**Bonded Child Labour in India: A Theoretical Analysis**

**Introduction:**

"Bonded child labor" refers to the phenomenon of children working in conditions of servitude in order to pay off a debt.[[1]](#footnote-2) In India, there are an estimated fifteen million bonded child laborers, and possibly more.[[2]](#footnote-3) The debt that binds them to their employer is usually incurred by a parent, and ranges on average from 500 rupees to 7,500 rupees, [[3]](#footnote-4)depending on the industry and the age and skill of the child. The creditors turned employers offer these "loans" to destitute parents in order to secure the child's labor at an extremely low rate of pay. Typically, the parents accept the loans in order to meet subsistence needs, pay for funeral or marriage costs, or replace income lost due to illness or death.

As much as 85 percent of Indian bonded child labor is in agriculture.[[4]](#footnote-5)The balance is found in domestic and export industries and in the informal service sector. Industries with significant child bondage include silk, beedi (hand-rolled cigarettes), silver jewelry, synthetic gemstones, leather products (including footwear and sporting goods), handwoven wool carpets, and precious gemstones and diamonds. Services where bonded child labor is prevalent include prostitution, hotel, truck stop and tea shop services, and domestic servitude.

The children who are sold to these bond masters work long hours over many years in an attempt to pay off these debts. Due to the astronomically high rates of interest charged and the abysmally low wages paid, they are usually unsuccessful. As they reach maturity, some of them may be released by the employer in favor of a newly-indebted and younger child. Many others will pass the debt on, intact or even higher, to a younger sibling, back to a parent, or on to their own children.

The past few years have seen increasing public awareness-in India itself, but particularly in the international arena-of the high incidence of child servitude in the carpet industry of South Asia. As a consequence, the international public has come to associate "child servitude" with the image of small children chained to carpet looms, slaving away over the thousands of tiny wool knots that will eventually become expensive carpets in the homes of the wealthy.

**Causes of Bonded Child Labour:**

Bonded child labour is a product of a number of factors irrespective of geographical location, which can be described as follows:

***Poverty:*** Poverty and a lack of access to credit also contribute to the prevalence of bonded labor. The majority of Indians are extremely poor and earn bare subsistence wages. When additional financial needs arise (to compensate for seasonal declines in earnings or crops, to pay for medical expenses, or to pay for wedding or funeral ceremonies), there are no savings to fall back on, and the money must be borrowed. There are few borrowing options for the poor. Even if a bank or cooperative society is accessible-and for most they are not-the poor laborer cannot qualify for a loan, having no security or collateral to offer. With no institutionalized credit sources to turn to, the laborer is forced to take loans from a local moneylender or bondmaster. Moneylenders charge twenty percent monthly interest or more. Bondmasters charge a much higher rate than this, but it is less visible because it is taken out in labor value. Many laborers fall into debt bondage as a direct result of borrowing from moneylenders: they borrow the money, are unable to pay it back because of the accelerated interest rate, then find themselves forced to turn to debt bondage-of themselves or of a child-to obtain enough money to repay the original loan.

***Education and Employment:*** The Indian Constitution, entered into force in 1950, commits the state to "endeavor[ing] to provide, within a period of ten years from the commence- ment of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."[[5]](#footnote-6) The reason behind widespread nonattendance is the lack of employment opportunities for children who have gone to school.

***Cheap Labour:*** Employers prefer child labor because it is cheaper than adult labor, easier to exploit, and readily replenishable. Children labor as long and as hard as adults but earn a third or less of an adult's wages. Children are unaware of their rights, and in fact do not enjoy all of the rights to which adults are entitled: under current Indian law children may not form labor unions,[[6]](#footnote-7) and legislatively established minimum wages for adults do not apply to them. Some employers specify their preference not just for children, but for girl children in particular, on the grounds that they are the most "docile" of workers.

**Bonded Child Labour in India:**

The first systematic survey of bonded labour was carried out by the Gandhi Peace Foundation and the National Labour Institute during May to December 1978 and placed the total number of bonded labourers at 2.62 million.[[7]](#footnote-8) The estimate was based on a survey of 1000 villages in 10 states. In the survey, 61.5% of the bonded labourers were members of Scheduled Castes (SC) and 25.1% were members of Scheduled Tribes (ST). Among the employers, 89% were agriculturalists. The survey categorised bondage into inter-generational bondage; child bondage; loyalty bondage; bondage through land allotment; and widow bondage. The 32nd Round of the National Sample Survey Organisation gave an estimate of 343,000 bonded labourers in 16 major states. [[8]](#footnote-9)

The National Commission on Rural Labour (NCRL), 1991[[9]](#footnote-10),basing itself on the Study Group on Bonded Labour, chaired by B. N. Yugandhar[[10]](#footnote-11), presented the first comprehensive picture of the nature and incidence of bonded labour, its causes, and strategies for its abolition. It also made recommendations for amendments to the 1976 legislation.

The NCRL found a high incidence of migrant bonded labour: Bihari labour in the fields of Punjab, Haryana and Uttar Pradesh; in brick kilns of these states; in sugarcane fields in Gujarat; in stone and slate quarries and mines; in plantations of Assam; and even in the seaports of Gujarat. The Commission highlighted bondage among women on account of social as well as economic factors and mentioned the ***joginis*** of Andhra Pradesh and the ***devdasis*** of Karnataka.[[11]](#footnote-12)

**Domestic Legal Standards:**

The Constitution of India guarantees the right to life and liberty, interpreted by the Supreme Court to include rights dealing with many different areas of life. Article 24 of India's Constitution prohibits the employment of children in factories, mines, and other hazardous occupations. Article 39 requires the state to "direct its policy towards securing" protection for the health, safety, and morals of workers and children. The Constitution also explicitly prohibits the practice of debt bondage and other forms of slavery, stating that "[t]raffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law."[[12]](#footnote-13) With the passage of time, the Indian Parliament has come up a number of legislatures to minimize the problem of bonded child labour within the country, such as,

* Bonded Labour System (Abolition) Act, 1976
* Children (Pledging of Labour) Act, 1933
* Child Labour (Prohibition and Regulation) Act, 1986
* Beedi and Cigar Workers (Conditions of Employment) Act, 1966
* Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act, 1989
* Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
* Minimum Wages Act, 1948

**Recommendation to the Government of India:**

In order to end or minimize, the Government of India should design and implement a multi-pronged effort to end bonded child labor, composed of both persuasive and mandatory means. At a minimum, this effort should include stepped-up enforcement efforts, free, compulsory, and quality public education, and financial support for children to go to school. Again, the government should implement measures designed to bring current practice into compliance with Article 45 of the constitution which mandates free and compulsory education for all children up to fourteen years of age. Moreover, the government should pressure states and districts to constitute and oversee bonded labor vigilance committees, as required by the Bonded Labour (System) Abolition Act, 1976. Again, the government should ensure that a sufficient number of investigators can be included in the committee to guarantee implementation of the act. Given the massive numbers of children involved, nongovernmental organization (NGO) representatives, lawyers, social workers, teachers, civil servants, and others with ties to bonded laborers and their families should be enlisted as investigators. Provide in-depth training to district officials charged with enforcing the act, as directed by the Supreme Court in *Neeraja* *Chaudhary v. State of Madhya Pradesh*, 1984. The government should establish an independent monitoring agency at the state and national level to oversee the enforcement of the Bonded Labour (System Abolition) Act, 1976. For full implementation of the Act, this body should be statutorily empowered to receive and address complaints of Act violations and complaints of official misconduct. It should also be able to file First Information Reports (FIRs), the first step in prosecution of a criminal charge, when bonded child laborers are identified.

**Recommendations to International Organizations/International Community:**

The United Nations Working Group on Contemporary Forms of Slavery should press the United Nations Human Rights Commission to examine the government of India's compliance with international laws and standards outlawing bonded labor, and to censure non-compliance. As a step toward ending bonded labor in India, Human Rights Watch recommends that the working group undertake a fact-finding mission to India and make recommendations designed to eliminate bonded labor.

The ILO should send a technical mission to India to make recommendations with the understanding that India would develop an action plan for abolishing bonded child labor over a specific time period, either through the International Program to Eliminate Child Labor (IPEC) or other ILO programs.

UNICEF should make the elimination of bonded child labor a stated priority of its efforts in India and elsewhere. It should formulate a consistent institutional policy regarding bonded child labor, and work with local, state, and national government officials toward the achievement of the stated goals.

WHO should investigate and publicize the adverse health consequences for children of bonded child labor, and promote measures to eliminate the exposure of children to hazardous conditions and labor practices. Again, WHO should formulate a policy on the elimination of bonded child labor, and collaborate with other UN agencies toward this end.

**Conclusion:**

To eradicate bonded child labor, the Indian government must do two things: enforce the Bonded Labour Act, and create meaningful alternatives for already bonded child laborers and those at risk of joining their ranks. In addition to genuine government action, it is essential that non governmental organizations be encouraged by the government to collaborate in this effort. The government has the resources and authority to implement the law, while community-based organizations have the grass-roots contacts and trust necessary to facilitate this implementation. Furthermore, non governmental groups can act as a watchdog on government programs, keeping vigil for corruption, waste, and apathy. The elimination of current debt bondage and the prevention of new or relapsed bondage therefore requires a combination of concerted government action and extensive community involvement.

Effective vigilance committees must be formed and must, together with district magistrates, perform their statutory duties of identifying, releasing, and rehabilitating bonded laborers.

In sum, the fight against bonded child labor must be holistic, with a focus on two fronts: enforcement and prevention. Those employers who continue to bind children to themselves with debt, paying just pennies for a hazardous and grueling work day, must be prosecuted. Children must be removed from bondage and rehabilitated to avoid a subsequent relapse. Finally, the educational and survival needs of all children at risk must be addressed in order to stop the cycle of bondage.

**References:**

Centre for Education and Communication (2001b). Submission on Bonded Labour in India made to the Working Group on Worst Forms of Labour, constituted by the Planning Commission, Government of India, August.

Human Rights Watch (1996). “The Small Hands of Slavery: Bonded Child Labour in India”, New York. Human Rights Watch (2003). “Small Change: Bonded Child Labour in India’s Silk Industry”, Vol. 15, No. 2 (C), New York, January.

Jha, Praveen K. (1997), Agricultural Labour in India, New Delhi: Vikas Publishing House.

Sarma, Marla (1981) Bonded Labour in India, New Delhi: Biblia Impex.

Srivastava, Ravi S. (2003) (with Sasikumar) “An Overview of migration, its impacts and key issues”, Paper No. 2, Migration and Development and Pro-poor Policy Choices in Asia, London: DFID

Srivastava, Ravi, S (2005) ‘Bonded Labour in India: Its Incidence and Pattern’

Vidyasagar, R. (2001), “A Brief Note on Bonded Labour in South India: Interventions and Lessons Learnt”, mimeo.

Vinay Pandey, Child Workers' Plea to Form Unions, TIMES OF INDIA, 28 Nov. 1993 (explaining that The Trade Union Act of 1926 prohibits the formation of trade unions by children under the age of fifteen).

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1. See U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done 7 Sept. 1956, 226 U.N.T.S. 3, art. I(a) (entered into force 30 Apr. 1957) [hereinafter U.N. Supplementary Convention on the Abolition of Slavery [↑](#footnote-ref-2)
2. ANTI-SLAVERY INTERNATIONAL, CHILDREN IN BONDAGE: SLAVES OF THE SUBCONTINENT 30 (1991) (reporting that in 1991 India had fifteen million bonded child laborers working in agriculture alone); see also MINISTRY OF LABOUR (INDIA), CHILDREN AND WORK 3 (1995) (containing a statistic from the Indian government that 84.98 percent of all child labor is in agriculture). Given that agriculture accounts for up to 85 percent of all bonded child laborers, this figure indicates a total bonded child labor population of approxi- mately eighteen million. Social scientists estimate the total number of India's working children to be between 60 and 115 million. See CAMPAIGN AGAINST CHILD LABOUR (CACL), REFERENCE KIT ON CHILD LABOUR FOR MEDIA PERSONS (1995) [hereinafter CACL]. [↑](#footnote-ref-3)
3. This equals between fifteen and 220 US dollars, calculated at the late 1995 exchange rate of thirty-four rupees to the US dollar [↑](#footnote-ref-4)
4. [↑](#footnote-ref-5)
5. Article 45, Indian Constitution. [↑](#footnote-ref-6)
6. Vinay Pandey, Child Workers' Plea to Form Unions, TIMES OF INDIA, 28 Nov. 1993 (explaining that The Trade Union Act of 1926 prohibits the formation of trade unions by children under the age of fifteen). [↑](#footnote-ref-7)
7. Sarma, Marla (1981) Bonded Labour in India, New Delhi: Biblia Impex. [↑](#footnote-ref-8)
8. Srivastava, Ravi, S (2005) ‘Bonded Labour in India: Its Incidence and Pattern’ [↑](#footnote-ref-9)
9. Ministry of Labour, 1991a [↑](#footnote-ref-10)
10. Ministry of Labour, 1991b. [↑](#footnote-ref-11)
11. Under these systems, young women are “wedded” to God, declared to be ‘saints’ and become the property of the local temple and under the control of the men who run it. They suffer from sexual exploitation and deprivations such as prohibition on undertaking other work, leaving the village and marrying again. [↑](#footnote-ref-12)
12. INDIA CONST. art. 23(1). Begar is an ancient caste-based obligation, a "form of forced labour under which a person is compelled to work without receiving any remunera- tion." People's Union for Democratic Rights v. Union of India, A.I.R. 1982 S.C. 1473, 1486 [hereinafter Asiad Workers' Case]. [↑](#footnote-ref-13)