

BREAKING THE STRANGLEHOLD

Relevant for: Indian Polity & Constitution | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

Last year, on December 22, an incident of bonded labour reached the national headlines, even if only for a fleeting moment. BJP president Amit Shah tweeted on the subject. A week earlier, 52 trafficked labourers had been rescued from a ginger farm in Karnataka where they had been made to work inhuman hours with little pay. Yet, for the most part, both the mainstream discourse and social media commentary miss the underlying phenomenon: bonded labour, India's secret shame.

The practice was abolished under the Bonded Labour System (Abolition) Act, 1976 after the issue found a place in the Emergency-era's 20-point programme. Four decades on, independent surveys and State government-led committees still point to its myriad forms. The Global Slavery Index 2016 estimated there to be 1.8 crore Indians in modern slavery, including bondedness, while the International Labour Organisation said there were 1.17 crore bonded labourers in 2014.

However, there has been no government-led nationwide survey since 1978, despite each district having been given 4.5 lakh for such surveys. Instead, the government relies on rescue and rehabilitation numbers: Since 1976, over 3.13 lakh people have been rescued, with Karnataka topping the list (nearly 66,300 people). This does not reflect the extent of the prevalence of bonded labour, as most labourers are not aware of the Act and turn to the authorities only when it becomes overtly violent.

Moreover, National Crime Records Bureau data show that not all cases are reported by the police. Between 2014 and 2016, they recorded just 1,338 victims, with 290 police cases filed — a stark difference from 5,676 rescues reported by six States in this period.

This becomes important given the structure of the disbursement of rehabilitation funds: 20,000 is given as immediate relief while the rest (which depends on the case) is given only after conviction of the accused. In these three years, only 28 cases (of the 334 in trial) saw judicial resolution, resulting in a conviction rate of just 32%. It is no surprise that the Centre has had to spend just 7.65 crore on rehabilitation in this period. Some patterns emerge. Traffickers continue to source labour in socio-economically backward districts, an example being Bolangir in Odisha. Tribals and Dalits remain vulnerable. Advances and small loans accompanied by promises of steady pay are tools of entrapment. Brick kilns, quarries, horticulture farms, shoe and plastic factories in metropolises are venues for this practice.

The Ministry of Labour says, "The root of the problem lies in the social customs and economic compulsions," before listing a "multi-pronged" strategy which focusses solely on rescue and rehabilitation processes. However, a preventive measure, which must start with a survey, is missing. Creating financial access for vulnerable communities/vulnerable districts could help. Further, regulatory attention must focus on trafficking rings and sectors.

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