## "The Plight of Bonded Labourers and need for Resilience in Rehabilitation"

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**Abstract:**The number of bonded labourers over the world and especially in India is huge. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay. The value of their work becomes invariably greater than the original sum of money borrowed. Often the debts are passed onto the next generations. These people being vulnerable are prone to exploitation. They end up as bonded labourers in factories and brick kilns across the country, often having to survive on one square meal a day and in horrible, inhumane working conditions. Especially, it victimizes the economically deprived communities. Post-rescue, there is a necessity for the released bonded labourers to undergo a strong rehabilitation program which helps them to build their resilience and prevent them from getting into rebondage.

**Keywords:**Bonded Labour System (Abolition) Act, 1976, restricted freedom, exploitation, appalling conditions, rehabilitation, case study, resilience, protective factors, rebondage

#### INTRODUCTION

Bonded labour is the most prevalent form of so-called 'modern slavery'. It is a system of modern slavery which is deeply entrenched around the world. It is most common in India, Pakistan, Bangladesh and Nepal. In fact, the majority of the world's slaves live and work in India in a form of bonded labor.

According to the Global Slavery Index of 2016, the estimated number of people living in modern slavery in India is 18,354,700. With that number, India is the number one country of the world with the number of people living in modern slavery.

Traditionally, bonded labour is said to have had its roots in the caste system. Bonded Labour is accepted and perceived as a traditional social issue in the community. In 1976, the Bonded Labour System Abolition Act was passed, spelling hope and freedom for thousands. Yet, the practice has continued to silently prevail to this day in several states across India, assuming new forms and insidious variations that are often difficult to recognize. In Karnataka, initially Bonded Labour was more prevalent in agriculture and commonly termed as 'Jeetha' or 'Banditha Karmika'. But with the advent of development, bonded labour has a new dimension. Bonded labour persists not only in traditional forms but in new forms associated with labour migration. Often whole families, including children are recruited and trafficked by way of an advance and false promises. The owners use the advance to force the labourers to forfeit their freedom and rights, often using physical violence and threats to control them. Siddharth Kara, a professor at Harvard University, estimates that there are about 1.17 - 1.27 crore bonded labourers in India. The statement made by Shri Bandaru Dattatreya, the former

Minister of Labour and Employment in 2016 has further ratified the prevalence of bonded labour in the country. In his statement, Shri. Dattatreya has announced the intention of the Ministry of Labour and Employment to rescue and rehabilitate 1.84 crore bonded labourers in the country by 2030.

## The Bonded Labour System (Abolition) Act, 1976

Bonded labour violates the fundamental rights guaranteed to all citizen by the Indian Constitution. In recognition of this, the enactment of the Bonded Labour System (Abolition) Act, 1976, (the 'BLA') abolished the system of bonded labour in all of India. Under the 'BLA' Act, it frees all bonded labourers from bondage; it extinguishes the bonded labourer's liability to repay a bonded debt. It includes criminal offences for perpetrators of a bonded labour system. It designates and empowers government authorities responsible for enforcement and mandates rehabilitation to the victims of bonded labour system.

#### **Definition of Bonded Labour System:**

Section 2(g) of the BLA defines a bonded labour system. This can be summarized as a system of labour in which a labourer forfeits certain rights and/or freedom because of a debt or other obligation. Bonded Labour is an oppressive form of forced labour where, due to a debt or other obligation (customary, caste-based, economic deprivation), the labourer forfeits certain basic rights and freedom that are guaranteed by the Indian Constitution. Physical violence, verbal insults, brutal force and sexual abuse are often common elements in bonded labour, making it a serious human rights crime. Bonded Labour is a crime punishable by law.

List of four elements along with few indicators of the circumstances:

- 1. Minimum wage is violated
- > Minimum wage has not been paid
- Owner says that he pays minimum wage but then had to deduct interest from the loan or other expenses related to the labourer's work so in hand they get less than minimum wages.
- Sometimes, the owner pays them in kind rather than in cash (e.g. broken rice given to the family instead of their wages telling them that is worth to their wages.
- 2. Restricted freedom of movement
- Labourer is not allowed to return to the village for important occasions like festivals, weddings or funerals.
- Labourer must a leave a family member behind in the facility if they do leave as 'surety' that they'll return.
- ➤ If a labourer does leave, they get tracked down and brought back. Often there will be physical abuse to instill fear or the owner may send another labourer from the same native place to bring them back or else will hold that labourer responsible to repay the debt.
- For seasonal work (e.g. brick making), at times, the labourer is allowed to leave when there is no work, but they are required to return in the next season or they will be tracked down and forced to return.
- 3. Restricted freedom of employment
- > The owner will not allow the labourer to get other work in order to make the money to pay off the advance.
- For season work, there are situations of where the owner does not allow the labourer to get other work. In order to survive, the labourers have to rely on the owner to take another advance in order to survive.
- 4. Restricted freedom to sell goods
- ➤ The labourer must buy the raw supplies for the goods they are making from the owner. The completed products/goods cannot sold for the market value instead they are forced to sell the goods back to the owner at a very minimal rate. (e.g. of industries embroidery making; fishing fishes are sold at a reduced rate to the owner).

The presence of any one of the four elements or freedom forfeited to be present for a labourer to be considered bonded. But in most cases, multiple freedom has been forfeited simultaneously. Under the BLA, a bonded debt or obligation does not have to be a written document or formal contract and it may be involuntary or voluntary.

The BLA provides mentions about five types of debt or obligation.

- 1. Advance
- Most common type of obligation; can be paid in cash or in kind; can be taken by the victim himself or any lineal ascendants or descendants. (e.g. A labourer's wife is sick and requires money to pay for medical expenses. The money is given to the labourer by the owner/middleman who then forces the labourer to work at his brick kiln to repay the loan).
- 2. Custom or Social Obligation
- Forfeiture of freedom is caused due to tradition or economic social structure. (e.g. In many parts of India, it is traditional for poorer members of society to provide money for a wedding(i.e dowry). So, the labourers borrow money and are compelled to work in slavery).
- 3. Succession
- A requirement or obligation to labour that is passed on from one familymember to another family member. (e.g. a father takes an advance from a creditor and starts working. Later his children will continue to work for the creditor to help pay off the father's loan. This can even continue after the death of the father.
- 4. Other economic obligation

- > On-going family needs such as food, clothes or housing, back in the native place, the labourers may not have all these kinds of facilities. So, going back to their native place may be worse. The labourers choose to live at the worksite premises even if it is inadequate. (e.g. During the summer months in parts of Odisha there is very little work or food available, labourers are easily enticed into coming to other states such as Karnataka, Maharasthra, Tamilnadu etc...Their employer may provide not much more than some food, clothes or housing but this is better than starving back home. This becomes an advantage for the owner to exploit the labourer and enforce a bonded labour.
- 5. Caste or Community
- An obligation due to birth in any particularcaste or community (e.g. The caste system often results in people from certain castes being obliged to do labour for their livelihood, rather than being educated or having a profession. The obligation to labour is due to birth in certain given caste.

  To summarize, according to the BLA, it is illegal to give advances for the sake of entrapping someone into bondage so the fact that a person takes the advance does not mean that it is a legal or legitimate contract. When the owner of a facility thinks that they "own" another person, it frequently also leads to other types of abuses. Bonded Labour = an agreement (usually an advance, but sometimes a caste obligation) + 1 forced circumstance.

#### Reasons for getting trapped into bondage:

One of the main reasons for people to get trapped into bondage is poverty. There is limited access to education, justice and especially the caste-based discrimination makes it difficult to get out of poverty. Devasitham and Premraj (2014) in their article had mentioned that socio-economic problem, limited job opportunity, landlessness, low or irregular wages, caste-based discrimination, illiteracy, exploitation, cultural and religious beliefs are closely linked to the issues of bonded labour. The need for cash for daily survival forces people to sell their labour in exchange for a loan. The worst affected people belong to marginalized and vulnerable groups. Bonded labour system is prevalent in the following industries - Brick Kilns, Agriculture, Rock Quarries, Rose Farms, Bag Factories, Construction worksites, domestic help, coffee plantations, circus, tree cutting, tobacco industry, carpet weaving etc...

#### **Appalling conditions in bonded labour system:**

Case Study of Released Bonded Labourer Rani\* (pseudo name used to protect her identity)

Irular tribe being a particularly vulnerable tribal group has a history of having faced violent displacement. So, they have started depending on wage labour for survival and many of them being forced to work as bonded labourers. When there are hardly any jobs in rural areas, they are often lured with petty sum to work in labour-intensive units and then treated like cattle.

Rani was just 15 years old when she began working at a brick kiln. She belongs to Irular tribe. Though she desired to pursue her education, her parents were struggling to manage the family needs as they were a family of six children. Unfortunately, Rani had to sacrifice her education and begin working to support the running of the family. She couldn't continue her studies after 5<sup>th</sup> standard. Due to poverty, she was pulled out of school with the question, "How are you going to support the family if you only want to study more?" It was Rani's brother's wedding in 2011 that brought them to the kiln. The owner of the brick kiln was ready to give out Rs. 40,000 if all three of them (Rani, and the newlyweds) began working at the kiln.

ThecircumstancesthatbroughtRani and her husband's family intobondedlabourweresimilarinnature, thoughthey were recruited to

workinthisbrickkilnatdifferenttimes.In the case of her husband Raju, his grandfather and his parents were already working at the kiln when he joined them, reluctantly. Their marriage was deliberated by the brick kiln owner, who convinced both families that it was a good move. The kiln owner, devising it as a plan to retain the two labourers, explained how the respective family debts would continue to be paid off as Rani and Rajcontinuedtoworkatthekiln. Aftermuch coercion by the families and the owner, the two of them agreed.

After her marriage, when she was six months pregnant, she realized that her baby in the womb stopped moving. She was out at the brick kiln, making bricks in the hot sun since dawn. She knew that something was wrong. When Raju requested the owner several times, to take a couple of days off for her medical check-up, it was denied. Finally, when she was rushed to the hospital, tests revealed that the baby was not breathing. They lost the baby and Rani ended up in the hospital for a week. The owner did not allow her husband to come to the hospital at all, so she was all alone. A week later, the owner of the kiln forced Rani to get back to work. She was depressed, unable to work and her mind became numb. She did talk much to anyone and in those terrible days, she was left to grieve alone. She gradually recovered. Though they wanted to escape from the brick kiln, they were too afraid to try anything because they were so sure that the owner would find them and bring them back to the brick kiln no matter where they fled. And the consequences would not be good after that. Their working conditions only got worse for all the kilns workers as the owner resorted to frequent

physical abuse. Labourers in the kiln, who had been brought in from other places were also beaten and abused. The labourers had to forsake their liberty and their freedom of movement has been curbed. They are not given minimum wages and are given only minimal food for survival. Rani had been almost working in the kiln for five years and later, she was rescued by the government officials in the year 2014. This is not just a stand-alone story. The labourers belonging to Scheduled Tribes live in continuous fear of

This is not just a stand-alone story. The labourers belonging to Scheduled Tribes live in continuous fear of violence from their employers. This is a story that resounds in the lives of all bonded labourers and especially of all people from Scheduled Castes and Scheduled Tribes who are dependent on wage labour.

From this case study, we can infer that the offender of the bonded labour worksite thinks that he or she owns the labourers. So, they would do anything that they want to the labourers without any regards for their rights. Existence of poverty in Rani's family situation had led them to get trapped into this vicious cycle of bondage. Her education was discontinued and when she got married, she was neglected of medical care when there was a still birth. If they escape, the consequences would have been worse, and they will be beaten in front of other labourers which will instill fear in their lives so that others won't escape from the worksite. They are not treated with respect, honour and dignity. Even when she had a still birth, her owner/offender forced her to go back to work in a week's time. She was depressed, emotionally numb and was denied taking leave or time was not given for her recovery. Additionally, in other worksites like rock quarry, the labourers are forced to work for long hours in harsh conditions. It would be a grueling, demeaning, and dangerous work. Some have been forced to work for 20 hours or more each day.

In terms of health, they are denied access to basic necessities such as proper food, water, rest or medical attention. Many bonded labour industries also rely on children, so they force children to work and prevent them from attending school. The barriers to escape into freedom are generally invisible but powerful. They instill fear by threats, abuse and violence which might be verbal, physical or sexual.

With special reference to women and children, the newly young mothers cannot feed their babies when they cry in hunger. They have to leave the baby aside and after completing their work, they can take their babies. They don't get good water facility for drinking and utility purposes. There is no body hygiene and menstrual hygiene. The accommodation at the worksite will be very small with one room of where they have to use it as a kitchen, bedroom, hall etc...The bonded labourers undergo untold agonies in their lives hardly having any hope for freedom.

#### Psychological control over the bonded labourers:

Bonded Labourers has been undergoing psychologically wounding experience which may be caused by physical, sexual and/or emotional neglect. It results in psychological trauma and these psychological chains keep people in bondage. The traumatic experience can be a single event or chronic where the abuse is repeated and intrusive. Due to prolonged violation of trust and violence, they are deeply traumatized. The owners/offenders use a systematic, repetitive infliction of psychological trauma by disempowering and disconnecting the labourer from other potentially supportive people in their lives so that terror and a sense of helplessness is instilled. They dictate the labourers of when to eat, when to use the bathroom, when to work or when to sleep. This impacts their decision-making skills of the labourers. So the labourers tend to depend on others for their decisions that they need to take in their lives. The fear is increased by inconsistent and unpredictable outbursts of violence and by enforcement of petty rules. The violence serves to make the bonded labourer believe that the owner is all powerful and they are helpless to do anything about it. Therefore, in order to survive, many bonded labourers learn that it is better for them not to resist but to obey and please the owner as much as they can.

## Common deceptions used by the owner/offender:

The offenders use many excuses to retain their bonded labourers in slavery. They might say 'My loan helped these people in an emergency', 'If it were not for me, these people would be homeless', 'They would have no job if I wasn't employing them' and many more statements to escape himself from the legal action. If they wanted to help, they could have lent their money without requiring bonded labour from it. So, in this way, they create a connection convincing the labourers that the owner is a 'god-like' status in their minds and creates a sense of loyalty called a 'Trauma Bond'. They create a gratitude for being allowed to live. This leads the bonded labourer clinging to their abuser while fearing or despising their rescuers. This impact of trauma through bonded labour system affects their thought processes, sense of identity, interactions with others and physical reactions. In addition to trauma consequences, many labourers develop psychological problems such as addiction, depression or suicidal thoughts.

## Importance of Rehabilitation:

The bonded labourers are ignorant and illiterates. Since for a long period they were suppressed, they are unable to cope up with new environment. Only a psychological approach can bring about a change in their mentality (Mutharayappa, 2002). To prevent re-trafficking, a comprehensive, multi-layer approach is required. In bonded labour, rehabilitation can be seen as reintegrating a rescued labourer back into the society; restoring their dignity, privileges, basic rights and providing opportunities to overcome poverty, helplessness and despair. An

effective rehabilitation strategy requires having an integrated approach. Economic or physical rehabilitation must be accompanied by psychological rehabilitation.

Justice Bhagwati says "If the bonded labourers who are identified and freed, are not rehabilitated, their condition would be much worse that what it was before the period of their serfdom, and they would become more exposed to exploitation and slide back once again into serfdom even in the absence of any coercion. The bonded labourer who is released would prefer slavery to hunger, a world of 'bondage and (illusory) security' as against a world of freedom and starvation".

Without assistance, trafficking victims (including bonded labourers) are vulnerable to re-trafficking. Trafficking victims who do not receive assistance often face the same difficult conditions that left them vulnerable to exploitation in the first instance (Jobe, 2010; Kara, 2014; Zimmerman, Hossain, & Watts, 2011). In addition to the original circumstances, many rescued bonded labourers have their problems compounded through the experience of bondage – often including health problems and social or emotional fragility (Jobe, 2010; Kara, 2014; Zimmerman, Hossain, & Watts, 2011).

Under the Bonded Labour (Abolition) Act, 1976, Section 11, the District Magistrates and his designated officers are called to secure and protect the economic welfare of the released labourers. Rehabilitation of the identified and freed bonded labourers is an important issue for Ministry of Labour and Employment, Government of India and that's the reason that they launched a 'Centrally Sponsored Scheme' in 1978 in order to assist State Governments in the rehabilitation of the released bonded labourers. Rehabilitation is instrumental in restoring human dignity and plays an important role in restoring to them their basic rights and a sense of dignity and value.

#### **Need for Resilience in Rehabilitation:**

Resilience is what gives people the emotional strength to cope with trauma, adversity, and hardship. Resilient people utilize their resources, strengths, and skills to overcome challenges and work through setbacks. People who lack resilience are more likely to feel overwhelmed or helpless and rely on unhealthy coping strategies (such as avoidance, isolation, and self-medication). Resilient people do experience stress, setbacks, and difficult emotions, but they tap into their strengths and seek help from support systems to overcome challenges and work through problems. Resilience empowers them to accept and adapt to a situation and move forward (Katie Hurley, 2019).

When exposed to stress, our bodies have a stress reaction affecting both mind and body. But our bodies have a natural process where they work to return themselves to their "normal" state or condition. This return to 'normal' in the body also parallels our other abilities to overcome problems and adapt to challenging or changing situations.

Ungar (2013) explains that resilience is not only in individual capacity, but also socio-ecological context which helps them to become resilient. He demonstrates resilience as both the capacity of individuals to navigate their way to the psychological, social, cultural, and physical resources that sustain their well-being, and their capacity individually and collectively to negotiate for these resources to be provided in culturally meaningful ways. During clinical interventions, we should not only focus on what individuals need to change but also on aspects of the social ecology (environment) that needs to be changed so that new coping patterns are adopted. Generally, in social sciences define resilience as the ability to recover from negative life experiences and become stronger while overcoming them. This is true for the bonded labourers who are released from bondage. They should indeed recover from negative life experience and move onto their life in freedom and ensure that they don't end up rebonded in another worksite. Even when circumstances arise when they are in need of money, they should be able to identify the red flags that leads them to bondage and thereby restrain from doing that.

There are two kind of factors – (1) Vulnerability factors are those internal or external things that make it harder for us to "bounce back" or grow from our stress (e.g., poor problem-solving skills, low levels of social support, unresolved trauma). (2) Protective factors are those internal or external factors which can facilitate resilience or post-traumatic growth (e.g., self-efficacy or confidence to manage, good social support, finding meaning or purpose etc.). Protective factors increase the threshold to create more of a buffer between the person's levels of stress and their threshold of being overwhelmed.

Post-rescue, all the released bonded labourers must go through a rehabilitation program for them to be empowered and to be resilient to rebondage. As survivors of bonded labourers participate in rehabilitation programmes, some individuals emerge as strong leaders in their communities. Paving the way for other victims of exploitation, these survivors along with proactive government officials and partners, stand as successful role models in the fight against this social issue.

## 1. Case study of survivor Rekha\* (pseudo name) from Bonded Labourer to Panchayat Leader:

The families of Rekha and her husband Rajesh were rescued from the kamiya system of customary agricultural bondage by the assistance of Bihar Government Officials and NGO officials in the year 2016. They had worked for the "high caste" landowners for three generations. It was long hours of back-breaking work, for which the entire family received only 2kg of rice per day. The frequent verbal and physical abuse meted out to them had become 'normal'. There children were forced to work in the fields as well. After her rescue, an NGO offered

rehabilitation support to her family which helped and gave opportunities to grow and rise from poverty and exploitation. The compensation that they received from the Labour and Schedule Caste/Schedule Tribe departments was invested in a bank deposit, while she used some amount of rehabilitation money to buy buffaloes, goats and pigs. They decided to educate their oldest son at a residential English medium school. Her husband had taken up contracting work for road-laying in the village and started providing employment opportunities to 45 other rescued bonded labourers. They maximised the rehabilitation support from the government and the NGO and was empowered towards their rehabilitation journey. After 2 years of rescue, Rekha's story took a historic turn. She contested in the Panchayat elections and won against the high caste owner's candidate by seven votes. In an interview with her, Rekha confidently said, "I know that it is unusual for women in my village to be leaders. I am thankful and proud to start a new thing. I believe that the future will be different for my village". Thus, how Rekha's remarkable resilience transformed her from rescued bonded labourer (generational bonded labourer) to a Panchayat Leader. For her to grow to this state is not a one-day process but a strong rehabilitation support had helped her by empowering and giving her the confidence to lead the entire community.

## 2. Case Study of survivor 'Madesh - A Guardian and a Leader for others".

Madesh was invited to speak to a group of former bonded labourers who were rescued from the clutches of bondage just like him. As he looked around the room, he said, "I can well understand what they feel at this moment, for I have walked that road. Three years ago, I could not have imagined that my life would change so dramatically. I was working in a brick kiln at Tamilnadu making more than 1000 bricks a dy. The work was gruelling, my wife and I, along with four other families worked from dawn to dusk without even knowing how much we were earning! It was not that we did not know how much was due to us, but after a few months we realized it was futile to argue with the owner. We had not choice but to endure his abuses. Those were the worst days of my life." His eyes fill up and he turns his face away. A moment later, he continues in a different vein, "But we are now free. Post-rescue, our life changed completely. Today, I am the leader of my community and I drive a tractor for a living. I learnt about my legal rights at the community leadership trainings held by the NGO who helped us with rehabilitation support. As a leader, I have to not only protect my family, but also help others to steer away from this kind of exploitation". Being a quick learner, Madesh is alert to grab the opportunities available at his community. As a first step, he got all the children in his community admitted to the local school. He also lobbied for better roads, water connections, solar lights and ration cards. At the conclusion of his speech, Madesh said, "My people are safe and happy today because of the training I received from the NGO. And now that I know my rights and no one can take it away from me". Thus Madesh ended his speech while addressing the group of rescued bonded labourers. From the speech of Madesh, it was evident of how he had developed himself to this level by sincerely taking part in the rehabilitation program provided by the NGO and attended the community leadership trainings, life skills training and came forward to be an informal leader to serve his community. He willingness and confidence gave him various opportunities to work along with the government officials. This is also a great story of a resilient leader who used his voice to instil courage and freedom in the lives of other released bonded labourers and vulnerable community members.

### **Conclusion:**

Rescue is only the first step in the restoration process. Since the bonded labourers have been denied the luxury of choice and have been in confinement for long periods of time, they develop a mentality of dependence. Freedom, with the responsibilities that it entails, can be overwhelming. A community-based psycho-social rehabilitation program at least for a period of two years which integrates the rescued labourers into mainstream society is highly recommended for a successful rehabilitation of a bonded labourer which indeed develops their resilience so that they can bounce back to their normal functioning in the society and be resilient to rebondage.

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