



## **MODERN SLAVERY IN INDIA**

### **CASES OF BONDED LABOUR**



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## FOREWORD

I could not believe that the young woman speaking to me recently was a survivor of trafficking. Her calm composure, lovely smile and the relaxed way she greeted us belied the fact that she had been trapped into sexual slavery in a large Italian city for seven years. As she described the horror of finding herself a prisoner in a foreign country with no legal documents and no options, except to be a prostitute or face possible death at the hands of a pimp, a profound sadness emanated from her. The slave-like conditions she and the other young women with her were forced to endure were so bad that she tried to commit suicide several times. With a wan smile she explained that it was Our Lady who saved her because her birth mother was praying to Mother Mary to keep her safe.

Since the 1980's, Franciscans International (FI) has been working on raising awareness about the issue of Trafficking in Persons and other Contemporary Forms of Slavery (CFS), which include forced and bonded labour. While progress has been made with many governments introducing legislation to prevent such heinous acts and to protect the victims, the numbers who are being trafficked annually tragically continues to rise. This is because it is such a lucrative 'industry' for the traffickers; and because the root causes of demand and poverty have not been adequately addressed. Until they are addressed by every state in the world, traffickers will continue to buy and sell human beings like goods in a shop.

This publication, produced by the Advocacy Team of FI, is timely. It focuses on CFS in India, giving a comprehensive overview of the situation, which, on this sub-continent, takes myriad forms. Set in the context of a legal framework, we hope that readers will be challenged, enriched and prompted to action as they read through these pages.

The collective hope of FI is that each reader will share this publication; and will actively engage in raising awareness about CFS, not just in India but in every country where Franciscan-hearted people live. Eradication of CFS will only be achieved if we work together. We need to address the root causes of poverty, counter 'demand' however it is manifested, and encourage vigilance in our communities. And let us not forget, to unite in prayer for the victims, survivors and the traffickers...

Sr. Denise Boyle fmdm  
Executive Director FI

## INTRODUCTION

Franciscans International (FI) is an international non-governmental organisation working on human rights, the environment, and peace-building. FI engages with the United Nations (UN) and places respect for human dignity, equitable, and sustainable sharing of environmental resources, and peace at the heart of its action.

FI is in contact with Franciscans and partners working at the grassroots in approximately 160 countries in every part of the world; their invaluable input allows FI to operate as a bridge between the grassroots and the UN. FI also supports Franciscans and other local partners through sensitizing them to human rights issues and mobilising them for better protection of human rights, with the goal of strengthening the impact of their advocacy strategies and actions. The Contemporary Forms of Slavery (CFS) Programme, within which this handbook has been written, aims at raising awareness about modern forms of slavery, and their causes and consequences, for decisive and effective action.

In this sense, far from being exhaustive, this handbook strives to be a tool of empowerment for the Franciscans and partners working at the grassroots level and, in general, for all those who work to combat this practice daily.

The choice of focusing on India is two-fold. First and foremost, it is related to the ongoing multipronged collaboration between FI and Franciscans in India for the protection of the most vulnerable. Secondly, India, through its vast diversity, provides a fascinating case study when beginning to approach issues related to CFS, with particular reference to bonded labour.

Section 1 introduces the concept of *modern slavery* as well as the factors within the socio-economic context of India which are conducive to *trafficking in persons* and modern slavery. Section 2 examines the concepts of *forced* and *bonded labour* and considers the latter within the Indian context, critically analysing its practical dimensions, its causes, and the Government's response to the issue. Section 3 and Section 4 present, respectively, cases of bonded labour and of child labour informed by the daily experiences of Franciscans working on the issue and their up-to-date information based on constant monitoring of, and research into, the current situation in India. Section 5 proposes suggestions for effective advocacy work.

## SECTION 1 - MODERN SLAVERY IN INDIA

### 1.1 WHAT IS MODERN SLAVERY?

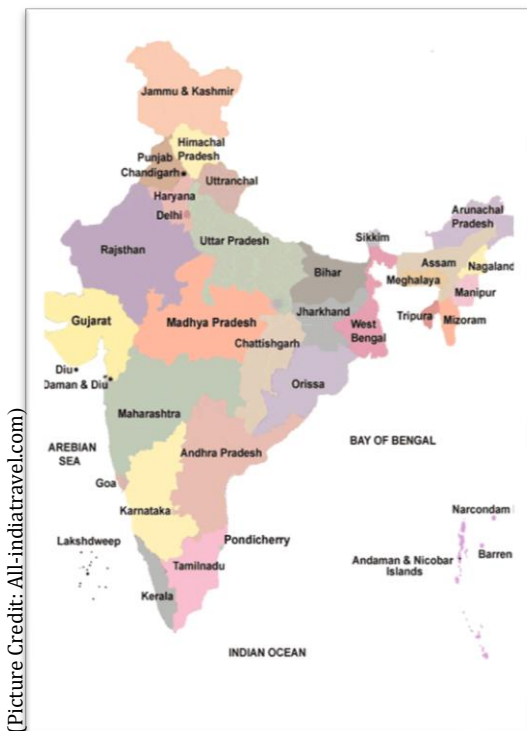
Traditionally, *slavery* relates to the slave trade and to analogous situations such as trafficking in persons, debt bondage, forced prostitution, forced labour - including child labour - prostitution and pornography, the sale of children, the use of children in armed conflicts, and practices related to customs, religion, and colonial regimes.<sup>1</sup>

Nowadays, however, slavery-like practices - also called *contemporary forms of slavery* (CFS) or *modern slavery* - evolve so rapidly that besides names and definitions, in order to establish if a person is a victim of modern slavery it is important to evaluate: (a) the degree of the restriction of one's freedom of movement; (b) the degree of control one can keep of his personal belongings; and (c) the existence of informed consent and a full understanding of the nature of the relationship between this person and the other parties involved.<sup>2</sup> Victims are usually among the most vulnerable in society, such as women and children.

### 1.2 THE SOCIO-ECONOMIC CONTEXT OF SLAVERY IN INDIA

With a population of more than 1.2 billion, India is the world's most populous country. Over the past decade, it has gone through impressive economic growth and made progress

in reducing poverty. According to the World Bank, poverty declined from 37.2% in 2004-2005 to 29.8% in 2009-2010, especially in the rural areas.<sup>3</sup>



However, while declines have been evident in the states of Himchal Pradesh, Madhya Pradesh, Maharashtra, Orissa, Sikkim, Tamil Nadu, Karnataka and Uttarakhand, the data reveals that poverty has increased in the North-eastern states of Assam, Meghalaya, Manipur, Mizoram and Nagaland. Some of the bigger states, such as Bihar, Chhattisgarh and Uttar Pradesh have shown only a little decline in the poverty ratio, particularly in rural areas.

Scheduled Tribes face the highest level of poverty at 47.4%, followed by the Scheduled

Castes (this term is often interchangeable with Dalits or Untouchables) at 42.3% and other Castes at 31.9%. In urban areas, the Scheduled Castes have a poverty ratio of 34.1%, followed by the Schedules Tribes at 30.4%, and other Castes at 24.3%, as opposed to 20.9% for the total population.<sup>4</sup>

A large percentage of the Indian population is still living in extremely precarious conditions, often made worse by, or in conjunction with, customs, caste discrimination, and religious beliefs and practices. In fact, the combination of these factors leads frequently to human trafficking, forced labour and other kinds of exploitation. This still happens notwithstanding the steps India has already taken at the national and international levels<sup>5</sup> toward the abolition of slavery.

### 1.3 TRAFFICKING IN PERSONS: AN AVENUE TO MODERN SLAVERY

The ILO has recently estimated that 1.360.000 persons in South Asia end up in an exploitative situation after being trafficked.

**US\$ 9.7 BILLION IS THE YEARLY ESTIMATED PROFIT FROM TRAFFICKED FORCED LABOUR IN THE ASIA PACIFIC**

India is no exception.<sup>6</sup> Despite the progress achieved, this country has not made sufficient progress in wither its prevention or protection efforts to address trafficking and cases of modern slavery resulting from it.

In India, trafficking of human beings is one of the major ways through which victims are forced to work in slave-like conditions.

Within the Asian continent, India is a source, destination, and transit country for persons who are trafficked, mostly for forced labour and sexual exploitation. While it is difficult to know the magnitude of the problem afflicting the country because of the clandestine nature of trafficking and because India has not yet published updated statistics on bonded labour,<sup>7</sup> it has been estimated that almost 90% of human trafficking is internal.<sup>8</sup>

**“A TRAFFICKER IS ALWAYS A PERSON WHO KNOWS THE FAMILY, SOMEONE THEY CAN TRUST, SOMEONE FROM THEIR OWN VILLAGE, AND PREFERABLY RELATED TO THEM”**

(Words of a trafficker, The Hindustan Time)

Many employment or placement agencies, agents, and middle men, mostly located in the state capitals and in Delhi, play a key role in the trafficking industry. While their professed purpose is to place migrants in employment, in many instances they are actually involved in well-organised trafficking.



The methods and techniques they use are intertwined with the root causes of trafficking. Girls are trafficked as a consequence of ancestral religious practices such as the *Devadasi* system (see also section 3.3 (2)), and children are sold at auctions to Arab and Indian men who believe that having intercourse with virgins heals sexually transmissible diseases.<sup>9</sup> Poor parents, deprived of any job prospects, often sell their daughters on fraudulent promises of marriage or for employment in towns. The reality however is that girls are brought to brothels, locked up for days, starved, and beaten until they accept the demands of the traffickers. They are forced to entertain a maximum number of clients every day.

Victims are generally women and children belonging to the Scheduled Castes and Tribes and living in disadvantaged regions. After being trafficked, they are exploited in situations like brick kilns, embroidery factories, and the agricultural sector. Others are sexually exploited, forced into marriage, or fall prey to the organ transplanting racket.<sup>10</sup>

**“WEST BENGAL, ANDHRA PRADESH, KARNATAKA, AND TAMIL NADU ARE HIGH SUPPLY ZONES, WHILE KOLKATA, MUMBAI, DELHI, AND GOA ARE MAJOR DESTINATION CITIES.”**

(Mr. G. K. Pillai, Union Home Secretary, Government of India)

Tribal adolescent girls from rural areas of the States of Bihar, Jharkhand, Chhattisgarh, Orissa, West Bengal, and Assam are deceived, trafficked, and then sold for sexual exploitation in Delhi, Mumbai, Kolkata, Chennai, Goa, and Bangalore. Widespread corruption among police and armed forces, along with the lack of proper training and documentation on victims of trafficking, exacerbate the problem.

#### **CASE STUDY: MISUSE OF RELIGIOUS SYMBOLS**

In Delhi, Christian girls are recruited by middle-men who use business cards showing a picture of Jesus, Mary, and Mother Teresa. In this way, the girls and their families are made to believe that the recruiters and their agencies are closely associated with Catholic Church organizations to carry out their social work, and they do not realize that they are actually being tricked into trafficking. The use of false addresses and religious symbols attract Christian tribal and Adivasi girls. It is always difficult to track these illegal agencies and find the young women once they are missing.

(Br. Santosh Ekka ofm)

As regards international trafficking, common destinations are the Middle East, Europe, and the United States for the purposes of domestic labour. Children are mainly forced to become factory and agricultural workers, domestic servants, and beggars.<sup>11</sup>

Besides being a country of origin, India is also a destination country for trafficked persons from Bangladesh and Nepal. It has been estimated that around 5,000 women are trafficked

from Nepal to India each year, and that in over 1,000 red-light districts all over India, prostitutes are mostly minors from Nepal and Bangladesh.<sup>12</sup>

It might also happen that women and girls migrate voluntarily and later, through a range of circumstances, become victims of trafficking and exploitation.

### **CASE STUDY: FALSE PROMISES OF BETTER JOBS**

Ranjana, a twenty-four-year-old mother of two children coming from the poverty-ridden South 24 Parganas of West Bengal, was beguiled into a trap laid by a trafficker. He approached Ranjana with a lucrative offer of a better job in Kolkata and, hoping for a bright future, she agreed to go with him. To her surprise the train she boarded was destined for Delhi. “When I asked where I was being taken, he started fighting with me. The co-passengers objected, at which point he claimed that I was his wife. I screamed I was not. He then threatened to push me off the running train,” said Ranjana. She was first taken to a house in Kotla Mubarakpur in South Delhi where she was kept with another girl and then taken to a brothel on G.B. Road by a woman conduit. “When I refused to comply with their orders, they beat me up with sticks and shoes.”

Following a missing report lodged by her husband, the West Bengal police came across the mobile phone number of a suspect showing the location of the place where Ranjana was kept. Ranjana was finally found locked up in a closet, clearly showing evidence of torture on her body.

Kavita was found in another room of the same brothel. “I worked as a domestic servant at Baliganj in Kolkata where I met a young man who befriended me. Promising a better salary at another house in Kolkata, he made me board a train. Realizing that I was being taken somewhere else, I confronted him. He then took me to the lavatory and beat me up. This happened at the Howrah railway station,” said Kavita. She was brought to Delhi, kept in a house and then sold off to the owner of the brothel where she was physically tortured.

When Kavita's brother knew that the police of West Bengal were about to go to Delhi to rescue Ranjana he pleaded to be allowed to accompany the police as he suspected that his sister had also met the same fate. Right after the police freed Ranjana, Kavita's brother showed her his sister's photograph. While Ranjana instantly recognized Kavita, the police decided to wait for an opportune time to rescue her and Ranjana agreed to help them. When Kavita was found and taken to a nearby hospital, the doctors discovered that she had been given abortion pills.

(InfoChange News & Features)

## SECTION 2 - FORCED LABOUR AND BONDED LABOUR IN INDIA

### 2.1 WHAT ARE FORCED LABOUR AND BONDED LABOUR?

**Forced labour** can be described as work or service which is obtained from any person under the menace of a penalty and for which this person has not offered herself/himself voluntarily.<sup>13</sup> The penalty might consist of a loss of rights and privileges, physical violence, restraints, threats, and/or economic penalties.

**Bondage, bond labour, or bonded labour** are appropriate terms to use when economic penalties are linked to forced labour. Bonded labour is a sort of patronage in which the minimum wage is barely enough to cover the living costs of the employee and the relation between employer and employee is often characterized by unfixed and exploitative payment agreements which benefit the employer.<sup>14</sup> Not all bonded labour is forced, but most forced labour practices have a bonded nature, regardless of whether the work involves children or adults.

### 2.2 PRACTICAL DIMENSIONS OF BONDED LABOUR IN INDIA

*Bonded labour* is deeply embedded in India's socio-economic and cultural structure; there is a village in the State of Uttar Pradesh called Bandhua, which literally means "bonded". Bonded labour is known with different names across the country. For instance, in the farming sectors in Gujarat and Uttar Pradesh it is known as Hali. Kaimuti, Janouri, and Kamiah are terms used in the state of Bihar. In Orissa, it is known as Gothi, in Andhra Pradesh it is Gassi-Gullu, and in Tamil Nadu it is Panal Pathiran.<sup>15</sup>

Bonded labour exists predominantly in the informal and unregulated sectors which employ around ninety per cent of the Indian labour force.<sup>16</sup> This modern form of slavery used to be more common in rural than urban areas because it was largely widespread in the agricultural and mining sectors. However, it is now very common to find bonded labourers working in households, in the production of silks, carpets, matches, cigarettes, and bricks, and in manual scavenging in all major cities.

## HIGHLIGHT INDIA AT THE INTERNATIONAL LEVEL

India has not yet ratified the *International Labour Organization (ILO) Convention No. 138 on the minimum age for admission to employment and work, 1973*, or the *ILO Convention No. 182 on the Worst Forms of Child Labour, 1999*.

According to the Indian government, while the spirit of the Conventions is widely shared, the socio-economic conditions of India would make the ratification difficult.



Typically, the bond between the employer and the employee is established from the beginning of the recruitment process. This is characterized by the lack of labour standards, the uneven contractual power between the two parties, and the indefinite duration of the agreement. It happens very frequently that a worker, after some years of “service”, passes off his bonded *status* to other family members, often younger siblings.<sup>17</sup>

Adults and children from Dalit communities make up the majority of those trapped in bonded labour. In India, the expectation of children to contribute to the family income is equal to that of adults and the health hazards they face every day go underestimated. In addition, while

the burden of providing protection to them should be among the priorities for any government, children in India seem to enjoy even less protection than adults with regards to labour laws.

### 2.3 A GLIMPSE AT THE CAUSES OF BONDED LABOUR

There are many different reasons for bonded labour in India. Foremost among its causes are widespread poverty, inequality, caste-based discrimination and the inadequate education system.

Large proportions of those who are poor in India are chronically poor. This is the group of which the majority of bonded labourers is composed. Chronic poverty refers to people who are poor for significant periods of their lives, who may pass this condition on to their children, and for whom escaping from poverty is nearly impossible. Chronically poor people accept any work available under any conditions or terms. They do this because of fear of unemployment or, as often happens in India, because they have to conform with

## HIGHLIGHT NEW FORMS OF BONDED LABOUR

There is significant evidence that bonded labour is evolving and taking new forms across India. The prostitution industry is increasingly based on “escort services” for wealthy Indian customers and tourists.

Traffickers are now capitalizing on the fact that child domestic work is even more lucrative than prostitution. As a consequence, placement agencies offering child workers of any age are growing rapidly in Delhi.

social and cultural norms, such as hosting a wedding or funeral, which would be otherwise impossible for them to afford.

Usually they do not own or have access to assets such as land, water, or forests. Consequently their only possibility for survival is to engage in bonded labour.<sup>18</sup>

The problem is exacerbated when the poor belong to the outcast community of Indian society, the Dalits, or to minority ethnic groups such as the Adivasi. These groups are usually known as “Untouchables” which implies, among other things, the fact that they cannot be employed in certain job sectors (such as

the selling of food and products used in worship). “Untouchables” are the only people who perform menial tasks such as manual scavenging.<sup>19</sup>

### 2.4 A CRITICAL VIEW OF INDIA’S RESPONSE TO BONDED LABOUR

Bonded labour was outlawed by the Government of India with *The Bonded Labour System (Abolition) Act (BLSA)* in 1976.<sup>20</sup> In addition, the *Constitution* guarantees a free and dignified existence to all Indian citizens and it prohibits bonded labour through Articles 21, 23(1) and 24. The *BLSA* specifically defines bonded labour as a situation where the debtor agrees with the creditor to render his or her family’s labour in exchange for a loan for a potentially undefined period of time.<sup>21</sup> The aim of the *BLSA* is to facilitate the identification, release, and rehabilitation of bonded labourers.

Many other provisions, at the central and state levels, ensure the prohibition of this modern form of slavery, and guarantee humane work conditions, the protection of the health of workers, and the dignity of all persons.<sup>22</sup>

The state governments and the courts are generally competent to monitor, enforce, and implement the *BLSA* and the various statutes. The *BLSA* provides for Vigilance Committees at the District and sub-divisional levels whose role is to advise District Magistrates on cases of bonded labour. However, many concerns have been expressed about the ineffectiveness of the Vigilance Committees in various states.<sup>23</sup>

The National Human Rights Commission (NHRC) also plays a watchdog role. Recently, the NHRC instructed its Core Group on Bonded Labour to review “existing government policies, legislation, rules etc. on Bonded Labour from a human rights perspective”<sup>24</sup> so as to suggest modifications and amendments.

Notwithstanding the statutory prohibitions, the weak interpretation, application and implementation of all these laws has so far resulted in very little progress towards the abolition of bonded labour in India. The NHRC has recently asserted that despite the ban, the policies, and the programmes adopted, bonded labour persists and continues to evolve and take new forms.<sup>25</sup>

The most recent findings of the NHRC expose the fact that in twenty-eight representative districts across India, none of the flagship programmes put in place by the Government to improve food security and ensure the right to live with dignity function properly. The situation of the most vulnerable and the most exposed to bonded labour remains mostly unchanged. For instance, the Public Distribution (of food) System, the National Rural Employment Guarantee Scheme, the Indira Awas Yojana to provide rural housing, and the Integrated Child Development Services have proven to be ineffective.<sup>26</sup>

In 2001, when the NHRC presented its report on bonded labour,<sup>27</sup> the lack of a sincere political will was identified as the primary cause for the stagnant situation. An adequate global strategy which indicates a strong political commitment to abolish this form of slavery is now necessary. Considering that bonded labour is not a problem in itself but a larger issue of welfare in India as a whole, programmes should go beyond symptoms and look at addressing the root causes of this modern slavery. Labour market segmentation, social discrimination, a lack of land, a lack of financial services and the consequential economic vulnerability, among other social issues, require long-term development measures and effective poverty alleviation strategies.

More than ten years later, the commitment to eradicate bonded labour does not appear to be significantly changed and the goals of identification, release and rehabilitation of bonded labourers expressed in the BLSA are far from being accomplished. Regarding identification, a holistic approach to the issue of bonded labour



Figure 1 - Awareness raising meeting in Clement Town, Dehradun, Uttarakhand

would require, as a first step, to accumulate and publish updated statistical data and information on caste and related discrimination in key areas such as bonded labour and child labour. At present, such comprehensive national surveys have yet to be produced.

In regard to release and rehabilitation of bonded labourers, the Centrally Sponsored Scheme for rehabilitation of released bonded labourers has proven to be ineffective. A commonly noted problem is the delay between release and rehabilitation which, coupled with the lack of means of survival, often drives labourers to return to their exploiters. Moreover, many states need to create awareness of the issue of bonded labour, as well as the socio-economic legislation and programmes related to it.

### **HIGHLIGHT**

#### ***THE DELHI PRIVATE PLACEMENT AGENCIES (REGULATION) BILL, 2012***

This Bill is scheduled for presentation to the Assembly for approval in February 2013 and it should provide for regulation of the agencies providing domestic workers. In fact, this draft law should respond to placement agencies increasingly involved in the trafficking of women and children for domestic and forced labour from the States of Jharkhand, Chattisgarh, West Bengal, Assam, and Bihar to the capital Delhi.

However, according to experts, this bill, if approved as it is now, will not help to address the issue efficiently. In particular, the Bill does not provide for, among other issues: a) a minimum wage; b) a social security scheme for domestic workers and the corresponding liability of the placement agencies to ensure its implementation; c) the rights of the workers at the work place; d) a clear outline of the duties of the employer towards the domestic workers; e) a mechanism/procedure whereby domestic workers can lodge complaints of sexual harassment or assault perpetrated by placement agents; f) a monitoring mechanism; g) clear guidelines in relation to the entitlement of placement agencies in Delhi to recruit persons from the source states. In addition, Section 17 of the Bill states that “every domestic worker shall be issued a photo identity card, by the private placement agency.” This might very well expose the workers to additional abuses if the placement agencies come to control their identity documents.

## SECTION 3 – CASES OF BONDED LABOUR IN INDIA

### 3.1 BONDED LABOUR IN AGRICULTURE

In India, a number of social reforms involving land and tenancy have been enacted throughout the last fifty years in order to eliminate serfdom and unpaid labour in the traditional agrarian system.<sup>28</sup> However, poverty and indebtedness have forced an increasing number of people into a position of vulnerability to agricultural bonded labour, while the traditional labour system has evolved into new forms, reflecting the changes related to increasingly capitalistic agricultural development.

In India, NGOs and the civil society at large are actively involved in counseling, supporting, and rescuing bonded labourers, often taking enormous risks.

In some cases, bonded labour contracts have been modified to appear in conformity with the law, but in substance they maintain their main features of coercion through indebtedness and the devaluation of the work carried out by the employee.

In Uttar Pradesh and Chhattisgarh, for example, the workers appear to be independent tenants, but in reality they are bonded labourers. They borrow money from their landlords to afford all the expenses related to the running of the farm (i.e. buying seeds, fertilizers etc). This money adds to the share that must be reimbursed to the land owners. This situation makes it impossible for the tenants to pay off their debts thereby decreasing the likelihood of their being freed by the land owners.<sup>29</sup> These work relations are partly an expression of the

#### CASE STUDY: RESCUE, REHABILITATE AND REINTEGRATE VICTIMS

The NGO Clara Seva Kendra (which means Clara service centre), located in Clement Town, Dehradun, Uttarakhand, is run by a group of Claris sisters: Sr. Namrata Joseph cmss is one of these brave and devoted women.

Clara Seva Kendra works to rescue, rehabilitate and reintegrate bonded labourers, dealing directly with the employers. Starting from the assumption that addressing the issue of trafficking in the state of origin is beyond its capacity, this NGO targets employers once they “receive” the workers. Once Clara Seva Kendra is informed of the arrival in town of new workers, the sisters request a meeting with the interested employer. Their goal is to ensure the protection of the basic rights of the workers.

Clara Seva Kendra request on behalf of those they represent:

1. One holiday per week;
2. Minimum wages, maximum working hours, paid annual and sick leave;
3. Monthly wages paid directly to the workers or to the NGO;
4. A proper and safe place to rest;
5. The NGO’s right to visit the worker at any time of the day;
6. Opportunities for the worker to participate in cultural and religious practices.



socio-economic dominance of certain groups.

Bonded labourers in agriculture generally belong to the Scheduled Castes, are non-Muslim, often migrants,<sup>30</sup> and among them, women and children are particularly exposed to violence perpetrated by their landlords or employers.



Figure 2 - Picture Credit: Punjabpanorama.blogspot

In the state of Punjab, where agriculture is very developed, the labourers involved in bonded labour are known as *Siri*. They generally belong to the Scheduled Caste and they are not able to freely choose their own employment, to move, or use village commons, and are subjected to long working hours. The wives of the *Siris* are normally used as cattle-shed cleaners, and are therefore indirect victims of the bondage system. Children also assist their parents in agricultural work and they are known as *Pali*.

In Mirzapur District, Southern Uttar Pradesh, a study has revealed that members of the *Kol* tribe are in some cases indebted to their landlord for more than one generation. The initial loans (usually taken for marriages) were normally relatively small, but the *Kols* were unable to repay them because of their low wages and high compound interest (60 % annually). It also emerged that the bonded labourers were sold to others, and their debt transferred to the new employers. These labourers were generally paid 2kg of coarse grain per day and given a tiny plot of land (one seventh of an acre) to meet their subsistence requirements. Another widespread system of bondage in the agricultural sector is the *kamia-malik* system, which is employed in the districts of Raipur and Raigarh (Chhatisgarh State). The *kamia*, a male farm servant, along with his family members, provides labour in the home and farm of the *malik*, the master, until his debt is paid off.<sup>31</sup>

## CASE STUDY: CONTRACTUAL WORKERS

On a clear, cold morning in Mansa, Punjab, hundreds of shadowy figures, most of them draped in torn, faded shawls, huddle at the town's Labour chowk. 60-year-old Ajmer Singh rubs his hands together and lets out a sigh. His eyes, like that of everyone else, are fixed on the main road. Farmers, driving jeeps and tractors, would be arriving at any time to pick up men like Ajmer Singh for work in their fields. Even on a good day, only 60% of them will get work. Life is hard. But for Ajmer Singh, it is bliss as compared to the life he was forced to lead for years in his village Nangal Khurd.

Ajmer Singh was caught in a vicious web of bonded labour after a farmer from his village employed him as a contractual labourer for 12,000 rupees per annum. On less than 35 rupees a day, he worked seven days a week, for 12-14 hours every day. On the days he was unable to come to work due to illness, the farmer would ask Ajmer Singh to pay a fine of 100 rupees. Within a year, he was also forced to take some loans from the farmer. Once caught in the debt trap, he was forced to work in the farmer's fields for years on a very low wage. "I worked day and night at his fields. Gradually, he asked me to bring my 15-year-old son along with me to work. There was not even a single hour of rest," says Ajmer Singh. Three months ago, Ajmer Singh was lucky enough to be freed by labour activists. He earns 60-70 rupees a day now, working on a daily basis in farms.

The minimum daily wage rate in Punjab is 97 rupees. But still Ajmer Singh is grateful for his recently-acquired freedom. According to an estimate, there are at least 100,000 (one lakh) workers in Punjab who are bonded labourers. In fact, these are contractual labourers who get caught in the debt trap and end up as bonded labourers. In Punjab, there is an increasing trend of hiring agricultural workers on a contractual basis, where they get an advanced payment of 12,000-18,000 rupees for the entire year. The poor workers end up borrowing small amounts for basic needs such as health care. The interest rate for such loans is as high as 60% per annum. As a result, the debt trap continues for years, sometimes passing on from one generation to another. In most of the cases, other members of the family also get stuck.

There have been cases where the money-lending farmers have taken the houses of these labourers since there is no land to annex. Their livestock is also taken away and they end up living in open spaces or in community places like gurudwaras. The landlords have also devised another method to enslave landless labourers; they provide Bhukki (Poppy Husk) to which the labourers then become addicted. After consuming the drug, the labourers become oblivious to fatigue and work tirelessly in the farms of their landlords.

(Punjabpanorama.blogspot.ch)

### 3.2 BONDED LABOUR IN THE INFORMAL SECTOR

The incidence of bonded labour is extremely high in the informal sector, particularly in industries which require manual processes, are strictly linked to seasons, are based in remote places, or which heavily employ migrants. Quarries and mines, brick kilns, power looms, handlooms, rice mills, sericulture and silk weaving, woolen carpet production, fish processing, and construction are the industries where bonded labour is most prominent.

The brick kiln industry can be used to exemplify the situation of bonded labourers working in the informal sectors of the Indian economy. Recruitment of the victims of this modern form of slavery is carried out through intermediaries who receive commissions deducted from the labourers' wages. Usually, workers are employed for six to eight months per year and are paid part of their wages on a weekly or monthly basis, with adjustments made at the end of the season, so as to keep the worker (and his family) bounded during the whole season. Working hours are long and payments below the legal minimum. Coercion is often used to discipline the workers and to silence their grievances.<sup>32</sup>



Figure 3 - Women re-trained to make brooms (Sr. Deepa cfms)

In the Gautam Budha District of the State of Uttar Pradesh workers are mostly migrants from Eastern Uttar Pradesh, Bihar, and West Bengal, including women and children who are not paid for their work. Working and living conditions in the brick kilns are generally very poor; regulations are lacking. The brick kilns are usually heavily guarded and restrictions are also placed on the freedom of movement of the workers.<sup>33</sup>

### 3.3 GENDER DIMENSIONS OF BONDED LABOUR - SELECTED ISSUES

The disadvantage of belonging to a low caste or tribe, or being a victim of direct or indirect bonded labour is significantly more pronounced for Indian women due to the position of women in society in general.

**Indirect bonded labour** is typically linked to the agriculture and brick kiln sectors. Women and their children are bonded due to the fact that the male of the household is a bonded labourer. Women carry out domestic services in the landlord's house and, besides being exposed to long working hours, they may fall victim to physical and sexual abuse

from the landlord. Women and their children can also be sold to third parties without even being informed if the landlord decides to transfer the credit he owns on the male worker.

**Direct bonded labour** is steadily increasing for women and may take the following forms.

#### **CASE STUDY: DOMESTIC WORK**

“In India, domestic work is seen as the lowest job a woman can do. Many domestic workers are treated like slaves, receive low wages and are exploited by their employers,” says Sr. Nisha Mathew fsm, from Bangalore. Children are also employed as domestic workers, often in slave-like conditions. They are expected to work very long hours and frequently receive severe punishment for their mistakes. In 2010, Sr. Nisha participated in a side event on ‘Domestic Servitude’ which FI co-hosted during the UN Human Rights Council (HRC) in Geneva. She spoke about the Franciscan programme designed to obtain justice for domestic workers at local and national level. After the event, Sr. Nisha said ‘It was an important opportunity to share the plight of domestic workers in my country and put pressure on the Indian Government to protect their rights.’”

#### 3.3(1) *THE SUMANGALI SCHEME*

More and more women and girls are forced into bonded labour under the so-called *Sumangali Scheme*, which is believed to have started in the late 1980s. The word *Sumangali* in Tamil refers to an unmarried girl becoming a respectable woman by entering into marriage. The scheme is also known as the “marriage assistance system.” In a common Hindu marriage, the bride’s family has to provide the groom’s family with a dowry and has to bear the expenses of the wedding. Family from the low castes who cannot bear these costs are persuaded by agents, under the *Sumangali Scheme*, to sign a contract which binds their daughter to work for at least three years in a factory, in exchange for the advance of the money needed for the wedding. Once the contract is signed, the girls are under the control of the broker or the factory and their conditions vary significantly, depending on factors such as wages and working conditions. This is the reason why the *Sumangali Scheme* might not be recognized as bonded labour at first, but it is in fact an example of modern slavery.<sup>34</sup>



**Figure 4 - Training session for women victims of bonded labour**

### 3.3 (2) PROSTITUTION

Despite inconsistencies in the data available, it has been speculated that about ten million prostitutes work in India. They come predominantly from the states of Karnataka, Andhra Pradesh, Maharashtra, and Tamil Nadu,<sup>35</sup> and from neighboring Nepal and Bangladesh. Out of the estimated two hundred girls and women who enter prostitution in India every day, 80% are thought to be forced into it.<sup>36</sup> Figures concerning children in prostitution range from 70,000 to 500,000.<sup>37</sup>

Women and children are equally victims of the prostitution industry, and Bangalore is now one of the five major cities in India for child prostitution. Children of prostituted women are victims of abuse as well, often forced to perform dances and songs for male buyers or to have sexual intercourse with them.

The main provision which regulates prostitution in India is the *Immoral Traffic (Prevention) Act 1956*. According to this law, prostitutes can practice their trade privately but cannot legally solicit or 'seduce' customers in public. Clients can be punished for sexual activity in proximity to a public place. Organized prostitution (brothels, prostitution rings, pimping, etc.) is

#### HIGHLIGHT BEST PRACTICES

- In Jaipur, the police geared up to launch a campaign against hotels involved in the racket of prostitution. Aware of the widespread use of child prostitutes in hotels, the Jaipur police have decided to conduct "surprise raids" at the city hotels, especially at the budget ones.  
(The Times of India)
- In July 2012, the Sindhupalchowk District Court sentenced a person accused of having sold six girls to brothels in Agra to 170 years in jail. This is the severest jail term ever inflicted on someone in the country's judicial history.  
(The Himalayan)

illegal. Prostitution as a business, however, is such a major issue throughout the country that its legalization and the working conditions of the prostitutes are currently being debated.

Recently, the Supreme Court clarified that while it is not seeking to legalize prostitution, the bench would examine "the conditions conducive for sex workers to work with dignity in accordance with provisions of Article 21 of the Constitution."<sup>38</sup>

The largest red-light district in India is the Falkland Road Kamatipura area in Mumbai. Brothels are strictly controlled so that women and girls cannot escape. They are constantly

threatened and beaten and they cannot rely on the help of the police. Besides the fact that women cannot run away, there have been many instances of police officers regularly frequenting the brothels and operating in collusion with the owners and the traffickers.

Poverty, inequitable distribution of income, customs, discrimination within the family, and the lack of proper reintegration services are the main factors leading women to prostitution. Religion might also be the root cause of some forms of prostitution, such as the *Devadasi*.<sup>39</sup>

## SECTION 4 - CHILD LABOUR IN INDIA

For the period 2000-2009, UNICEF estimates<sup>40</sup> that 12% of Indian children who were between five and fourteen years old at the time of the survey have been involved in child labour.<sup>41</sup>

***“The combined elements of coercion, fear, restrictions on freedom of movement and complete dependence on the employer exhibit characteristics which amount to contemporary forms of slavery,” the Special Rapporteur said. The impact of these forms of abuses is not only immediate, but has long-term harmful repercussions on the children and the children’s children.***

*(Geneva, 12 June 2012)*

Among them, at least 15 million children are being held in bonded labour in India.<sup>42</sup>

Notwithstanding the acknowledgement of the Indian Government that “[T]he problem of child labour continues to pose a challenge before the nation”,<sup>43</sup> India has neither fixed a minimum working age,<sup>44</sup> nor ratified the *ILO Worst Forms of Child Labour Convention (No. 182)*.<sup>45</sup>

India is nonetheless a state party to the *UN Convention on the Rights of the Child*, and as such it has an obligation to provide specific protection for children, and even more for children in employment. Accordingly, India must regulate hours and conditions of employment and, more generally, must adopt measures to prevent the abduction or the sale or traffic of children for any purpose.<sup>46</sup>



**Figure 5 - Sr. Judith cfmss provides education to child labourers and bonded labourers’ children in Uttarpradesh.**

A number of national laws and policies, including the *Constitution*,<sup>47</sup> the *Penal Code*,<sup>48</sup> the *Bonded Labour System (Abolition) Act*, the *Child Labour Prohibition and Regulation Act (1986)* and the *National Plan of Action for Children (2005)*<sup>49</sup> aim to provide for the protection of children from exploitation. However, recently, the *United Nations Country Team (UNCT)* stated that this legislation does not ban all forms of child labour for 6-14 year-old children and should be reviewed and harmonized with the more progressive *Juvenile Justice Act (2000)* and the *Right to Education Act (2009)*.

Violence, corporal punishment, child labour, and sexual abuse of children employed as domestic workers have been highlighted by different UN human rights mechanisms.<sup>50</sup>

Nonetheless, news concerning mistreatment of child domestic workers fills the Indian newspapers every day.

#### **CASE STUDY:**

### **Kept as slaves, minors are shown no mercy**

**Hindustan Times**

**New Delhi, July 24, 2012**

Stuti (name changed) would wake up at 5 a.m. every day to sweep, wash and dust the entire house, cook breakfast and pack lunch for the family of five and then go and drop the kids to the bus stop. But she is not the mother of these children; neither is she their caretaker. She herself is an 11-year-old child.

Working at the home of a Multi National Company (MNC) executive, she was made to work at least 12-14 hours a day, given only two meals and beaten up badly if she made a 'mistake'. When she was rescued following a complaint from a neighbour who could not bear to see her regular trauma, she was found to be malnourished and scared.

But Stuti is not alone. Megha (name changed), 13, ran away from her employer's house to be found by a policeman on the streets in Kalkaji. She had run away from a doctor's house with a swollen ear, scratches on her face and bruises all over her body. The doctor's wife, she said, hit her every day.

There are thousands of minor domestic helps working in the homes of upper middle and middle class Indians who are meted out the same treatment daily. Child Welfare Committees, NGOs and police have rescued close to 200 minor domestic maids in the past six months.

Most tip-offs have been given by neighbours because these maids are regularly beaten up. "I was once hit with a 'tawa' because I broke a glass jar by mistake," Stuti said. Stuti came to Delhi as a nine-year-old from West Bengal. Her mother worked for the family's parents in their ancestral village and her mother thought she would be in safe hands. "The working middle class is fuelling the child domestic help sector. We think that we are doing the girl and her family a favour by employing her. What we fail to understand is that this girl should be in school instead of doing work that even a full-grown man would find daunting. Unless a girl is beaten up badly, no one complains," said Rajasebastian Robertson, who runs a shelter home called Global Family and is currently taking care of Stuti. "Employing a young boy or girl is not considered a crime. Unless this attitude changes, girls will continue to be trafficked and tortured," he added.



#### 4.1 THE RECRUITMENT OF CHILD LABOURERS

As with adults, child labour is closely, but not uniquely, linked to trafficking: children are forcibly abducted, tricked, or lured with promises of work which never become a reality. Once the trafficked children are brought to their final destination they become part of a world of illegality, working in slave-like conditions from which it is nearly impossible to escape.<sup>51</sup>

Children are commonly employed in domestic labour, the sex industry, military service, as beggars, and in the agricultural, extractive, and manufactory sectors. In the latter case, Beedi rolling, carpet weaving, rearing of silk cocoons, silk weaving, leather factories, and the production of saris, silver jewelry, and synthetic gemstones are some of the sectors in which child labour is exploited. There is a common attitude that, especially in the Beedi,<sup>52</sup> carpet, and silk industries, children make the best products because of their small hands.

Victims are trafficked internally (from Karnataka, Andhra Pradesh, and Maharashtra to Mumbai, for instance), as well as across national borders from Nepal and Bangladesh.

In some cases, traffickers and middlemen forcibly abduct children; other traffickers take advantage of their personal relationship with poor families to convince parents to “surrender” their children in exchange for money or loans. In other instances, children themselves agree to leave their homes and families to seek a better future, only to end up in bonded labour in order to make ends meet.<sup>53</sup>

Using child workers is the most effective way for employers to keep their labour costs as low as possible. The agreements between employer and child-employee are usually informal without a written contract, and the number of years required to pay off the debts are undetermined, making it impossible for low caste, illiterate and poor children and their families to escape from the bonded labour system. When child labourers become adults, employers might agree to release them, but they usually ask to secure the debt by passing it on to other children, often younger siblings of the freed slave.

#### **HIGHLIGHT NEW TRENDS**

A large number of girls and young women trafficked from different parts of the country to Delhi are being re-trafficked to brothels in Meerut in Uttar Pradesh to evade detection. There are also instances of girls re-trafficked across at least four different states.

Young women are in some cases forcibly drugged before being sold for sex. Unable to resist or defend themselves, they lose their senses and cannot recall what happened.

Causes of this contemporary form of slavery are a deeply rooted set of myths, traditions, and religions. These are related to poverty, “the lack of alternative small-scale loans for the rural and urban poor and the lack of a concerted social welfare scheme to safeguard against hunger and illness, a non-compulsory and unequal educational system, the lack of employment opportunities and living wages for adults, corruption and indifference among government officials, and societal apathy.”<sup>54</sup>

## 4.2 Child Domestic Labour<sup>55</sup>

Child labourers are identified as persons under 18 who work in households other than their own and who generally do domestic chores, take care of their employer’s children,

### **HIGHLIGHT CHILD DOMESTIC WORKERS**

In the State of Chandigarh, the employment of children as domestic workers follows the modified Child Labour (Prohibition and Regulation) Act 1986, which has been expanded to include as hazardous the employment of children in domestic work and other areas, such as restaurants, hotels, motels, tea shops, and resorts. In spite of the ban, it is still not uncommon to find children employed as waiters or dishwashers, for which children earn Rs 20 (less than USD 50 cent) and two meals per day.

In Chandigarh and surrounding areas, hundreds of children are in employment; not out of choice but out of compulsion. Sister Namrata Joseph cfmss, while working with the National Domestic Workers Movement, conducted a survey of child servants in five colonies of Chandigarh (Mauli Jagran, Indira Colony, Colony No. 5, Bhaskar Colony and Bapu Dham). She maintains that children want to attend school but they cannot because their families are too poor to lose the income they earn.

and run errands. It appears that tasks performed by child domestic workers tend to be divided according to traditional gender roles, so that girls are more likely to be found performing indoor work and boys, for example, look after the livestock.

Children work around the clock and they are often victims of violence and discrimination frequently related to the fact that they belong to Scheduled Castes or Scheduled Tribes. Usually, they do not have access to education but when they do, the long working hours make it impossible for them to perform well at school.

Indian children become domestic labourers because of various reasons all linked to poverty, such as paying back family loans, escaping from a troubled home-life, and the lack of a better option to survive.

Gender and ethnic discrimination, social exclusion, lack of educational opportunities, displacement, and migration are important factors that push children into domestic labour.



**Figure 6 - Child domestic workers trying to draw their problems at the workplace on paper**

The situation of child domestic workers is thus a vicious cycle, in which the abuses which drive children into domestic work end up being the key factors which trap them there.

### **CASE STUDY: AN EXPERIENCED CHILD DOMESTIC WORKER**

Suchinta is now fourteen and has been employed as a domestic worker for several years now.

Suchinta grew up with two sisters and three brothers in a village in Jharkhand; her mother is a housewife and her father is employed as a bricklayer. Suchinta's problems started when her parents could not repay a loan they took to buy a necessary machine. Suchinta's parents decided to withdraw her from school so she could work on the family land. She sold vegetables, collected firewood and grazed the cattle, in addition to working for another farmer. The money was never enough to help her family so the land was put up for rent and Suchinta decided to become a domestic worker to support her family. She quickly found a job at a doctor's family; they treated her nicely at the beginning, but then everything changed.

Suchinta describes how the family put her to strenuous work from 5am to 11 pm. Every time she dropped a glass or broke a plate while doing the dishes the cost was deducted from her already meagre salary. The family started to beat her and scold her for any petty reason, like not cleaning the floor properly or eating more than allowed. Suchinta's impression of her employers is that they need an object on which to take out all their frustrations. Despite the situation, Suchinta is still there, because she is determined to make enough money to get her parents' land back. "My family's future depends on it and so does mine," she says. Suchinta's maturity and her determination to support her family make her an outstanding girl for her age. But she is still a girl, and a domestic worker.

(Case dealt with by the National Domestic Workers Movement, NDWM)

### 4.3 EXTRACTIVE INDUSTRY

India produces around ninety different types of mineral and the extractive industry represents a crucial sector for the country's economic growth. This sector is growing at a rapid pace and it is likely to grow at a much faster rate in the coming years. Since privatization started in the early 1990s (together with foreign direct investment), mining is now carried out, not only to satisfy India's domestic requirements, but also to meet the international demand, with China as a major market for Indian minerals.<sup>56</sup>

What is the impact of mining on India's society and economy?

Statistics support the assertion that mining increases poverty. States such as Jharkhand, Chhattisgarh, and Orissa depend heavily on mineral resources but experience, compared to other States, lower per capita incomes, greater poverty, lower growth rates and higher levels of mortality, malnutrition and morbidity.

The mineral-rich districts of the country are also some of the poorest and most underdeveloped in India. For example, Keonjhar, which produces one-fifth of India's iron ore, is ranked 24th out of the 30 districts in Orissa in the Human Development Index; Gulbarga, the largest limestone producer in India, is the second last in Karnataka; Koraput, which produces more than 40% of the nation's bauxite, ranks 27th out of Orissa's 30 districts.<sup>57</sup>

#### **CASE STUDY: CHILD MINERS**

In the State of Meghalaya, District of Jaintia Hills, children descend precarious ladders into the numerous coals mines of the region to spend their days in "rat hole" conduits where even kneeling becomes impossible sometimes. They lie horizontally and hack coal from the walls with picks or their bare hands, without wearing any kind of protection. Child miners start working when they are around twelve. However, thousands of children of all ages are believed to work alongside their parents because their small bodies fit into the narrow coal seams.

The National Human Rights Commission of India (NHRC) has opened a case (Case No. 22/15/3/2010) and asked the state government to report on the allegation that about 70,000 children from Nepal, Bangladesh, and various Indian states (Assam, Bihar and Jharkhand) work in the private coal mines of Jaintia Hills.

What is the impact of mining with specific regard to children?

The ILO has clarified that people living in mining environments are exposed to subhuman conditions, a degrading environment (criminality and prostitution), complicated dependency relations, AIDS, Sexually Transmitted Diseases, violent behaviors, and a lack of law and order.<sup>58</sup> Children constitute 40% of the Indian population and many of them - the poorest and most marginalized - live in mining areas, especially small-scale, informal or artisanal mines.<sup>59</sup> Among miners, children face even greater challenges, especially as regards access to food and education, displacement and the impact on their health.<sup>60</sup> To these, it must be added the risk of being exposed to injuries and (very frequent) accidental deaths.

Children work in all kinds of extractive industries, from coal to diamonds, however they always undergo the same serious physical, social, sexual, and psychological exploitation and related traumas.<sup>61</sup> The ILO and the International Programme on the Elimination of Child Labour (IPEC) have listed as unacceptable all tasks that children working in mines usually undertake, with some differences among underground mining operations, open cast mines, mineral concentration and stone crushing.<sup>62</sup>

In some extractive sites, children work as far as 90 meters beneath the ground with ropes or slippery ladders to climb in and out. The ventilation is inadequate and the lighting system nonexistent so they have to use flashlights or candles to light their way in or out, as well as during their work.

India's major quarries and mines are spread across many Indian states besides Meghalaya.<sup>63</sup> Cheap child labour is used at mines in Karnataka, Maharashtra, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, Orissa, and Andhra Pradesh.<sup>64</sup> The Bodo-Santhal conflict of 1996 had dramatic repercussions for much of the north-eastern population, and exacerbated the child labour issue in this region. Many families suffered the loss of their livelihoods and, despite the Government's commitment to provide compensation of Rs. 100,000 (US\$ 1,991.45) to families forced to live in relief camps, there are still Santhal families awaiting their compensation. Unable to adequately feed themselves and educate their children, these families have had to engage in a high level of child labour.

#### 4.4 CHILD BEGGARS

In Delhi, begging is one of the most common activities carried out by children, often as young as four or five years old. While just a very small percentage of children turned to begging of their own volition, the majority of them appear to be forced into it either by their parents or by third parties such as traffickers, criminal gangs, or drug dealers. The latter often use the oldest children to get young boys addicted to drugs. In this way, the drug dealers exercise power over them, refusing to provide them with more drugs unless the children beg to bring them further income. Inevitably, children forced to beg are regularly victims of severe beatings and abuses if they do not collect enough money for their patrons. When they are forced by their families, various stratagems are used. For

**Children are often given type correction fluid (Tipp-Ex) and once they are addicted to it, they obey those in charge to get their daily dose.**

example, parents use opium to make babies cry in order to evoke pity in potential donors, and apply chili pepper to the child's tongue to give the impression of a speech disability.

Child beggars have also to defend themselves from other street beggars in order to keep their spot on the street and sometimes bribe the police to avoid arrest. In general, child beggars do not earn money for themselves, do not have access to education, experience long working hours, live in hazardous health conditions and, if trafficked, they live separated from their families for years.<sup>65</sup>

#### 4.5 CHILDREN IN CONFLICT

In his 2011 Report to the UN Security Council on *Children in Armed Conflicts*, Ban Ki-Moon, the UN Secretary-General, pointed to the recruitment and use of children by the Maoist armed groups, also known as the Naxalites, as one of the major problems affecting children in some districts of Chhattisgarh State.<sup>66</sup> He noted the absence of reliable data to determine the number of children affected, but he praised the efforts of the Government, including their awareness-raising programmes through the media and a very specific programme (the Bal Bandhu Scheme) to protect the rights of children in Naxal-affected areas, to be implemented by the National Commission for the Protection of Child Rights in ten districts of Andhra Pradesh, Assam, Bihar, Chhattisgarh and Maharashtra.<sup>67</sup>

Notwithstanding these commendable efforts, there are instances in which not only the Maoist militia and the Salwa Judum<sup>68</sup> recruited children for the conflict, but the Chhattisgarh Government also made use of children in the official army. It has been reported that within the Special Police Officers (SPOs) recruited by the Government to fight

in the conflict, many soldiers can be easily identified as minors coming from the Adivasi communities which populate the region.

The lack of systematic birth registration makes it impossible to rule out the possibility that under-18 year old children actively participate in the conflict. These child soldiers, trained by the state police and security forces, suffer from injuries, disabilities, and trauma as a result of the violence they experience. They are often forcibly recruited, separated from their families, and subjected to inhuman punishment if they cannot fulfill their duties.<sup>69</sup>

### **CASE STUDY: INSURGENT GROUPS**

Pramita is an eighteen year old girl from Jharkhand, one of two daughters in a farming family.

Pramita is now working with Mother Theresa Convent. One day in August 2003, two village girls asked her if she would like to accompany them to a fair taking place in a nearby village. Pramita was surprised, as she did not know these girls very well. However, she was excited and did not turn down the offer. After the whole day spent with these new friends, the group stopped on the way back home at a river to have a rest. After having reached the water, Pramita turned her head and could not find the other two girls anymore; they had disappeared along with their bicycles. Pramita was annoyed but mostly afraid because she realized it was getting dark and she was alone. Suddenly two men came out from the woods and struck up a conversation, telling her about a youth organization and some training sessions. Pramita did not understand their explanation, but she followed them as they offered to show her the way back home. Instead, the two men brought her to a cave. She then understood that the two girls might have received money in exchange for her. The cave turned out to be the base of an insurgent group, training youths in criminal behaviour. The instructors, men between 32 and 35, taught them how to use ropes, rifles, and bombs to intimidate villagers and get money and food from them. Pramita, under threat of death, had no other choice but to stay. The supervisors constantly kept an eye on her, severely punishing her and whoever else dared to disobey orders. Talking was not allowed and there was no possibility of making friends. After six months of abuse and indoctrination, Pramita decided to break out and managed to elude the surveillance at the nearby river, where she was supposed to bathe. She was physically and mentally exhausted. Now Pramita is a domestic worker fighting for her rights; the terrible experience she underwent made her stronger but also convinced her that violence is not a solution. Not many children have been lucky like Pramita, or have her strength.

(Case dealt with by the National Domestic Workers Movement, NDWM)

## **Section 5 – BRINGING ABOUT CHANGE**

### **5.1 BONDED LABOUR: A VIOLATION OF HUMAN DIGNITY**

Bonded labour and contemporary forms of slavery (CFS) in general constitute violations of “the inherent dignity and of the equal and inalienable rights of all members of the human family” which constitute “the foundation of freedom, justice and peace in the world”, as the Universal Declaration of Human Rights (UDHR) sets out in its Preamble. At the same time, bonded labour and CFS are violations of those rights (right to liberty, right not to be discriminated against, etc.) to which everyone is entitled, without distinction of any kind, “such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>70</sup>

In spite of the legislation adopted and the programmes and policies implemented at the State and central level, as well as the obligations India has toward the international community, bonded labour remains a reality throughout the country. Furthermore, bonded labour, as well as other manifestations of modern slavery regularly change into new forms difficult to understand, detect, and eradicate.

A strong and unanimous political will to bring about change still lacks and too often employers engage bonded labour with impunity. This ambiguous situation encourages the violators and forces the most vulnerable into abusive and exploitative situations from which they cannot escape.

While India has inherited structurally entrenched socio-economic, cultural, and religious traditions, this should not be accepted as a reason for maintaining the *status quo*.

### **5.2 BONDED LABOUR: THE ROLE OF THE CIVIL SOCIETY AND ADVOCACY**

The Government of India and the local governments are the entities responsible for taking decisive action against bonded labour. However, civil society also plays an important role in the fight against all forms of modern slavery. Consultation and participation of civil society actors is crucial in decision-making processes, in order to adopt effective measures which are able to tackle modern slavery from its root causes.

In order to be heard at the government level and be an effective part of this decision-making process, it is important to understand how change can be effected through advocacy.



What is advocacy then?

**Advocacy is** raising political leaders' awareness of human rights violations; influencing decisions, programmes, policies and legislation at local, national and international level; and negotiating with all stakeholders to bring about change and to achieve a more just society

**Advocacy is** based on a deep understanding of the issues in question. This cannot be achieved without working with the victims. They have the direct experience and knowledge. However, they are often ignored.

**Advocacy is** giving the victims a voice to speak up.

**Advocacy aims** to, directly or indirectly, improve their quality of life.

### 5.3 SUGGESTIONS FOR EFFECTIVE ADVOCACY

- **Be aware of the issue.** Knowing what bonded labour and other slavery-like practices are is fundamental to being able to recognize them as soon as you face them.  
This handbook aims to introduce forms and causes of bonded labour and CFS so as to give the reader an idea of the various forms bonded labour can take in reality. The hope is that the reader will be made more aware of this issue and be able to detect forms of CFS in his community, village, city, state, etc.
- **Research and learn** about legislation, policies, and programmes at the local, national and central levels. This is of the utmost importance for advocacy activities, particularly when formulating action plans and negotiating with those in power.
- **Understand** how you can best use the knowledge and information acquired. Know your legal rights and limits in regard to your (or your organization's) involvement in advocacy.
- **Share your knowledge** and make as much people as you can aware about bonded labour and other CFS.  
It is important to keep in mind that, especially in situations where bonded labour has transnational and interstate features, the challenges faced at the local level are

not unique. Very often other communities face similar problems. Organizing meetings at the local, regional, or national level with other communities to share concerns and best practices might improve the chance to be heard at the (local, national, central) government level, and might bring new ideas.

- **Be inclusive.** Get people on board from all sectors of the society: men and women, children, people of different religion, background and social status; non-profit, government and private sector actors, etc.  
In sum, the broader your coalition the wider its link with the community and the chance to be successful while advocating against bonded labour and CFS.
- **Be strategic.** Share what you know with elected officials you or your network knows; attend official meetings; understand who has the power to take decisions so as to focus your attention on this person; organize a coalition of concerned people in your community.
- **The importance of international advocacy.** Although representing local concerns at the national level is the first advocacy step, it is sometimes necessary to bring the same concerns to the international level to be heard. It is possible to overcome national barriers and put pressure on governments through international advocacy.

Franciscans International (FI) is the instrument for Franciscans and partners to bring about change; FI is a bridge that links the grassroots to the international community, in particular the United Nations. Constantly expanding its network and welcoming new possibilities for collaboration, FI works to strengthen the voice of the most vulnerable.

## ANNEX - OVERVIEW OF THE APPLICABLE INTERNATIONAL LEGAL FRAMEWORK

### 1. ORIGINS

The prohibition of slavery and slavery-related practices is recognized as an “obligation *erga omnes* arising out of human rights law.” This implies that protecting people from slavery is a duty that each state has toward the international community as a whole, “in view of the importance of the rights involved.”<sup>71</sup>

The first definition of slavery is enshrined in the ***United Nations Slavery Convention***, which was adopted under the auspices of the League of Nations in Geneva on 25 September 1926. The Convention was amended by the Protocol adopted at the Headquarters of the United Nations, New York, on 7 December 1953 and ratified by India, which was still under the British Empire, in June 1927. Article 1 of the Convention specifies that slavery is “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” and that “the slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged and, in general, every act of trade or transport in slaves.”

After World War II, the protection of human rights became one of the main priorities of the international community and also the abolition of slavery and slavery related practices. Article 4 of the 1948 ***Universal Declaration of Human Rights*** (UDHR) recognizes that “[N]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” Article 1 of the ***United Nations Supplementary Convention on the Abolition of Slavery*** of 1956 clarifies that the prohibition of slavery extends to other practices such as debt bondage and serfdom, among others.

The 1966 ***International Covenant on Civil and Political Rights*** (ICCPR) reiterates the proscription of the UDHR in its Articles 8 and 4. ***The International Covenant on Economic, Social and Cultural Rights*** (ICESCR) recognizes, in Article 6, that the right to work “includes the right of everybody to the opportunity to gain his living by work which he freely chooses or accepts,” and sets out conditions and rights related, for instance, to wages and remunerations that each state has the obligation to protect (Articles 5, 7, and 8). ***The Rome Statute of the International Criminal Court*** (ICC) encompasses “enslavement” in the list of crimes against humanity falling into the jurisdiction of the Court (Article 7(c)(2).

## 2. DEVELOPMENTS

The recent *United Nations Convention against Transnational Organized Crime and its three Protocols*<sup>72</sup> foster international cooperation with the aim of eliminating all forms of slavery. Among them, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the *Palermo Protocol*) is particularly relevant because – notwithstanding the fact that its application is limited to situations in which a person has been trafficked by a criminal organization across international borders – it goes beyond the traditional definitions of slavery. In this, the Protocol mirrors the *status quo* of slavery nowadays.

Article 3 of the *Palermo Protocol* criminalizes “the recruitment, transportation, transfer, harbouring or receipt of persons” put in place by traditional means such as coercion. It also recognizes widespread methods of recruitment of modern slaves such as “fraud, (...) deception, (...) abuse of power or (...) a position of vulnerability” or “the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Furthermore, the same provision clarifies that, keeping in mind traditional slavery, the “purpose of exploitation” has to be understood as “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” In this way, the *ratio* of the Protocol is clearly to encompass all modern forms of slavery and slavery-related practices.

Recognizing that “contemporary forms of slavery is a global issue which affects all continents and most countries of the world,<sup>73</sup>” and “that the mandates of existing Special Rapporteurs do not adequately cover all slavery practices”, in 2007, the UN Human Rights Council (HRC) replaced the Working Group on Contemporary Forms of Slavery with the *Special Rapporteur on Contemporary forms of Slavery, its Causes and Consequences* whose mandate includes debt bondage, serfdom, forced labour, child slavery, sexual slavery, forced or early marriages and the sale of wives.

The efforts to combat all forms of slavery are also put forward by other international organizations, within their respective fields of action. The International Labour Organization (ILO), for example, has adopted and supervises important instruments such as the *ILO Forced Labour Convention of 1930 (No.29)*, the *ILO Abolition of Forced Labour Convention, 1957 (No. 105)*, and the *ILO Worst Forms of Child Labour Convention, 1999 (No. 182)*

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## End Notes

- <sup>1</sup> United Nations, Fact Sheet No. 14, *Contemporary Forms of Slavery*, 1.
- <sup>2</sup> Office of the United Nations High Commissioner for Human Rights, David Weissbrodt and Anti-Slavery International, *Abolishing Slavery and its Contemporary Forms*, 2002, 7.
- <sup>3</sup> The World Bank, *India Overview*, at <http://www.worldbank.org/en/country/india/overview>.
- <sup>4</sup> Daily News and Analysis, *Poverty dips to 29.8% in 2009-10: Planning Commission*, 19 March 2012, at [http://www.dnaindia.com/india/report\\_poverty-dips-to-29-8pct-in-2009-10-planning-commission\\_1664375](http://www.dnaindia.com/india/report_poverty-dips-to-29-8pct-in-2009-10-planning-commission_1664375).
- <sup>5</sup> India has ratified many of the major international human rights instruments, including the *Slavery Conventions*. As a member of the South Asian Association for Regional Cooperation (SAARC), India is one of the signatories of the *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* which enhances cooperation and prevents such trafficking among South Asia countries and the *Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia* (signed in Kathmandu on 5 January 2002). See Appendix 1 for an overview of the international and national legal frameworks concerning the prohibition of slavery and slavery-like practices applicable to India.
- <sup>6</sup> International Labour Organization (ILO), *ILO Action Against Trafficking in Human Being*, 2008, 3, and ILO Forced Labour Statistics, at <http://www.ilo.org/public/english/region/eurpro/moscow/news/2005/factsheetkeystatisticsen.pdf>.
- <sup>7</sup> ILO Observation (CEACR) - adopted 2011, published 101st ILC session (2012), Forced Labour Convention, 1930 (no. 29) - India (Ratification: 1954).
- <sup>8</sup> See The United States of America, Department of State, *Trafficking in Persons Report, India* (19 June 2012).
- <sup>9</sup> Donna M. Hughes, Laura Joy Sporcic, Nadine Z. Mendelsohn, Vanessa Chirgwin, *The Factbook on Global Sexual Exploitation*, Coalition Against Trafficking in Women, 1999, at <http://www.uri.edu/artsci/wms/hughes/india.htm>.
- <sup>10</sup> *Id.*
- <sup>11</sup> Sarasu E. Thomas, *Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka. Legal and Policy Review*, United Nations Office on Drugs and Crime, 2011, 25.
- <sup>12</sup> Coalition Against Trafficking in Women (CATW), *Southeast Asia and Pacific*, at [http://www.catwinternational.org/factbook/Asia\\_Pacific.php](http://www.catwinternational.org/factbook/Asia_Pacific.php).
- <sup>13</sup> Forced Labour Convention, 1930 (No. 29), Article 2(1); Abolition of Forced Labour Convention, 1957, Article 1.
- <sup>14</sup> A comprehensive definition of bond labour is found in the Supplementary Convention on the Abolition of Slavery. See also, ILO, Report of the Director-General, *Stopping forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference*, 89th Session 2001 Report I (B), ILO, Geneva, 2005, 5; and Anti-Slavery International, *Poverty, Discrimination and Slavery. The reality of bonded labour in India, Nepal and Pakistan*, 2008, 5.
- <sup>15</sup> Asian Legal Resource Centre (ALRC), *INDIA: Bonded labour in India*, written statement submitted to the Human Rights Council at its 15th Session, Agenda Item 4, ALRC-CWS-15-12-2010.
- <sup>16</sup> Out of a total work force 397 million, only 28 million workers are employed in the organized sector. See Informal Sector India: Approaches for Social Security, at <http://labour.nic.in/ss/INFORMALSECTORININDIA-approachesforSocialSecurity.pdf>.
- <sup>17</sup> D. Finn, *Bonded Labour in India*, in *Topical Research Digest: Human Rights and Contemporary Slavery*, 2008, 6, at <http://www.du.edu/korbel/hrhw/researchdigest/archive.html>.
- <sup>18</sup> A. Kapur, A. Shepherd, S. Bhide, A. Shah, A. Kumar, *India Chronic Poverty Report, Towards Solutions and New Compacts in a Dynamic Context*, Indian Institute of Public Administration, Chronic Poverty Research Centre, New Delhi, 2011.
- <sup>19</sup> WaterAid, *Burden of Inheritance. Can we stop manual scavenging? Yes, but first we need to accept it exists*, WaterAid India, October 2009.
- <sup>20</sup> See Appendix for the applicable international legal framework.
- <sup>21</sup> Ravi S. Srivastava, In Focus Programme on Promoting the Declaration on Fundamental Principles and Rights at Work, and International Labour Office, *Bonded Labor in India: Its Incidence and Pattern*, 2005, 3.
- <sup>22</sup> The Mines Act, 1952; the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Contract Labour (Regulation and Abolition) Act, 1970; the Minimum Wages Act, 1948; the Equal Remuneration Act, 1976. Historically: the Indian Penal Code, 1860, the Bihar and Orissa Kamiauti Act, 1920, the Madras Debt Bondage Abolition Act, 1940; the Orissa Debt Bondage Abolition Regulation 1948; the Rajasthan Sagri System Abolition Act, 1961; the Ordinance promulgated by Government of Andhra Pradesh (28.08.75), Madhya Pradesh (25.09.75) and Karnataka (20.10.75).
- <sup>23</sup> See ILO Observation (CEACR) - adopted 2009, published 99th ILC session (2010) and ILO Observation (CEACR) - adopted 2011, published 101st ILC session (2012), Forced Labour Convention, 1930 (no. 29) - India (Ratification: 1954).
- <sup>24</sup> National Human Rights Commission, New Delhi, India at <http://www.nhrc.nic.in/>.
- <sup>25</sup> National Human Rights Commission, India Submission to the UN Human Rights Council for India's Second Universal Periodic Review.
- <sup>26</sup> *Id.*

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- <sup>27</sup> Report of the Expert Working Group on Bonded Labour, Set up by the national Human Rights Commission - May 2001.
- <sup>28</sup> ILO, Report of the Director-General, *Stopping forced Labour*, cited. See, recently the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA).
- <sup>29</sup> Anti-Slavery International, *Poverty, Discrimination and Slavery*, cited, 1-8.
- <sup>30</sup> The ILO reports that in Punjab State, where agriculture is highly developed, local workers, have increasingly been replaced by migrant bonded labourers recruited through agents in Bihar State (ILO, Report of the Director-General, *A global alliance against forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, International Labour Conference, 93rd Session 2005, Report I (B), International Labour Office, Geneva, 2005, 31).
- <sup>31</sup> Ravi S. Srivastava, *Bonded Labor in India*, cited, 13-17.
- <sup>32</sup> *Id.*
- <sup>33</sup> Ghosh, Ruma (2004) *Brick Kiln Industry: Vulnerability, Migration and Labour Processes*, NOIDA, V. V. Giri National Labour Institute, mimeo, cited in Ravi S. Srivastava, *Bonded Labor in India*, cited, 19.
- <sup>34</sup> Fair Wear Foundation, September 2010, *Sumangali Scheme and bonded labour in India*, at [http://fairwear.org/images/2010-09/fwf\\_india\\_sumangali\\_scheme.pdf](http://fairwear.org/images/2010-09/fwf_india_sumangali_scheme.pdf)
- <sup>35</sup> Donna M. Hughes, *The Factbook on Global Sexual Exploitation*, cited.
- <sup>36</sup> *Worst Forms of Child Labour Data, India*, at <http://www.globalmarch.org/worstformsreport/world/india.html>.
- <sup>37</sup> UNODC, UNGIFT, INDIA, *South Asia Regional Conference: Responding to Trafficking for Sexual Exploitation in South Asia, Responding to Trafficking for Sexual Exploitation in South Asia*, Regional UN.GIFT Meeting, New Delhi, 10-11 October 2007.
- <sup>38</sup> *Law Is Greek. Layman to Lawman, Indian Laws on Prostitution: Should it be legalized?* 26 May 2010, at <http://www.lawisgreek.com/indian-laws-on-prostitution-industry-should-it-be-legalized>; India Today, *Supreme Court considers regulating prostitution*, 20 July 2011, <http://indiatoday.intoday.in/story/supreme-court-prostitution/1/145521.html>; The Hindu, *Sex workers must not be allowed to operate, Centre tells Supreme Court*, 13 July 2012, at <http://www.thehindu.com/todays-paper/tp-national/article3633605.ece>; The Times of India, *We are not encouraging sex workers, Supreme Court clarifies*, 26 July 2012, [http://articles.timesofindia.indiatimes.com/2012-07-26/india/32868097\\_1\\_workers-apex-court-prostitution](http://articles.timesofindia.indiatimes.com/2012-07-26/india/32868097_1_workers-apex-court-prostitution).
- <sup>39</sup> William Dalrymple, *Serving the Goddess. The dangerous life of a sacred sex worker*, 2008, The New Yorker, at [http://www.newyorker.com/reporting/2008/08/04/080804fa\\_fact\\_dalrymple](http://www.newyorker.com/reporting/2008/08/04/080804fa_fact_dalrymple); Human Rights Watch, *Broken People: Caste Violence Against India's Untouchables*, 1999, at: <http://www.unhcr.org/refworld/docid/3ae6a83f0.html>.
- <sup>40</sup> UNICEF, *The State of the World's Children 2011, Child Protection*, Table 9.
- <sup>41</sup> For UNICEF, a child is considered to be involved in child labour under the following conditions: (a) children 5–11 years old who, during the week preceding the survey, did at least one hour of economic activity or at least 28 hours of household chores, or (b) children 12–14 years old who, during the week preceding the survey, did at least 14 hours of economic activity or at least 28 hours of household chores.
- <sup>42</sup> Human Rights Watch, *Small Change. Bonded Child Labour in India's Silk Factories*, 2003, 18.
- <sup>43</sup> *National Plan of Action for Children*, cited.
- <sup>44</sup> India has not ratified yet the *ILO Minimum Age Convention* of 1973 (Convention No. 138).
- <sup>45</sup> The *ILO Worst Forms of Child Labour Convention* (No. 182) clearly provide for States' obligation to regulate, through national laws the worst forms of child labour comprising all forms of slavery or practices similar to slavery, child prostitution and pornography and the use of a child for illicit activities.
- <sup>46</sup> See, for instance, Articles 32, 35 and 36. See also Article 1 of the *UN Supplementary Convention on the Abolition of Slavery*.
- <sup>47</sup> See Articles 21 and 23 of the Indian Constitution. Other national laws that somehow deal with child labour are: the *Children (Pledging of Labour Act)* of 1933, *The Child Labour (Prohibition and Regulation) Act* of 1986, *Factories Act* of 1948, the *Beedi and Cigar Workers (Conditions of Employment) Act* of 1966; *Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act* of 1989; *Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act* of 1979; *Contract Labour (Regulation and Abolition) Act* of 1970, *Minimum Wages Act* of 1948; *Plantation Labour Act* of 1951; *Apprentices Act* of 1961; the *Shops and Establishments Act* of 1961; the *Juvenile Justice Act* of 1986. See Human Rights Watch, *The Small Hands of Slavery. Bonded Child Labour in India*, 1996, 12-20 for an in depth view of the provisions.
- <sup>48</sup> The *Indian Penal Code*, Act N. 45 of 1860.
- <sup>49</sup> See <http://labour.nic.in/cwl/childlabour.htm> and the National Report Submitted in occasion of the UPR of India in 2008 (A/HRC/WG.6/1/IND/1).
- <sup>50</sup> *Compilation Prepared by the Office of the High Commissioner for Human Rights*, A/HRC/WG.6/1/IND/2) 27 March 2008 and A/HRC/WG.6/13/IND/2, 12 April 2012.
- <sup>51</sup> UNICEF, *State of the World's Children. Excluded and Invisible*, 2006, 50.
- <sup>52</sup> Beedi is a common brand of cigarettes produced and widely consumed in India.
- <sup>53</sup> Free The Slaves, *Recovering Childhoods. Combating Child Trafficking in Northern India*, October 2005, 33-34.
- <sup>54</sup> Human Rights Watch, *The Small Hands of Slavery*, cited, 8
- <sup>55</sup> The general information provided in this paragraph have been taken from J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, Anti-Slavery International, 2007.

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- <sup>56</sup> The Centre for Science and Environment (CSE), at <http://www.cseindia.org/node/384>; see also Dhaatri Resource Centre for Women and Children – Samata, HAQ: Centre for Child Rights, *India's Childhood in the "Pits". A Report on the Impacts of Mining on Children in India*, 2010, 6.
- <sup>57</sup> The Centre for Science and Environment, cited.
- <sup>58</sup> ILO, International Programme on the Elimination of Child Labour (IPEC), *Eliminating Child Labour in Mining and Quarrying. Background Document*, World Day against Child Labour, 12 June 2005, 13.
- <sup>59</sup> Informal mining refers to uncontrolled mining activities often operated by family members or of close relatives without any license or formal permission. The more remote and more informal a small-scale mining activity, the more likely children are to be involved, while the large-scale formal mining sector does not generally employ children in its operations, see ILO IPEC *Eliminating Child Labour in Mining*, cited, 2.
- <sup>60</sup> A recent study revealed that more than half of the children working in a stone quarry in Moshi, Pune District (Maharashtra) have reduced lung functions and all the symptoms of asthma. See The Times of India, *50% Children at Moshi Quarry Have Asthma*, 18 November 2009, at [http://articles.timesofindia.indiatimes.com/2009-11-18/pune/28094577\\_1\\_stone-quarry-lung-function-moshi](http://articles.timesofindia.indiatimes.com/2009-11-18/pune/28094577_1_stone-quarry-lung-function-moshi).
- <sup>61</sup> Dr. Puspanjali Parida, Ms Madhusmita Mishra, Ms Nirjharani Ratha, Mr. Dilip Panda, *Our Mining and Stone Crusher Children. A Report of the Fact Finding Team on the Child Laborers in the Stone Crushers, Iron Ore and Granite Mines in Orissa*, 18-21 April 2005, 4.
- <sup>62</sup> ILO/IPEC, *Action against, Child Labour in Small-Scale Mining & Quarrying. A Thematic Evaluation*, May 2004, 6.
- <sup>63</sup> The research has been originally conducted by the Impulse NGO Network, base in Shillong, the capital of the State of Meghalaya ([http://www.impulseasia.org/index.php?option=com\\_frontpage&Itemid=1](http://www.impulseasia.org/index.php?option=com_frontpage&Itemid=1)). The NHRC took up the issue as a consequence of media reports. The official web site of the NHRC does not display up to date information on the case, but just a short press release, available at <http://www.nhrc.nic.in/>.
- <sup>64</sup> For a detailed report on each of these states, see *India's Childhood in the "Pits,"* cited, Part II.
- <sup>65</sup> E. Delap, *Begging for Change. Research findings and recommendations on forced child begging in Albania/Greece, India and Senegal*, Anti-Slavery International, 2009.
- <sup>66</sup> An armed peasant uprising in May 1967 in Naxalbari (West Bengal) marked the beginning of the Maoist revolutionary political movement in India. The movement is named after the region and thus called the Naxalite movement. Naxalites call for a total transformation of the existing political system to create a new social order ending what they see as the exploitation of marginalized and vulnerable communities. Naxalites carry out their political agenda through various means including armed attacks against the state (See Human Rights Watch, *Dangerous Duty. Children and the Chhattisgarh Conflict*, September 2008, 14).
- <sup>67</sup> UN General Assembly, *Children and armed conflict: report of the Secretary-General*, 23 April 2011, A/65/820 - S/2011/250, available at: <http://www.unhcr.org/refworld/docid/4dda382b2.html> (accessed 1 December 2011), par. 165-166.
- <sup>68</sup> It is the name of the local militia (literally "peace mission") fighting against the Naxalite insurgents.
- <sup>69</sup> U. Zempi, S. Mohapatraii, *Child Soldiers in Chhattisgarh: Issues, Challenges and FFDA's Response, Forum for Fact-Finding Documentation and Advocacy*, at [http://www.otherindia.org/dev/images/stories/feda\\_child.pdf](http://www.otherindia.org/dev/images/stories/feda_child.pdf). See also The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report, India*, 2008, at <http://www.child-soldiers.org/regions/country?id=99>; Human Rights Watch, *Dangerous Duty. Children and the Chhattisgarh Conflict*, September 2008.
- <sup>70</sup> Universal Declaration of Human Rights, Art. 2.
- <sup>71</sup> *Barcelona Traction, Light and Power Co, Ltd. (Belgium v. Spain)*, Judgment of 5 February 1971, I.C.J. Reports, 1970, Paragraphs 33-34. See also, United Nations, *Durban Declaration and Plan of Action, Adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Violence*, 8 September 2001, at 3
- <sup>72</sup> *United Nations Convention against Transnational Organized Crime*, adopted 8 January 2001; *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Supplementing the United Nations Convention against Transnational Organized Crime, and *Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000; *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime*, 8 June 2001.
- <sup>73</sup> Human Rights Council Resolution 6/14, of 28 September 2007.

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