. We have seen over 12,000 people rescued from bonded labour in Tamil Nadu. We have been amazed at the resilience and courage of many of these victims as they overcome their past trauma and emerge as outstanding leaders who speak up for other vulnerable people.

On that note, we are happy to introduce the very first edition of our newsletter, Vidudhalaiyin Kural – which means ‘voice of freedom’. As the name suggests, this newsletter captures events and stories that celebrate various milestones in our march towards a bonded-labour free state.

The past four months have been a testament to the Tamil Nadu Government’s resolve to end bonded labour in the state. We have witnessed five rescues being led by the district administration, the District Legal Service Authority (DLSA) coming forward to conduct an awareness camp for vulnerable citizens and significantly, a bonded labour offender being convicted for exploiting vulnerable citizens within his worksite.

We are also witnessing more and more events where people from various sectors are coming together to lead rescues, build communities through holistic rehabilitation and create sustainable systems to ensure steady development. SWELECT Energy Systems Ltd., a corporate house that has been working on the issue of bonded labour came forward to launch livelihood opportunities for survivors. In a great example of empowerment, on 8th February 2018, bonded labour survivors came together for the first time to address the media at the Chennai Press Club. A historic moment indeed!

My colleagues and I are fully confident that we are not too far from the day when we can proudly declare that Tamil Nadu is bonded labour free. I believe that all our voices raised together in a freedom cry will bring hope to victims and send a loud message to traffickers—Tamil Nadu will not tolerate bonded labour.

As we journey towards this shared goal, I would love to hear back from you. Do send in suggestions, recommendations and any other feedback to mfreeda@ijm.org

Merlin Freeda
One step closer to ending bonded labour

“...A vehicle needs to be stationed at all government offices to respond to bonded labour victims and rescue them swiftly,” said Mr. Arangasamy, Stamping Inspector, Labour Department, Salem at a training held in Villupuram for Labour and Revenue officials.

The urgency expressed in the Inspector’s statement shows the government’s growing resolve to fight bonded labour in Tamil Nadu. This is also evident in the growing numbers of bonded labourers being rescued by the State in recent years. According to the Ministry of Labour and Employment (MoLE), 2,83,000 bonded labourers have been rescued in Tamil Nadu since 1976, accounting for almost one fourth of the country’s bonded labourers released since 1976.

This year, from five districts of Tamil Nadu, 177 labourers* were safely brought to freedom by respective district officials. 147 of them were victims of inter-state trafficking.

Rescues are a key first step in fighting the crime. Following this, government officials have two other important duties ahead of them: rehabilitation and prosecution. The former protects the survivors from re-bondage, while the latter brings justice and prevents further exploitation.

In the rescues led this year, government officials provided extensive care for survivors such as providing them with medical care, police protection and transportation. They also helped them apply for various entitlements. The Labour Department in Thiruvallur arranged for rehabilitation funds to reach 111 bonded labour survivors in only two days’ time.

In addition to this, officials also filed an FIR for all offenders. In the Thiruvallur case, police officials tracked down an offender and arrested him in Andhra Pradesh.
Rehabilitation is key for victims of bonded labour. While stepping into freedom is a joyous moment, facing reality without a job, money and sometimes a house can be terrifying. It can make the victims vulnerable to being exploited again. Hence it is important that we support them in the first few steps before they can stand on their own feet.

Ms. Roseann Rajan,
Advocate,
Madras High Court

In a recent Vigilance Committee meeting in Vellore, the District Collector announced that his office plans to thoroughly inspect all the industries in Vellore – a proactive step to end bonded labour.

“We have been working with the government for over a decade now and we are witnessing a steady increase in the government’s will to end bonded labour,” says Merlin Freeda from IJM. “The response to information brought by NGOs, RBLA and victims’ calls has been swift. Officials immediately inspect the worksite and lead rescue operations proactively. With the appointment of the State Level Officer and the implementation of the State Action Plan, all business owners can expect surprise inspections, surveys and marked increase in rescues.”

Continued action from the government steadily brings us closer to making Tamil Nadu bonded-labour-free. Additionally, with increased number of cases, a clear message is sent to all owners to check the way their businesses are run.

“Bonded labourers were rescued from a wood cutting unit in Kancheepuram, brick kilns in Vellore and Thiruvallur, a charcoal and agricultural unit in Cheyyar and a goat grazing unit in Sivaganga.
Rehabilitation is a critical step in ending bonded labour. Beginning life anew with little or no exposure to the outside world can be challenging. Social workers provide counselling for survivors to face the world fearlessly.

A professor of the Social Work Department at MCC, Ms. Miriam Samuel, along with leaders from the Released Bonded Labourers’ Association and social workers from IJM have been conducting regular trainings to impart life skills and inculcate confidence in community members. Apart from equipping survivors emotionally, it is also important to help them with their basic needs such as shelter and employment.

Tamil Nadu has witnessed increased collaboration between the government, NGOs and other associations. For instance, Ini Oru Vidhi Seivoam, a joint venture between SWELECT Energy Systems Ltd., RBLA, National Adivasi Solidarity Council (NASC) and IJM equips survivors to fend for themselves.
The boon in collaborative rehabilitation

The success in collaborative rehabilitation is evident in Jothi’s life. A bonded labourer for almost 8 years, Jothi never imagined she could live a respectable and free life.

The government, Madras Christian College (MCC) and SWELECT systems came together to help develop Jothi’s community. Mr. Paneerselvam, former RDO of Chengalpattu, allotted land in Thirukalakundram for her and others released along with her, while the Social Work department from MCC helped survivors build semi-solid houses. SWELECT came forward with livelihood opportunities for survivors, provided cattle and helped dig a bore well in the village.

Today, Jothi runs a petty shop. She heads a Self-Help Group (SHG) for 12 women and is also a board member in the Kancheepuram RBLA. As Community Leader, she works actively to help others in her community avail their entitlements. She is a leader who encourages others in her community to become responsible and independent individuals.

“In my initial days of freedom, I found it difficult to get a good job. I did coolie work and earned Rs. 300 a day when I received work,” says Jothi. “But now, through the petty shop given by SWELECT, I am able to earn Rs. 600 per day. Not only does this allow me to save money, but I can also buy whatever my children ask for. I never dreamt I would live such a life when I was in the rice mill. I never thought I’d have a shop of my own. But today I am so happy and I believe that I can do well in life.”
Mr. Marimuthu, Additional Commissioner, Labour and Employment Department, at a commemoration programme in Madras School of Social Work, said, “Our vision is to end bonded labour in Tamil Nadu. We are marching towards this vision. We will be proud when we can say ‘There is no bonded labour in Tamil Nadu.’” His remark demonstrates the State’s increased will to eradicate bonded labour in Tamil Nadu.

In her presidential speech, Hon’ble Justice Meenakumari, Chairperson, SHRC urged the students to support the District Administration and the State’s Labour and Employment Department in identifying bonded labour cases.

RBLA leaders, Arul and Pachayamma, delivered a powerful speech about their journey from being under their owner’s rule to becoming leaders in their community. Their bold initiatives to reach out to the government resulted in their entire community benefitting from a transformed village with all basic needs met – water, electricity, housing and proper roads.

Students from Madras Christian College, Hindu College and Stella Maris College also came together with the RBLA to create awareness among students and general public.

State Government welcomes students’ support to end bonded labour in Tamil Nadu
Prosecution

Chengalpattu District Judge convicts rice mill owner of bonded labour

Tamil Nadu has increasingly been taking proactive measures to ensure that bonded labour is abolished. On 13th March 2018, the Chengalpattu District Judge convicted the owner of a rice mill under Sections 16, 17, 18 of the Bonded Labour System (Abolition) Act, 1976. The owner was directed to pay a fine of Rs. 6,000 or face imprisonment of up to three months.

The case dates back to 25th May 2007, when Mr. Muralidharan, former RDO of Kancheepuram released 24 labourers from a rice mill and issued 17 release certificates.

Gopi, one of the victims from this rice mill, had taken a loan of Rs. 3000 from the owner. As a result, over the next four years, Gopi and his family were compelled to work long hours for meagre pay. They were not allowed to work anywhere else or step out of the facility. Their children, aged 10, 8 and 6 helped sweep the rice mill, spread paddy and carry out other odd jobs for the owner. Nirmala was forced to continue working even during her pregnancy.

In addition to the restrictions and forceful extraction of labour, the owner also abused the family verbally and physically. Unable to bear the mistreatment, they once escaped the rice mill. Unfortunately, the owner tracked them down and brought them back to the rice mill. They were constantly monitored by the supervisors, trapped until the day government officials walked in and rescued them, along with other families.

Bonded labour can only be curtailed if we instil fear that offenders will be punished and prosecuted...

Rahul Nadh, IAS, Additional Collector (Development) Project Officer, DRDA, Kanyakumari

www.ijmindia.org
Mr. Muralidharan, who led the rescue, is currently the Director of Adi Dravidar and Tribal Welfare Department, Chennai. He appeared as one of the key witnesses to testify in court and his testimony was instrumental in securing the conviction. Strong convictions send a clear message to bonded labour offenders that the crime of bonded labour will not be tolerated by the State.

Bonded labour is largely an invisible crime that is often mistaken as being a social or labour issue. Owners engage in this practice to gain maximum profit. However, profit that is made at the expense of another human being’s liberty and freedom is a human rights violation. Holding employers accountable, discourages potential offenders. It also opens the door for sustainable growth among the marginalised.

The Power of Vigilance Committees

A surprise inspection of businesses led by the Vellore Sub-Division’s Vigilance Committee (VC) resulted in the rescue of 21 bonded labourers in Gudiyatham on 24th April 2018. The six families had taken loans ranging from Rs. 7000 to Rs. 20,000 and had been working to clear their debts for almost seven years. The Collector of Vellore, Mr. S. A. Raman gave release certificates to 10 survivors—one of them a 14-year-old boy.

This rescue was the result of inspection plans made in the last VC meeting led by the Collector early in the month of April. This is also the first ever VC-led rescue in Tamil Nadu—a significant step that sets precedence for other districts to follow.

Section 13 of The Bonded Labour System (Abolition) Act makes it mandatory for every District and Sub-Division to set up Vigilance Committees (VCs) to monitor the crime of bonded labour in their jurisdiction. The Committee is required to meet once

DID YOU KNOW?

Vigilance Committees should ideally comprise of the District/Sub-Divisional Magistrate, officials from the District Administration, Police officials, SC/ST members, a bank representative and resident social workers.
**Strength in collaborations**

A n important function of the VC is to support the RDO during rescue operations. During a rescue, VC members, who are experts in various fields, can provide valuable inputs to accelerate rescue, rehabilitation and prosecution processes.

Let us look at two broad areas where VC members’ support will be crucial: knowledge of the crime and the required co-ordination between departments and offices.

Firstly, awareness on the victims’ background helps draw accurate responses from them. For example, victims may have very little knowledge of the world outside their worksite. They may not know how to calculate or keep track of their monthly wages, interest paid and so on. They may therefore be incapable of responding to questions like ‘how many years have you been working here’, ‘when did you take an advance’, ‘how much do you earn in a month’ and so on. Instead, questions need to be re-phrased to suit their understanding such as, ‘how many festivals (eg. Pongal) have you celebrated here’, ‘how much does the owner pay you in a day’ etc. This will help get quicker and clearer responses for documentation.

Coordination between departments is also one of the key advantages of a functioning VC. For example, in some cases of bonded labour, survivors’ Aadhar cards may be with the owner or they may not have ever had one. In such cases, when the bank manager cum VC member is present, he will be able to co-ordinate with relevant departments to ensure that bank accounts are opened and rehabilitation amounts reach survivors. Alongside him, the Village Administrative Officer and Revenue Inspectors will be able to help get Aadhar cards.

Similarly, the Tahsildar, knowing that deterrence is key to ending bonded labour, will prioritise filing a complaint against the owner. The Investigating Officer will be able to carefully examine the victims’ responses and record 161 statements. Social workers will be able to provide immediate psycho-social care and counselling. Last but not the least, the RDO will sign the protection petition, rehabilitation letter, and at the time of trial, be present as witness.

A functioning Vigilance Committee is a prime example of how collaboration is key to ending bonded labour. When experts from various departments lead in their respective fields, it contributes to the overall goal of freeing bonded labourers,

Tamil Nadu has seen a total of nine meetings this year – two District VCs and seven Sub-Divisional VCs. As a result of a VC meeting in Kancheepuram, 21 land pattas were issued to survivors in February.
One of the agendas listed in the State Action Plan (SAP) is to conduct regular trainings on bonded labour. When every government official is fully equipped to handle bonded labour cases, they can take necessary regulatory steps to ensure that their district is free from bonded labour. This first step is crucial as it will pave the way for officials to follow in the future as well.

In compliance with the SAP, the first four months of 2018 saw several trainings on laws pertaining to bonded labour, its relation to human trafficking and relevant identification and prosecution processes. Nearly 1000 officials were trained through these initiatives.

Additionally, colleges and NGOs are coming forward to train community leaders and Released Bonded Labourers’ Association (RBLA) leaders with the necessary skills and knowledge as they shoulder the responsibility of developing their community as a whole.
Here is a brief look at all the trainings.

24th January, Vandalur: District Superintendent of Police (DSP), Inspectors and Sub-Inspectors attend a training at Tamil Nadu Police Academy.

27th February, Chennai: Train Ticket Reviewers (TTRs) also known as Train Ticket Examiners (TTEs) attend a training on human trafficking, bonded labour and identification of trafficking victims in trains and railway stations.

16th March, Thiruvallur: DSPs, Inspectors and Sub-Inspectors of Police are trained during the District Crime Review Meeting.

17th March, Villupuram: Mr. Arangasamy, Stamping Inspector, Labour Department, Salem presents on the challenges in identifying bonded labour and rescuing victims. He suggested that a vehicle be stationed at all government offices to make quick rescue trips. Ms. Kalaivani, Joint Commissioner of Labour (Rtd), in her session stressed on the importance of Labour Departments in ending bonded labour.

21st – 23rd March, Tambaram: RBLA leaders from five Tamil Nadu districts attend a three-day training led by professors from Madras Christian College (MCC) and trainers from IJM at MCC. The RBLA leaders were trained on skills pertaining to strategic management, effective networking and critical thinking. This training will be helpful as the leaders bring bonded labour cases to government officials for rescue and rehabilitation. Additionally they were also trained on Bonded Labour System (Abolition) Act, importance of having an Association, community development and best practices.

3rd and 10th February: Nearly 60 Inspectors and Sub-Inspectors attend a training in Kancheepuram and Thiruvallur Districts upon request by the DSP, In-service Training Centre (ISTC).

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One of the reasons that people are enticed into bonded labour is lack of awareness – awareness that the government has numerous schemes in place to support those living below poverty line, or that pledging their services for a meagre sum could lead to a lifetime of bondage.

In a great example of pro-activeness, the Thiruvallur District Legal Services Authority (DLSA), in association with the labour department organised an awareness camp on 9th March 2018 for workers of the unorganised sector. Other departments such as Revenue Department, Labour Department, Social Welfare Department, Social Defense, District Child Welfare and DLSA were a part of this camp. A first-of-its-kind initiative, it created an opportunity for the workers to become aware of and apply for labour welfare schemes.

The camp was based on the National Legal Services Authority’s (NALSA) revised Scheme for Legal Services to the Workers in the Unorganized Sector, 2015. The various government departments present at the camp set up stalls to educate the participants on their rights and to enroll them in labour welfare schemes.

Officials who were present at the DLSA camp were: Ms. E. Sundaravalli, IAS, District Collector, Tiruvallur; Mr. A. Nazir Ahmed, Member Secretary, State Legal Services Authority; Mr. Elangovan, Principal District Judge, Tiruvallur; Ms. M. Pitchammal, Chairman Permanent Lok Adalat, Tiruvallur; Ms. G. Saraswathi, Secretary Tiruvallur District Legal Services Authority, and Dr. Valarmathi, Asst. Commissioner of Labour, Tiruvallur.

A total of 106 bonded labour survivors applied for labour cards at the camp. These labour cards will assist them in accessing all labour welfare schemes, including financial assistance for child birth, marriage, education, death, accident, pension and so on, reducing the risk of exploitation.
February 09, 2018 marked 42 years since the iconic Bonded Labour System (Abolition) Act, 1976 (BLSA) was passed. Drawing inspiration from Article 23 of the Constitution, it prohibited human trafficking and forced labour.

The Tamil Nadu Government has been proactive in identifying and rescuing thousands of labourers in bondage, many of whom have come together to form the Released Bonded Labourers’ Association (RBLA). To mark the anniversary of the act, the RBLA collaborated with various stakeholders to conduct programmes across the city.

On February 8th, RBLA leaders addressed the press on the issue of bonded labour. Five leaders—Raman, Vasantha, Gopi, Suguna and Chinarasu—described their lives while in bondage. They requested that 09 February be commemorated as Anti-Bonded Labour Day as it would create awareness on the crime.

RBLA leaders also highlighted the necessity of accessing rehabilitation schemes in a timely and simplified manner.

Survivors voice out their woes at the Chennai Press Club

DID YOU KNOW?

As of 16 May 2017, the new Central Sector Scheme for rehabilitation states that survivors receive Rs. 20,000 at the time of rescue.
For rescued bonded labourers, freedom from fear a challenge

They find it difficult to overcome hurdles and merge with the mainstream due to various reasons.

According to the rescued labourers, the high-level monitoring committee has not been functional in the last four years (EPS | Sunish P Surendran)

By Jayanthi Pawar
Express News Service

CHENNAI: The ordeal of bonded labourers does not end with the government rescuing them. These victims are subjected to discrimination, from government offices to schools. They find it difficult to overcome hurdles and merge with the mainstream due to various reasons, and it all perhaps starts with the struggle to get the Rs 20,000 grant to start their lives afresh.

Sharing his experience, P Shanmugam says that after being rescued from abuse and overwork for over five years, he and his family now run a business making bamboo products in Tiruvallur. Life inside the brick kiln was an ordeal and he got a weekly salary of Rs 200. “After being rescued by the government staff, I was happy, but even after that, I feared as to how to run my family. Our relatives had stopped talking to us and we had nowhere to go and stay. Thousands of questions were running through my mind as I walked out of those gates. I was worried about running my family. I was scared even to pass through my owner’s house. It took many months for me to reconcile with my relatives and build back my confidence. I met officials to obtain all the valid documents,” he recalled.

“When I first approached officials, they would ask me to sit on the floor or look at my family differently. Despite being rescued, there were many nights when me and my wife went to bed hungry as we could only feed our children with

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the resources we had. Not knowing how to approach officials, I was not aware of what I was entitled to. However, with help from neighbours and some activists, I overcame that and today, I make a decent living. Following a petition to the AdiDravidar and Tribal Welfare Department, I got Rs 6.4 lakh to set up my business,” he says.

Rescued bonded labourers Arul and his wife Pachaiyamma struggled to control their emotions as they recounted a similar tale of despair and helplessness. Rescued in 2012 from a stone quarry in Kancheepuram, Pachaiyamma says, “Though we were happy to walk out from the quarry, we had no place to go. We had to go to a relative’s house where five families were staying. During rains, we would stay up all night sitting as there would not be a place to sleep. After doing several odd jobs, we finally moved out. Even then, we would have nightmares. While we were figuring out how to make a living, we were clueless on how to approach officials to get basic things like family cards and voter IDs. We waited for a month before overcoming our fear of approaching them,” says Arul.

Similarly, S Raman, who was trapped inside the 14-feet compound wall of a rice mill at Kadambathur in Tiruvallur district for 35 years, said, “We had worked in the same rice mill for three generations. After living in fear and bondage for over 35 years in a place where even getting a meal was difficult, I decided to seek help. Once, I got the permission to go out for a temple festival and from a friend, I got a phone number. I made a call, pinning all my hope on the government. My efforts didn’t go in vain and a day later, a team of officials raided the place and rescued my family, along with 35 other families.”

Just like other rescued labourers, Raman feared standing on his own legs and starting his life afresh. “I faced discrimination everywhere and while that used to make me feel depressed, the thoughts of my children and family gave me strength,” he smiled. Raman, free for more than 14 years, is now part of the Tiruvallur district vigilance committee that helps and identifies such victims.

A few rescued victims have managed to overcome the trauma and their ‘captive mentality’, but many are still struggling and reluctant to seek help. Activists who work with rescued workers say that such victims require psychological help. Though they are free from slavery, they struggle to break mental shackles, burden of debt and fear of coping up with the outside world. This is where the absence of a rehabilitation programme by the government is felt.

In a bid to bridge the gap between the government and these victims, International Justice Mission (IJM), a NGO, along with the social welfare department of Madras Christian College, conducted a training program recently which around 30 rescued labourers from five districts attended.

A member of the team of students that identified such victims and helped in their rehabilitation said their children are also affected. “For instance, they are looked upon differently due to their clothes or their appearance. Children even refuse to go to school, and one child said he did not have friends because he does not bathe regularly. We had to raise awareness among parents about how to send children to school and how to carry themselves in society,” said Tamil, a post graduate student of Madras Christian College.

“The first official survey on bonded labour was commissioned in 1995 and at that time, the state had around 10 lakh labourers. But after 1997, no surveys were conducted,” says Kandasamy Krishnan, secretary-general of National Adivasi Solidarity Council (NASC). As the rescue, relief and rehabilitation of these labourers involve multiple departments, the new state
action plan calls for setting up a monitoring committee comprising senior officials from various departments and a district-level vigilance committee chaired by the district magistrate. Now, in the vigilance committee, rescued labourers are included to identify and help motivate the victims.

Though India banned bonded labour in 1976, the shameful practice continues in fields, rice mills and brick kilns around India. Activists point out that the days that follow their rescue is very crucial. “After they are rescued, they are entitled to receive `20,000 initially, but this amount is transferred to their bank accounts. And for people who usually don’t even have a family card or Aadhaar Card, opening a bank account is a tedious job and could take more than a month,” said a staff member of IJM not wishing to be named. “This is also the period when they are under utmost stress.”

Also, according to the rescued labourers, the high-level monitoring committee has not been functional in the last four years. They also want a good rehabilitation scheme and effective implementation of the Central Sector Scheme (CSS) that was launched in 2016. Under the CSS, `1 lakh should be given to rescued labourers but it has not been sanctioned to anyone since 2016. They also felt that a toll free number should be set up for victims to contact.

“Though they are rescued, they remain in trauma for a long time. They have a fear of the unknown. They wonder if we, the outside world, can be trusted. We have to work with them closely and assure them that they will be able to survive on their own,” said the IJM staff member.

What the law says
According to the definition given in section 2(g) of the Bonded Labour System (Abolition) Act, bonded labour means service arising out of loan/debt/advance. It represents the relationship between a creditor and a debtor wherein the debtor undertakes to mortgage his services or the services of his family to the creditor for a specified or unspecified period with or without wages accompanied by denial of choice of alternative avenues of employment

Nowhere to go
Arul and his wife Pachaiyamma were rescued in 2012 from a stone quarry in Kancheepuram. Pachaiyamma told Express that after being rescued, they had no place to go. They stayed in the house of a relative, where five more families lived. After doing several odd jobs, they moved out, but the nightmares continued.

Miles to go to break the shackles of bonded labour in Tamil Nadu
The New Indian Express | 09th February 2018

Survey by International Justice Mission, National Adivasi Solidarity Council finds over 4 lakh bonded workers in TN, excluding Chennai

CHENNAI: It took S Raman 35 years to realise that he had been a bonded labourer. He was born, raised and married within the rice mill’s compound, where his grandfather and father worked all their lives. He was the fifth child and was born with his twin Lakshman. Raman and Lakshman, like their siblings, started working at the age of 12.

“After the first few years of sweeping and cleaning, I started lifting rice sacks at the mill for 15 hours a day, trying to settle my family’s loans,” he said. Raman’s only memories of childhood were confined within the walls of that rice mill in Tiruvallur district. Despite being outlawed four decades ago, thousands of bonded labourers like Raman continue to suffer at rice mills, brick kilns, textile companies, factories, yarn industries and fields, trying to pay back debts with their unreasonably meagre pay.

The Bonded Labour System Act 1976 dwells on prohibition of human trafficking and forced labour, intended to free all bonded labourers, cancel their debts, rehabilitate the victim and punish the offender.

However, a survey, conducted by the International Justice Mission (IJM) and National Adivasi Solidarity Council (NASC) in 2015, suggests that over four lakh bonded labourers work in 11 industries across 31 districts in Tamil Nadu. The survey has also found that 60.8 of them were paid below minimum wages. The survey was not conducted in Chennai.

Raman’s grandfather died one day and a grieving Raman wanted to inform his relatives and mourn with them. He claimed that his owner refused and...
asked him to finish the day's work before leaving for his village. “The same thing happened when my father and uncle died,” said angered Raman. He said that even if permission was given to visit weddings and other family events, only one member of the family was allowed to go as the others had to compensate for an “advance” all the time.

“I wanted to leave so badly, but I had no idea what I’d do for a living. I didn't know any other profession,” he said. Many like Raman grew up within the mill, trapped and unaware of the world outside.

A Chinnarasu from Vellore, another bonded labourer, started working at a brick kiln when he was 18. “I had to repay my father’s loan and got an advance from the kiln’s owner and had to work to repay it. Little did I know that I won't be able to pay so many thousands with my meagre wage,” he said, adding that medical emergencies and family functions meant a little more advance and more days of work.

Fear of being persecuted for not repaying loans and not finding an alternative career leaves bonded labourers with limited options.

“At 132 work sites, enumerators documented violence, physical, psychological, or verbal, and also whether labourers were forced to work,” the survey by IJM and NASC noted. With no exposure to education of human rights, bonded labourers like Raman and Chinnarasu remain unaware of their fundamental rights and get trapped in a vicious cycle of poverty and hopelessness.

On Thursday, members of Released Bonded labourers' Association came together and addressed the media, sharing their tales and ordeals. They urged the government to ensure timely rescue and rehabilitation of bonded labourers.

“The government cannot significantly reduce prevalence of bonded labour unless they first conduct a detailed survey identifying areas and industries where bonded labourers are trapped,” said Kandasamy Krishnan, secretary-general of NASC. The first official survey on bonded labour was commissioned in 1995, by Felix N Sugirtharaj, former Supreme Court-appointed Commissioner for identification of bonded labour in Tamil Nadu. The study concluded that there were at least 10 lakh bonded labourers in the State. The next survey in 1997 was conducted by the Government of Tamil Nadu, which reported that the prevalence of bonded labour was only 25,005. This was the last available government data on the number of bonded labourers in the State.

“The lack of coherence between the figures shows the need for a detailed study to be conducted in the State,” said Krishnan, adding that the government should equip the survivors with skill development, housing, land, entitlements and basic needs.

Raman, now 48, reached out to the government and social workers and was finally freed in 2003 along with 72 bonded labourers who were working in the same rice mill. Since then, he has been rescuing others who faced similar fate and has worked to rehabilitate them.

Raman still works as an informal daily-wage worker, but all his children are educated and he gets to visit his grandchildren on weekends.

Life not lived for a lifetime

Firms employing the largest numbers of bonded labourers in Tamil Nadu

- Textiles Industry
- Brick kilns
- Regular farming
- Plantations

Demographics of bonded labourers in

- Prevalence of bonded labour was much higher among males (36.5%) than among females (24.8%)
- Bondage was more than twice common among labourers under 30 years as among older labourers
- Prevalence of bonded labour was more than twice higher in semi-urbanised areas than in villages.

New scheme, old woes for bonded labourers in the state
Times of India | 09th February 2018

Chennai: Close to two years after the Centre increased the compensation amount for freed bonded labourers, at least 1,500 workers in Tamil Nadu continue to wait for this benefit to start life afresh.

In May 2016, the ministry of labour and employment revamped a Centre-sponsored scheme for rehabilitation of bonded labourers and increased financial assistance for them from Rs 20,000 to Rs 1 lakh per adult male, and Rs 2 lakh for children. However, disbursement of this amount has been delayed due to poor awareness among officials and protracted court proceeding.

Under the scheme, the Centre will bear the burden of financial rehabilitation assistance fully. However, data accessed by TOI shows that of the 1,500 labourers rescued since the new scheme was introduced, no labourer has been given the full compensation. At least 170 cases are pending in various district courts.

K Krishnan, executive director of Adivasi Solidarity Council, said even the initial relief amount is disbursed only in some cases. “Under the scheme, they get an initial amount of Rs 20,000, and the balance is given after a district magistrate is convinced they were bonded labourers,” he said. While in some districts like Salem, Namakkal and Erode, awareness among officials on the new scheme is high, in districts close to Chennai - Tiruvallur, Kanchipuram and Tiruvannamalai - freed labourers continue to be given a measly Rs 1,000, Krishnan added.

According to a report by the ministry of labour and employment, 66,573 bonded labourers have been released in the state — the highest in the country.

KuralAmuthan, director (community partnership), International Justice Mission, who works on the rescue and rehabilitation of bonded labourers, said it isn’t just poor awareness that is impeding implementation of the scheme. “There are a lot of technical issues too. Under the new scheme, the money is sent directly to their bank accounts. Most of them don’t have identity cards to start an account,” Amuthan said. “The entire process takes anywhere between one month and eight months. They have to shuttle between departments for paperwork and then to the court,” he added.

For a person who has not stepped beyond the walls of bondage, the process can be overwhelming. For some, like S Velu, who was rescued from a brick kiln in Vellore in 2016, the prospect of returning to bondage seems brighter. “That is the only life I knew,” said the 43-year-old. He had started working at the age of 12 with his father who had taken a loan of Rs 7,000. “We weren’t allowed to go out. When the rice mill we were working in closed down, we were sold,” said Velu, who has three children. The family received Rs 5,000 as relief amount. “They promised us a better life, a free life. But we are caged again, this time by court walls, waiting for our compensation,” he said.

A senior official in the state labour department said an action plan has already been rolled out to tackle bonded labour, which includes appointment of a state-level officer and a committee to oversee implementation of various laws. “We know there is a delay in payment. We can’t forgo the process as we have to be certain the money goes to eligible beneficiaries. What we can do is to expedite the process,” he said. Officials are also in the process of undertaking a survey on the extent of this “neo-slavery” in the state and maintaining a database. This is the first time since 1995 that the government is backing such an enumeration.

Long walk to freedom has not been easy, 42 years and after

M. JACCHANDREND

Just yesterday we celebrated 42 years of the Bonded Labour System Abolition Act—an act that spelt hope for millions of bonded labourers across the country. This Act, amended in 1991, 28 years after the adoption of the Constitution, lowered directly from Article 13 of the Indian Constitution which talks about "Prohibition of Traffic in Human Beings and Forced Labour".

Given the scale of the problem under the traditional bonded labour system, this Act was indeed one of India’s progressive laws. Based on very careful considerations by the country’s legal and administrative luminaries, the Bonded Labour ceiling Act laid down a clear mechanism for the identification and rehabilitation of bonded labourers, while making the employment of such labour a crime.

The success of any Act is heavily dependent on its scope, intent and application. The Supreme Court and the National Human Rights Commission, in their implementation of the Bonded Labour System Abolition Act, have been active in this area. However, it may be true that the high number of rescues is an indication that the State has been a pioneer in addressing the issue of bonded labour, even going so far as to constitute a state-level action plan and a state-level officer to address the crime.

An effective monitoring mechanism that records all cases of bonded labour rescues has not been possible or even attempted. The increase in cases reported by the National Human Rights Commission and the State is an indication that bonded labour prevalence is high in the state of Tamil Nadu. However, it may be true that the high number of rescues is an indication that the State has been a pioneer in addressing the issue of bonded labour, even going so far as to constitute a state-level action plan and a state-level officer to address the crime.

Every proactive measure taken by the Tamil Nadu Government, however, is unfortunately thwarted by the lack of a systematic approach and a concrete plan to eradicate it. For instance, the State Government appointed a State-Level Officer (SLO) on bonded labour at the behest of the Madras High Court of Madras, with the aim of bringing convergence among departments working on bonded labour. Unfortunately, with no regulation to govern its powers, the SLO is yet to become fully operational.

Furthermore, in 2011, a State Action Plan was implemented, giving clear directives to tackle the crime. This included the setting up of a 13-member state-level monitoring committee, comprising senior officials from various departments.

It also involved the setting up of district-level Vigilance Committees (VCs) chaired by the District Magistrates. While they have been tasked with creating concrete action plans, these VCs have no clear directions governing them with regards to their meetings.

Many of the officials assigned with the task of identifying the issues relating to bonded labour are unaware of the gravity of the situation. They also fail to address the detention of bonded labourers and the rehabilitation of victims.

With the State not reporting cases to the Central Government, regulatory cases remain unregistered and unacknowledged, making it impossible for victims to get justice. In 2015, a total of only 166 cases were made nationally.

According to the National Human Rights Commission, of the 25,477 bonded labourers identified between 2008 and 2013, only 271 cases were at the conviction stage.

We are seeing some progress being made in the high courts with the proposal of a new Bill. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2017 proposes severe punishment for anyone engaging in the victimless crime of trafficking.

If passed, there would be a 15-year imprisonment for those engaging in “aggravated forms of trafficking” and a minimum of 10 years for repeat offenders. We need laws such as this in order to send a clear message that anyone found engaging in the crime of bonded labour will be severely punished.

The responsibility of the state lies not only with the police, supervision and convictions. Rehabilitation is essential in supporting bonded labourers as they begin their lives in freedom. Without this assistance, there is a risk of a labourer being trafficked again.

In May 2015, the government modified the Scheme for Rehabilitation of Bonded Labourers by significantly increasing the rehabilitation amount. From Rs 1 lakh for male bonded labourers, Rs 5,000 for female and child bonded labourers and Rs 2,500 for differently-abled, physically challenged, and other seriously vulnerable bonded labourers.

While there is a budget allocated for rehabilitation of survivors, there is still a lack of funds to meet the needs of other operational expenses for eradication of bonded labour. In support of bonded labourers, this government has to ensure that their lives are protected. This will be done by ensuring that all cases of bonded labourers are reported and handled accordingly.

As an example, the capacity building of the bureaucracy is one of the key components of the rehabilitation of bonded labourers. However, the government has been slow in implementing this.

It is the government’s responsibility to ensure that there is no exclusive budget for bonded labour. While it is important for the government to ensure that the various agencies work in tandem, funding is crucial for any successful rehabilitation of bonded labourers.