CHAPTER - 3

INTERNATIONAL PERSPECTIVE OF BONDED LABOUR

The in-depth study of international perspective is needed to having cursory glance of the background and the origin of Human Rights in International Law with special reference to bonded labour.

At the very stage of the advent and the Human Civilization, men were not treated as a human being. A man cannot lead a decent life unless he is treated as a human. During the primitive days the atmosphere of the society was not at all generous and the life of men was very hard. When human civilization was at nascent stage, the men were lived in groups unscientifically. They had to roam about from place to place in search of water and pasturage for their cattles. There was no settled form of society. The survival of fittest was the order of the day. A bulk of population generally believed in the principles of vengeance, courage, freedom and hospitality, because the life of those days was so hard that the first task before the human being was to manage the means of his livelihood. There was no permanent and static society. Therefore, there was no settled form of government, fundamental freedoms, liberty, human rights and administrative machinery to the people. Societal heads were represented and governed the society of enforcing customs and usages.
With the gradual development of the human civilization of society, the nature of the customary laws was very peculiar in nature and in application. Most of the customs were unreasonable, illogical, harsh and inhuman. Today's generation, nobody can accept them (illogic, harsh and inhuman custom) as a law of society. In those days, there was a custom to bury alive an unwanted female child, usury (charging a very high rate of interest on debt) was an usual practice, grambling was prevalent rampantly Bonded labour or forced labour was very common and they were treated as valuable properties of their masters. Most of primitive societal customs were in favour of males. Females status was so degraded in society they live like slaves. When the development process of civilization started human being became conscious of his rights. As men became human, the rights of human beings be regarded as human rights. The result of human rights can be considered as a gift of the modern culture and civilized process of human affirmative thoughts and feelings towards the human generation as a whole. The struggle to preserve, protect and promote basic human rights continues in every generation and even society. New alienable rights arise from the womb of the old. Initially (traditionally) human rights were known as natural rights. At the initial stage of 20th century, natural rights converts itself into human rights, which is for even human being, every where, at all times ought to have simply because of the fact that he or she is rational or moral. Without grave affront to justice, no men can be deprived from these human rights. These human rights are sometimes to which even human being even where is entitled by virtue of the simple fact of being human. It can be individually termed as the very
basic rights of man or human beings individually. Later on, human right found its place in the constitutions of almost every nations, particularly through the disseminations of ideals embodied in the constitution. The constitution of a nation reflects the senses of moral and ethical values as well as nation's culture and ethos. Constitution sets out socio cultural objectives and goals towards which the nation intend to proceed. Constitution is a human document of the ideas and aspiration of a nation, in which it directs every organ of the state to strive for the fullest development of the personally of every individual and ensure condition favorable to the pursuit of happiness. The constitution makers equally anxious to establish a social institution where citizens will have favorable congenial atmosphere to enjoy the various freedoms and rights without which there can he no personality and dignity of an individual with this motive certain basic rights are inscribed in the constitution. These basic rights are inalienable rights of every human being, known as human rights. The main ideas of Human rights are dignity, equality, liberty, justice and freedom.

As stated above that when man became human, the rights of man was called as human right. As far as human rights are concerned, it has been regarded as gift of human civilization. The positive endeavour of preservation, protection and promotion of basic human rights continued at every generation and in every society. In human rights, new more inalienable rights arise from the womb of the world.
Traditionally human rights known as natural rights. In 20th century, it has been named as human rights. At all times everywhere, every human being, because of the fact that they are rational and moral, will be entitled to enjoy the human rights. No man may be deprived of these rights without grave affront to justice. Human rights are entitled to even where to even human being only by virtue of the simple fact of being human. Those human rights or natural rights can be regarded as the right of man. Under this spirit at which biological entities are bestowed only with the simple fact of being called human. By way of this spirit enabling qualities denote of human being in realization of his true potential as human being. The human rights are the rights of human being to life, liberty and equality before the law and protection and preservation from ecological harm and nuclear disaster can also be covered under it.

At present human rights can be categorized as basic human right and modern human right. Under these two categories it can be further understood as right to bread and right to freedom. Freedom can be considered as the liberal rather modern conception of right and right to bread considers under the basic needs of human being. In absence of food or bread, freedom of speech or expression, assembly, association. move freely throughout the territory conscience, reside and settle in any part of the territory, practice any profession or carry on any occupation, trade or business, religion and other socio, economic and political freedom may be useless. The main issue of consideration is not of bread and freedom, but rather who and how much, for how long, at what cost to others and why.

Some lucky persons have both the bread and freedom but some are have freedom but little has bread or none at all and few have mix where bread is available but certain essential freedoms are curtailed.

Under the 21st century of modern human rights every person of this world should be able to live in society as a free individual with proper opportunity to mould his own future and to live comfortable as he can. Society must he based on the principle of rule of law and free from all kinds of fear, torture, crime etc. Various freedoms and rights are the basic structure by which human being as a whole can nurture or mould his future properly or absolutely. Always avoid the imposition of unnecessary restriction on the rights and freedoms either by other individual or by the organized government of the world or concerned state. Right to well being implies right to development which means right to work, right to education, right to protection of environment right to medical facilities, right against exploitation and free access to natural resources etc. can he put under the modern human rights. In accord with someone's right to freedom and right to well being is to refrain from coercing and harming him.

The most different view of modern human right is an immunity for the loss of dignity through the willful infliction of physical and mental torture, the power holder of public and private use torture as a rational way or method to achieve certain vested objectives. Those practices or systems encourage the possibility to convert human being into non
humans, these are certain circumstances or situations, where it can be realized that human rights having no practical existence in application.

Without doubt, we can realize that there is a cold conflict between basic human rights and modern human right. In our so called civilized society or modern society what practically does? How well known recognized human rights thrown out by the some powerful sections (socially, economically and politically) of the society. From day to day experience, we can realize ourselves that how and up to what extent, farmers, poorer, women, children, student, labourers are discarded from the basic human rights by some powerful classes or groups of the so called civilized or modern society. Naturally the real picture of the civilized society is that the settlers of the millions of slums and pavement dwellers have been demolished for the construction of five star hotels, resorts, bars for the enjoyments of so called rich and privileged sections including leaders, businessmen, professional killers, murderers, government employees (IAS, IPS, PCS rank officers, teaching groups, judges etc.) of the society.

One side in our civilized society poverty forces people to sell themselves with their wives, children and farmers are suicidiang due to economic or financial frustration, on the other large amount of the money are used in party rallies, in security of the leaders, at the marriages of the sons and daughters of the leaders where huge amount of foods wasted at big social gathering. The richest and wealthiest sections (leaders, businessman. Professional offenders, IAS, IPS, PSC, judges etc) of the society
are regularly or daily having mineral water. Whereas more than half of rural people do not have access to potable water but few urban people take bath in clean and fresh swimming pools.

If only a certain powerful sections (social, economical and political) of the society enjoy their all human rights how society as a whole will develop and flourish properly? On the other hand, if majority is deprived from the basic human rights, obviously the very notion of humanity is frustrated and such society will be called unequal and unjust which gives birth to condemned social evils like child labour, bonded labour, forced labour, slavery, peonage etc. Whether these modern humans can he considered as of citizens against the state powers and authority. There are certain specific lights i.e. right to freedom of speech and expression, assembly, association, movement, carry on occupation, trade or business, liberty conscience etc. These rights are not absolute in nature and practice. There are certain reasonable riders, within which it must be executed practically. The basic principles of these rights are equality to even, human being. Regarding these rights, all have enough space for the enjoyment of these rights are enunciated and maintained. It is the duty of the state authority and the law to interfere in exercising these rights.

In the concept of egalitarian society as injected in the body of the Indian constitution, the state must be very conscious with its responsibilities to provide every sorts of circumstances where needy and helpless should not be exploited by powerful persons. The repressed class persons should he given an opportunity by the state so that their
maximum benefit be gone to them. The rights of every citizen should be provided in equal circumstances through positive efforts. Effective reasonable restrictions in the use of human rights of individual to protect the rights of poor or general persons can curve the growth of servitude, child labour or bonded labour. Historically the development of the concept of Human rights he traced with Magna Carta (1215) of U.K., Bill of Rights 1689 U.K., American Declaration of Independence 1776. French Declaration of Human Rights 1789. Congress of Vienna 1815 for civil, political including of human being world wide. At the very rudiments of the 20th century certain principles, policies and aims about human rights were emerged before the era of the United Nation. Those principles, policies and aims were enunciated in the constitution of the International Labour organization (1999). The preamble to the constitution to the International Labour Organization (1999), states that, "The failure of any nation to adopt human condition of labour is an obstacle in the war of the other nation which desires to improve the condition in their own countries".

The main aim and objective of the International Labour Organization was ameliorate the working condition of Human beings of the world as a whole. In 1924 on the initiation of ILO "Save the children Fund International Union" promulgated certain rights of the child, popularly known as "Declaration of Geneva". These were live basic principles for child welfare and protection. The same year the League of the nation for the first time attempted to codify the fundamental conditions to which all men and women and children have right. It was
later revised and implied in 1948 under the "Universal Declaration of Human Rights (UDHR). The other humanitarian goals were set out in the covenant of the league of Nation especially in Arts 23 & 25, respectively.

Article 23 of the covenant of the League of Nations states in part "Subject to and in accordance with the provisions of International convention existing or hereafter to be agreed upon, the members of the league :- (a) will endeavor to secure and maintain fair and human conditions of labour for men, women and children both in their own countries and in all countries to which their commercial and industrial relation extend and for that purpose will establish and maintain the necessary International Organization".

Article 25 of the covenant of the League of Nations states that "the members of the league agreed to encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross organizations having as purposes, the improvement of health, and the prevention of disease and mitigation of suffering throughout the world as a whole". After the 11 years of the formulation of the International labour organization, in 1930 it has adopted convention No 29. which lays down that "Each member of the International Labour organization which ratifies the convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". Article 1 of Convention No-29 of 1930, concerning forced or compulsory labour. The convention came into force on 1st May. 1932. The convention of 1930 also
guided or directed for proper measures to safeguard the health of the workers and to guarantee the proper medical facility.

Particularly it has been enunciated and adopted in convention-29 of the ILO that (a) the workers are medically examined before commencing the work and at fixed intervals during period of service, (b) there should be an adequate medical staff provided with dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements and (c) the sanitary conditions of the work places, the supply of drinking water, food fuel and cooking utensils and where necessary housing and clothing are satisfactory (Article 17(1)).

The convention of 29 of ILO further provides that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by felicitating the remittance by a safe method, of part of the wages to the family at the request or with the consent of the workers (Article 17(2)).

It was a period in which International solidarity was based on collaboration with mutual assistance in all fields to promote human welfare. But this pious target could not be achieved due to break of World War II in 1939.

It was the nice endeavor by the covenant of the League of Nations and the 1930's ILO convention, to provide adequate shape to human rights but until alter the Second World War, it did not become the concern of International politics and law. On the earlier period, how the citizens were
treated, it was state's own business affair. With state laws, citizens were governed or treated in every field and sphere. In earlier there was no individual human being treatment system specifically. But during Second World War, what committed or happened against humanity was shocking and responsible of the revulsion of the advent of Human rights in U.N. Charter. In 1944, within the continuing phase of the Second World War another attempt was taken by the league of the nation and ILO "The Declaration of the Philadelphia". Declaration of Philadelphia, 1944 recognizes the solemn obligation of the ILO to further among the nations of the world programmes which will achieve the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency and the collaboration of workers and employers in the preparation of economic and social measures. But it also turned to be a futile at that time and later attained effective through the ILO constitution. The far reaching efforts of the second world war could be assessed with its end on 14th August, 1945 which created a fever of Human Rights not only a war devastated countries but more or less throughout the world. Human rights made through a dominant position in U.K. charter and United Nations officially came into effect on 24th October, 1945. The U.N. charter came to be recognized at the first basic instrument laying the foundation of the law of the International Human rights. Consequently, ILO got a moral boost and became a specialized agency of U.N. 1946, with the unique Co-operation of both the U.N.O. & I.L.O. went ahead with their conventions, recommendations, declaration & International covenants not only the field
of International Human Rights but also they accorded special protection from slavery, forced labour, child and child labour, in many cases through the conventions, recommendations, declarations and international covenants they (UNO & ILO) set out "hard law" binding instruments for states once ratified and on which effective promotion & defense of human rights could take place.

In this context it must be mentioned that the sole credit for creating the milestone of peace in the International sphere of Human Rights specially Rights of bonded and forced labour including that of child do not go to UN or ILO only, but also to other International agencies of UN such as:-

1) International Bank for Reconstruction and Development (IBRD) or World Bank (established in 1945 to assist the economic development of member countries by facilitating investment of capital for productive purpose and thereby to promote growth of International trade and improvement of standards of living) for serving as resourceful means.

2) United Nations International Children's Emergency Fund (UNICEF established in 1946 to meet the emergency needs of children particularly in the war devastated countries UNICEF is not a specialized agency, but a subsidiary body of the General Assembly reporting to the economic and social council) for its valuable contribution through investigations reporting and research to formulate effective covenants
and standards for protection of children which is included within the vulnerable section of the society.

3) United Nations Development programme (UNDP) (World's largest agency for multilateral, technical and pre-investment co-operation, it is the funding source for most of the technical assistance provided by the UN system virtually in every economic and social sector, or request by the government) for conducting various programmes relating to technical assistance to labour.

4) United Nations Research Institute for Social Development (UNRISD established in 1963, conduct research into the problems and policies of social development to improve the livelihood of the world's poor, backwards and exploited class and increase their participation in development) for rendering direct help to rehabilitate the exploited class of labourers.

5) United Nations Industrial Development (UNID established in 1966, to promote industrial development in countries) for rendering indirect help to labourers.

3.1. United Nation (UN) on Protection of Forced Labour (Including Child Bonded Labour):

The first Vital and bold step in the foundation of International Human Rights Law was the Charter of United Nations. Charter's Preamble appears absolutely faith in the fundamental human rights includes dignity,
equality between men & women, liberty in promoting social progress and better living standard. The United Nations Charter enhances faith and respect and respect towards Human Rights and basic freedoms for all. Society must he free from discrimination to race, sex, language or religion, amongst the persons. The other clauses of the United Nation Charter emphasizes upon the promotion and encouragement of fundamental human rights respectfully and to ensure fundamental freedom for all without distinctions of race, sex, language, or religion. Article 56 of the United Nation Charter is a particular important provision which contains a pledge to support human rights and such as an obligation of members of United Nation. The old dogmas have been absolutely discarded in United Nation Charter that individual has not become the subject of International Law and the government's manner of the national issues is a matter of domestic and not International concern. The promotion of respect of Human Rights is one of the foremost principle objectives of the United Nations Organizations with strong determination to promote social progress and better standard of life. At the initiation of the UNO the most vital step taken after its formation in the International sphere was Universal Declaration of Human rights (UDHR). Which is adopted by the General Assembly in the UN on 10th December 1948 which establishes specifically the general character of Human rights including the rights of child. The Universal Declaration of Human Rights regarded as remarkable juncture of political, civil, economic and social rights with equality and freedom. It sum up the civil political and religious liberties for which men have struggled so long. It also contains new economic and social rights
which are only being recognized today. The preamble of the declaration stresses "the dignity and worth of the human person". After second World War human rights took the form of International Bill of Human Rights which includes :

A) The Universal Declaration of Human Rights.

B) International Covenants on Civil & Political Rights.

C) International Covenant on Economic, Social & Cultural Rights &

D) The optional Protocol to the International Covenant on civil & Political Rights.

The aims of the Universal Declaration of Human Rights are stated categorically within 30 (thirty) Articles of the Declaration. Basically its (UDHR) main aims and objectives are at protecting the liberty, physical and moral integrity of human person within its (liberty, physical and integrity) ambit includes the right to life, freedom from slavery, servitude and forced labour, freedom from torture or from cruel inhuman or degrading treatment or punishment, the right of freedom from arbitrary arrest or detention, the right to fair tribal, the right to privacy, the right to freedom of thought, conscience and religion, freedom to have in safe and sustainable environment etc. The preamble of Universal Declaration of Human Rights (UDHR) states that recognition of the inherent dignity and of equal and inalienable rights of all members of Human family is the foundation of freedom, justice and peace in the world. If stated spirits of
preamble of UDHR have been disregarded will have resulted in barbarous acts, which outraged the very notion of the mankind. The advent of a world in which human being shall enjoy freedom of speech and expression and belief and freedom from fear and want has proclaimed as the highest aspiration of common people whereas the people of Nations have in charter reaffirmed their faith in fundamental Human Rights in the dignity and the wealth of human person and in the equal rights of men and women and have determined to promote social progress and better standard of life. Everyone has right to life, liberty and security of person and no one shall be held in slavery or servitude (Article - 3 and 4 UDHR) with bold motive, it has been directed in Articles of UDHR to the members of the state concerned to prohibit absolutely slavery and slave trade in all their forms. No one shall be subjected to torture, to cruel inhuman or degrading treatment or punishment. Everyone has the right to recognition, everyone as a person before law, (Article 5 and 6). All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against discrimination in violation of this declaration and against any incitement to such discrimination (Article 6). Everyone has the right to an effective remedy by the competent national tribunal for acts violating the fundamental rights granted to him by the constitution or by the law (Article-8). No one shall be subjected to arbitrary arrest, detention or exile (Article-9). Everyone who works has right to a just and favourable remuneration ensuring for himself and his family and existence worthy of human dignity and supplement, if necessary, by other means of social protection (Article-29). Everyone has the
right to a standard of living, adequate means for the health, well being of himself and his family (Article-25).

The Universal Declaration of Human Rights set out the common standard that should apply to human society, irrespective of race, colour, sex, language, birth or other status. Universal declaration of Human Right's main target is to set out a Democratic System and with respect to the functions of the rule of law.

The declaration of Human Right is a mere declaration which does not have a binding effect. Later on these declarations have been converted into covenant. Two prominent covenants were adopted.

1) The covenant on civil and Political Rights, 1966 (came into force on 23rd March 1976 contains a bundle of civil and political rights) and

2) The covenant of economic, social and cultural rights 1966 (came into force on 3rd January 1976 contains bundle of Economic, Social and Cultural rights) and

3) An optional protocol on civil and political rights. 1966 providing effective machinery for complaints from individual.

Human dignity is a highly cherished value but the bonded labours are kept far away from any realization of their worth of Human being.

Article 1 is the fundamental, which states that all human beings are born free and equal in dignity and rights. They are endowed with reason
and conscience and should act towards one another in the spirit of brotherhood. Such a concept of equality throws open, to one and all each and every of public life.

Further, the UDHR, 1948 embodies certain proclamation which are aimed towards abolition of slave labours, forced labour and bonded labour as under:-

**Article 4 states**: "No one shall be held in slavery or servitude". This right is the cornerstone of all human rights and firmly prohibits, slave trade, servitude etc. This right is also exists in 8(1) & 8(2) of the political Covenant, 1966 together with Article 8(3) (a) adding a prohibition against forced labour or compulsory labour or bonded labour. Article 4 of the European convention for the protection of Human Rights and Fundamental Freedoms, 1950 and Article 6 of The American Convention of Human Rights, 1969 contain the same comprehensive prohibition.

**Article 13 states**: (1) "Everyone has the right to freedom of movement within the borders of each state ". (2) "Everyone has the right to leave country including his own and to return to his country ".

Although in the past, freedom of movement was regarded in some quarters as not a fundamental right but rather a secondary right; but in the contemporary world there is no question that it constitutes an important human rights and one which is an essential part of the right to personal liberty.
**Article 23(1) States:** "Everyone has the right to work, to free choice of employment to just and favourable, conditions of work, to protection against employment". It is one of the most pivotal social welfare rights, and such rights are also accorded protection under Article 6, 7, 8 & 11 of the Economic Covenant. 1966.

Apart from the Universal Declaration of Human Rights there are various subsequent U.N. Instruments, which seek to deal with the Human Rights specially. As for e.g. protection of the human being in his very existence, the elimination of racial discrimination, the protection to forced and bonded labour, the protection of the women, the protection of the children and child labour, the protection of workers, the protection of refugee and stateless persons, the protection of combatants, war victims, civil population etc.

Other international instruments manifesting widespread concern with slave and servitude, forced compulsory and bonded labour are:-

(1) Slavery convention of 1926, to suppress slave trade and slavery, adopted on September 25th, 1926, entered into force. March 9th, 1927.

(2) The above convention augmented by the supplementary convention on the Abolition of Slavery, 1956—a supplementary convention on the abolition of slavery, slave trade, institutions, and practices similar to slavery, adopted on September 7th, 1956, entered into force. April 30th, 1957.
(3) ILO Convention No. 29 concerning forced or compulsory labour. 1930. adopted on June 28, 1930, entered into force May 1st, 1932.


After the Second World War on November 20th, 1959, The United Nations General Assembly with representatives of 78 countries meeting in plenary session adopted ten point declarations on the rights of child unanimously. The spirit of the document was reflected in the preamble which said in the part "mankind owes to the child the best it has to give".

The declaration contains the preamble and ten principles and being issued in consonance with philosophy contained in the United Nations charter. Universal Declaration of Human Rights, 1948, the Geneva Declaration on the rights of the child 124, the statutes of the specialized agencies and the International Organization concerned with the welfare of the children. Besides laying down the general obligation of the men and women, institutions and governments towards the child the declaration specifically lay down that the child is not admitted to employment before an appropriate minimum age; is not to caused or permitted to be engaged in any occupation or employment which would prejudice his health or education or interfere with his physical or mental development.

The next dominating step by United Nation was the convention on the rights of child, 1989. The convention on the rights of child, 1989, was intended to purge the shortcomings, lacuna of the previous declaration on
the right of child, and all the previous declaration were to supplement this declaration. This major reason for choosing 1989 is the symbolic importance of that year. It marks the tenth anniversary of the International year of the child. This declaration is set out in preamble and Articles. The convention declares that "Children all over the world have equal rights, irrespective of their religion, ethnicity or sex".

Article 32 being the most important Article of the convention at first, states the definition of child labour,

"Any work that impedes the social, physical and emotional well being of the child is considered child labour (or child exploitation) ".

Next the Article bids. "state parties to recognize the rights of the child to be protected from the economic exploitation and for performing any work that is likely to be hazardous or to interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development", All member states of the U.N. have ratified this convention.

3.2. International Labour Organization on Protection of Forced and Bonded Labour (Including Child Bonded Labour):

As Far as action by the ILO, virtually of all its activities under its different programmes are aimed at making reality of the rights and freedoms proclaimed in the constitution of the ILO they also are effective means of implementing of any of the rights mentioned in the Universal
Declaration of Human Rights and International Convention on Human Rights which are concerns of ILO. ILO's work in the field of Human Rights aims interalia at safeguarding freedom of associations, abolition of forced and bonded labour, elimination of discrimination in employment, promotion of equality of opportunity, protection of children from economic, exploitation, minimum wages, social security and adequate conditions of work and life.

The endeavours of the International labour organization in the direction of International Legislation can be viewed as bold and innovative. The First International Convention (No. 29) on forced labour was held in Geneva (June, 10.28) in 1930. The resolution passed at this convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. This is akin to the bonded labour in India. The same Article provided for some exceptions also. In the case of service :-

1) exacted in virtue of compulsory military service laws for a work of a purely military character;

2) which forms part of normal civic obligations of the citizens of a fully self governing body etc.

The convention declared in its first Article that "each member of ILO which ratifies the convention undertakes to suppress the use of forced or compulsory labour in all its form within the shortest possible period".
However, the convention permits the use of such labour during the transitional period that is (i.e.), public purposes only in exceptional measures subject to conditions and guarantees. It was ratified by India only after 22 years passed after it came into force that is in 1954.

In 1931, the legislative Assembly and the council of states adopted a resolution recommending to the Government of India to take action on all the provisions contained in the Draft Convention, as soon as might be practicable it was considered that the convention on the forced labour could not be ratified until Article 2 thereof was modified so as to exclude labour exacted under Criminal Tribes Act, 1924. The Good Conduct Prisoners Probational Release Act, 1927 and other similar social legislation in force. This convention was discussed in Labour Minister's conference held in 1947 and it was decided in to have an enquiry in the practice of forced labour. Later the committee on conventions, at its first meeting held in 1954 mainly on the strength of Article 23 of the Constitution of India, which prohibits the forced labour except for public purposes authorized by law.

Again, the question of forced labour raised in the first instance after the Second World War by the American Federation of Labour. Afterwards an adhoc committee on forced labour was announced by the Secretary General and The Director General in June, 1951 under the Chairmanship of Sir Ramaswami Hudalika. In the concluding observations the adhoc committee remarked.
"The Committee's enquiry has revealed the existence in the world of two principal systems of forced labour, the first being employed as a means of political coercion or punishment for holding or expressing political views, the second being employed for important economic purposes".

After thoroughly discussing the adhoc committee's report and the several proposals received from the various governments (in its 40th session, held in Geneva in 1957) the ILO resolved that-

Having noted the provisions of forced labour conventions 1930 and having noted the slavery convention-1926, provide that all necessary measures shall be taken to prevent compulsory forced labour from developing conditions analogous to slavery and that the supplementary convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery, 1956, provides for the complete abolition of debt bondage and serfdom.

Taking into consideration of the above proposal ILO adopted convention No.105, the abolition of forced labour convention, 1957, which came into force on and from 17th January 1959.

The above convention proclaims that "Each member of the ILO which ratifies this convention undertakes to suppress and to make use of any forced labour or compulsory labour -
a) As a means of political coercion or education or as a punishment for
holding or expressing political view or views ideologically opposed to
the established political, social or economic systems:

b) As a method of mobilizing and using labour for purposes of economic
development:

c) As a means of labour discipline:

d) As a punishment for having participated in strikes: and

e) As a means of racial, social national or religious discrimination.

"Each member of the ILO which ratifies this convention undertakes
to take effective measures to secure this immediate and complete abolition
of forced or compulsory labour as specified in Article 1 of this convention".

The above convention on Abolition of forced labour is supplementary to convention No.29. In India; this convention is placed before the "Committee on Conventions" in 1961 and again reviewed by it in 1968. As the convention envisages the ratifying members not to make use of forced labour as a method of mobilizing and using labour for purposes of economic development, the ratification would prevent state government in India for requisitioning labour even in emergencies. This is the difficulty experienced by the Indian government for ratifying the above convention. But the non ratification does not mean that in India forced labour is prevalent and racial discrimination is practiced. For this purpose, fundamental rights have been guaranteed to the individuals and
Article-23 categorically prohibits traffic in human beings and beggar and other similar form of forced labour with the proviso that the state can impose compulsory labour for public purposes.

In the area of employment of child labour so far ILO has adopted conventions and sixteen recommendations. Each convention is a legal instrument regulating some aspect of labour administration, social welfare or human rights. Its ratification involves a dual obligation for a member state; it is both a female commitment to apply the provisions of the convention, and as indication of willingness to respect a measure of international supervision. A recommendation is similar to convention except that it is not subject to ratification and provides more specific guidelines. Recommendations often, but not always supplement convention. Both conventions and recommendations define standards and provide a model and stimulus for National legislation and practice in member countries. These relate to various phase of the employ merit that is minimum age for employment of children, medical examinations of child labour. prohibition of night work for children, conditions of employment of children in underground work and their training etc. Conventions are generally set out under the defines heads of scope, object, theme, exceptions and enforcement, but recommendations generally carry observation and suggestive notes.

Today, directly with the question of development, many international government organizations are concerned. These organizations include not only the United Nation itself and two of its principal organs,
the General Assembly and the Economic and the Social Council but also main associated agencies such as the Food and Agricultural Organization, it was created in accordance with the Final Act of the U.N. conference on food and agriculture held at hot springs from 18th May to 3rd June 1943 and it's constitution came into effect on 16th October 1945. The General Agreement on Tariffs and Trade it was signed on 30th October 1947, which was implemented by a protocol which entered into force on 1st January 1948.

The International Monetary Fund, its original Article of agreement of the IMF were adopted on -22nd July 1944 at Bretton Wood and entered into force on 27th December 1945. The United Nations' Children fund was created as the International Children Emergency Fund by the U.N. Assembly Res.57(1) of 11th December 1946 and was established on a permanent basis with its present name by Res,804(VIII) of 6th October 1953. The United Nations Conference on Trade and Development was established by United Nations General Assembly Res. 1955(XIX) adopted on 30th December, 1964. The United Nations Development Programme itself came into being in 1965 when the U.N. General Assembly combined the expanded programme of technical assistance and the U.N. special fund which had been established in 1950 and 1959 respectively. The United National's Industrial Development Organization was established through Assembly Res. 2152, 7th November 1966. The World Health Organization was adopted on 22nd July 1946. The International Development Association was entered into force on 24 September 1960. The International Fund for Agricultural Development (IFAD) was established by the agreement
adopted on 13th June 1976, which entered into Force on 30th November 1977 and at last the organization for economic cooperation and development came into existence. The above stated organizations are the International organizations whose primary aim is to solve the question of development objectives and also the humanitarian goals.

The African charter on Human and People's Rights adopted in Nairobi in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity came into force on 21st October 1981, introduced new element of human rights, including a statement of a right to development. It refers to the duty of the state to ensure the exercise of the right is viewed as right of all people to their economic, social and cultural development.

In International Governmental Organizations, rights of women are mentioned. The Covenant on the Elimination of Discrimination Against Women was adopted by UN General Assembly Res. 4/Res/34/180 of 18th December 1979 and entered into effect, on 3rd September 1981, addressed explicitly in legal pronunciations concerned with the development. When we considered on development, the role of women should not be bypassed. It is absolutely proved fact that in less developed countries women suffer indigenous system of inequality and they also remain in extremely oppressed situation.

The right to overall development is well recognized as a Human right by Virtue of which every human person are entitled to participate in
enjoyment of economic, social, political and cultural development. It is the first and foremost responsibility of the state to provide food, shelter, clothing, medical facilities, work education and better living conditions to promote social progress, better standard of life, social and International order, right to education and special care for children. Right of development also implies the full realization of the right of the peoples self determination which includes full sovereignty over all their natural wealth and resources and the right of every human being to liberty, security and other fundamental freedom.

3.2.1. Stop Child Slavery, ILO Tells India (State Third in Exploitation) 84

The International Labour Organization has pulled up several South Asian countries, including India, for their failure to tackle the growing problem of child labour.

The ILO, after a recent convention in Geneva sent a list of recommendations to the Indian Government, urging it to take immediate steps to end "the worst forms of child labour" that exist in the country. The phrase includes all forms of slavery, compulsory labour, trafficking of children, child prostitution, drug trafficking, bondage and debt labour. All ILO members have been directed to carry out surveys on how badly children are exploited at factories, hotels and small industrial units. India has the most child labourers in the world 125 million kids carrying out several kinds of hazardous jobs. West Bengal, with more than 6.5 million

child labourers, is third in the country in the exploitation of children, behind Andhra Pradesh and Utter Pradesh.

In a single ward of Calcutta Municipal Corporation, for instance, more than 1,000 child labourers have been identified doing hazardous work. The ward comprising Alimuddin Street, Imadad Ali Street, Sandal Street, Collins Lane, Nawab Abdul Latif Street, and Sarif Lane has 1,020 child labourers in 225 small scale industries, in another ward there are 8,785 child labourers working for 4,925 industrial units. This ward is spread across AJC Bose Road, Eliot Road, Ripon Street, Park Lane, etc. The state has done little to end child labour despite adopting the national Policy for Children, aimed at abolishing child labour, on 22 August 1974. Voluntary organizations have sent several reports to international organizations on the pathetic conditions of child labourers in the state, Muryul Mistri (aged 13), who works in a small garage in Eliot Road, like many of his friends doesn't receive a salary. "Whenever we ask for money the owner tells us we are mere trainees and can't expect pay".

He said he took the job because it ensure him one decent meal a day. "There are seven people in my family and on most days, we would all go to bed without food. I never learn to read or write: I work from 8.00 a.m. to 11.00 p.m. for just one meal". Government statistics don't always give the true picture. "The Labour Bureau (of the Union labour ministry) has indicated that there's a significant downward trend in employment of children in recent rears, but the reality is different", said Mr. Swapan Mukherjee of Free the Children India, a worldwide child rights
organization. "In most cases, the child labourers are forced to lie about their age. Even the bureau admits the anomalies". The ILO has urged members to adopt immediate measures to abolish child labour and "ensure (for them) access to free basic education, vocational training and removal of children from the worst forms of child labour". Socio religious cultural attitude is the main reason why nothing related to this vulnerable section of the society, is changing. The view of the government that the child labour should be paid the same wage as the adult attains is nothing but to legitimate the existing child labour system. When the adult themselves are not getting any minimum wage in the country—that is those belonging to the unorganized labour—what can be expected of children?

The problem of bondage is not only private enterprise but also public undertaking are involved in such sinister activity of exploitation of bonded labour. They cannot enjoy wholesome food, clean drinking water and fresh water and fresh air and other basic human rights and modern human rights.

**Geneva (ILO News):** The world of work is to mark the world day for Safety and Health at work last year on 28th April 2008, amid a new call by the International Labour Office (ILO) for managing risks in the work of environment to reduce both the human and the economic burdens of work-related accidents and ill health.

In a new report published on the occasion of the world day entitled "My life, my work, my safe work: Managing risk in the work
environment" (Note 1), the ILO listed risk management techniques which identify, anticipate and access hazards and risks and take positive action to control and reduce them.

ILO Director-General Juan Somavia said "Millions of work related accidents, injury and disease annually take their toll in their human lives, businesses, the economy and the environment. We know that by assessing risks and hazards, combating them that source and promoting a culture of prevention we can significantly reduce workplace illness and injuries".

The ILO says globally 2.2 million people die annually from work-related accidents and diseases and work-related deaths appear to be on the rise. Moreover, each year an estimated 270 million people suffer non-fatal, work-related accidents resulting in at least three days absence from work and an additional 160 million new people suffer from sonic work related illness.

"There is clear evidence that healthy workforces both enhance business productivity and benefit enterprises and national economies by reducing the number of accidents and diseases and lowering the number of insurance and compensations claims", says Dr. Sameera Al-Tuwajri, Director of the ILO's Safe work Department.

In 2003, the ILO began to observe the World Day for Safety and Health, bringing its tripartite strength and social dialogue to the International Commemoration Day for Dead and Injured Workers
organized worldwide by the trade union movement since 1996 and coordinated by the International Trade Union Federation (ITUF).85

The ILO, has been working with a number of countries in the Asian region for the development of national OSH programmes, including Cambodia, China, Laos, Malaysia, the Philippines, Thailand and Vietnam.

The organization has also adopted many international OSH standards, which cover a wide range of sectors, and generic hazards. Prevention is at the heart of these standards and is embedded in the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and it's accompanying Recommendation (No. 197), which seek to promote a preventative safety and health culture and management systems for safety and health through national policies, systems and programmes.

For 28 April, the ILO's Safe work department has produced a report on risk management at work (Note: 1). The report highlights the need for governments, employers, workers and their representatives- as well as research and training institutions and international organizations to work together to reduce the vast human and economic burdens of work-related accidents and diseases. "Faced with the intolerable human burden of 2.2 million fatalities and global economic costs of work-related accidents and diseases amounting the equivalent of 4% of the world's gross domestic product, events such as World Day for Safely and Health at work and the

85.For further information, or interviews requests, please contact the ILO Department of Communication at 4122/799-7912, communication@ilo.org or regional offices.
World Congress on Safety and Health at Work can trigger significant steps toward improving OSH worldwide", says Dr. Sameera Al-Tuwajri, director of ILO's Safe work Department.

"The Promotion of occupational safety and health is one of the means to make Decent Work a global reality", she concludes.86

PHNOM PENH, Cambodia (ILO Online): “The car was heard leaving home, heading for Phnom Penth. I sadly said goodbye to my parents, hoping to return home with money for my mother”, go the opening words of the song “I am precious” that won first prize at a recent song and dress-making contest here.

But the winner wasn't a regional song contest entry. Rather, she was Touch Sreynith, a garment worker writing about the journey from her home town to work in Phnom Penth and find a new future.

The contest was organized jointly by the ILO's Better Factories Cambodia (BFC) programme, the International Finance Cooperation (IFC), the Untied Nations development Fund for Women (UNDFW), Precious Girl Magazine (whose readership focuses on garment workers), the ministry of Women's Affairs, the Garment Manufacturers Association in Cambodia, the French Development Agency and the garment Industry Productivity Centre.

"The competition successfully brought together key players in the industry", says Tuomo Poutianen, Chief Technical Advisor for BFC. This is a good example of effective collaboration showing that by working together we can do something positive and valuable for the Cambodian garment workers".

Indeed, the recent contest was more than just a stage for garment workers to display their hidden talents. It shows how the garment industry has evolved along lines that improve productivity and marketing as well as working conditions.

An international Buyers 'Forum in Phnom Penh last September, convened by BFC and the IFC, underscores these developments. According to Ros Harvey, the Global Harvey, the Global Programme Manager for the ILO and IFC Better work Programme, the Buyer's forum provided chance for "all stakeholders in the industry to get together and discuss matters concerning the Better factories initiative as well as broader industry issues. The Forum is an opportunity for international buyers to meet together with government, suppliers and unions. Together we can work on shared solutions. The Forum also allows Cambodia to promote itself to new buyer".

This year, the forum saw the attendance of 17 international garment brands, represented by 43 retailers, most of which are members of the Better factories Programme. Buyers can mainly from the US and Europe,
including Adidas, Gap, Walmart, Levi Strauss & Co. and the Walt Disney Company.

Buyers announced that they would continue to source their garments from Cambodia for the upcoming year. This announcement welcome news for Cambodia’s garment industry, which employs over 340,000 people in around 300 factories. The industry has been fearful of losing market share in 2008 if the US decides to remove quotas on Chinese imports. This would threaten Cambodia’s 2006 position as the fifth-largest supplier to the US, with a total global export value at $2.6 billion.

At the same time, buyers underlined that the existence of the Better Factories programme and its emphasis on working conditions and productivity were major reasons behind them choosing to work with Cambodia. They affirmed the need for strong support BFC as it goes through the transition period towards sustainability as an independent entity in the near future.

**BFC provides benefits to industry and society:**

So far, the hopes of the industry and its workers have not been deceived, or as the author of the winning songs put it: "Mother, say home and don't worry. My life is valuable; factory work is not shameful; it provides benefits to the society."

According to Ros Harvey, "this is not surprising. The ILO's Better factories programme in Cambodia has led to verified improvements in
working conditions across the Cambodian garment industry, the creation of tens of thousands of new jobs and sustained increases in exports to the United States and the European Union."

During a recent address to the ILO Governing body in Geneva on growing links with the ILO, world Bank President Robert Zoellick expanded this theme, saying that Better Factories Cambodia has helped "to improve labour practices and competitiveness in the global supply chain". He cited a number areas of joint concern to the Bank and the ILO helping workers adjust to change and expanding efforts on gender issues and that the Bank and the ILO were joining forces in such programmes as the better initiative.

Based on the positive results of Better Factories Cambodia, Better Work, a joint ILO-IFC initiative is now developing global tools and piloting three country projects, in Jordan, Lesotho and Vietnam with the fill cooperation of workers' and employers' organizations. The project combines enterprise assessments of compliance with labour standards at the factory level, with training and capacity building. The first phase directly benefits 1.2 million working people with the potential for reaching millions more.

1. Labour and Employment Ministers from the G8 countries and the European Union Commissioner for Employment. Social Affairs and Equal Opportunities met in *Nilgata* from May 11 to 13.2008, together with the Director General of the ILO and Secretary General of the ECD,
they discuss the theme "Seeking the Best Balance for a Resilient and Sustainable Society". Labour Ministers from Indonesia and Thailand were invited as guests and were encouraged to share the results with their regional partner countries through the ASEAN and ASEM labour ministers' meetings, over which they preside this year. In preparation for the meeting, consultations with representatives of the social partners were held on May 11.

2. Based on proposals from the chair country, Japan, reflecting the achievement of the Dresden Meeting in 2007, and considering linkage with other ministerial meetings, the G8 Labour and Employments Ministers held discussions on the following three themes. We trust that our conclusions will strengthen the social dimension of globalization focusing on increasing society's resilience, sustainability and global balance.

**Enabling Well-Balanced Lives in Harmony with Increased Longevity**

*(individual level)*

The contribution of Labour Market and Employment Policies to Addressing the Needs of Vulnerable Workers and Areas (society and level).

The contribution of the G8 Members to the Challenges to Global Sustainability (global society level).
3. During our discussions, it was agreed that our countries share significant challenges.

**Addressing the social dimension of globalization**

Average economic levels and living standards in the G8 countries remain high in this age of globalization although the reduction of wages participation in National Income in some countries needs to be addressed. Therefore, we must continue to sustain the environment that has made these achievements possible, while also addressing the income disparities and the situation of those regions within our economies that have been able to take advantage of the benefits of globalization and therefore need our support.

**Current economic situation and its impact on employment:**

Sound macro economic growth and sound functioning of financial markets have impacts on good labour market prospects. Then current economic slowdown and financial instability are matters of concern with regard to the possible negative impact on employment. Our governments have the responsibility of working together to help restore conditions conducive to sustainable economic growth, strengthened labour and market and employment policies, and social cohesion.

**Minister's role toward sustainable economic growth and employment:**

Labour and Employment Ministers have a specific responsibility to ensure the development and growth of a skilled and resilient workforce in
our countries that is responsive to the needs of the global economy. This is also recognized the importance of facilitating an inclusive labour market combining security and flexibility, that promotes employment opportunities for workers and responsive to their individual needs and circumstances.

**Addressing these challenges:**

It should address these challenges by promoting a society where individuals have flexibility and choice in the way they balance their work with their lives, taking into account increasing longevity.

4. Social partners, government and labour institutions important roles to play Corporate Social Responsibility can also contribute.

**Enabling Well-Balanced Lives in Harmony with Increased Longevity:**

5. Increased life expectancy rising beyond age 80 in some countries is having a major impact on labour markets and worker’s lives. In order to enable people to enjoy fulfilling lives and achieve their full human potential, employment and labour market policies should promote.

   “Safe and healthy working lives and secure post-working lives, Lifelong learning and career development”.

   These measures should take account of the needs of the individuals, employers and society as a whole and reflect the differing attitudes and practices with regard to retirement in each country.
6. We agreed that a range of employment and labour market policies and programmes are needed to achieve a good lifelong balance between work and private commitments. These include measures to:

**Better work-life Balance:**

Promote appropriate diversity in forms of employment and in working agreements in our respective countries appropriate to workers at each stage of life, through a package approach combining flexibility and adequate labour market security- as agreed in Dresden.

Help facilitate job mobility and transitions throughout the life cycle,

Encourage family friendly policies and promote opportunities for voluntary flexible work arrangements, such as part-time work, flexible working hours, telecommuting as well as other alternative work arrangements, which may help to achieve a better work-life balance for both male and female workers at different stages of their careers.

**Safe and healthy working lives and secure post-working lives:**

Improve compliance with occupational safety and health laws and regulations, and improve awareness and knowledge job-related stress and other occupational health and safety issues. This is also beneficial for healthy post-working life.
Lifelong learning and career development:

In the context of a lifecycle approach, facilitate effective life-long employability and adaptability to change, including through career counseling opportunities, career development, skills upgrading and lifelong learning.

In developing the above measures particular attention should be paid to reducing barriers, especially gender related, and providing equal opportunities for all workers.

The Contribution of Labour Market and Employment Policies to Addressing the Needs of Vulnerable Workers and Areas.

7. We agree that labour market and employment policies should support vulnerable workers and economic development in depressed areas. They also should ensure that individuals can fully participate in the labour market and thereby realize a resilient and sustainable society.

8. Globalization and technological change offer the world economy potential opportunities for more wealth, growth employment, and better lives for people. At the same time, they can entail disparities and adjustment difficulties in labour markets. This has resulted in dislocations and increased insecurity for a number of workers and slower or negative economic growth in some areas.

9. It is important to promote local development and job creation by facilitating the effective use of local resources and policies to respond
to local needs and circumstances. In doing so, it is also important to obtain active participation not only by local governments, authority, social partners and other Stakeholders, research bodies, venture capital firms, human resources development agencies and non-profit organizations.

10. Government with the social partners and other stakeholders should create an environment and condition that contribute to regional economic growth, high employment and broadly-shared prosperity. Special efforts are needed to assist vulnerable groups to overcome obstacles in finding jobs.

11. It is highlighted that active labour market policies, well designed unemployment benefits systems and public employment service, as well as effective lifelong policies contribute to promoting participation in the labour market and tone up the removal impediments in job seeking to promote activation, as endorsed in Dresden (2007) as well as in the restated OECD jobs strategy.

12. In view of this consideration:

It is important for governments to strengthen labour market supply and demand matching through well-coordinated job placement, unemployment benefits and active market services, and maintain the system nationwide.

It was an agreement to work with local authorities/governments, social partners and other stakeholders to support local job creation
initiatives. It was an agreement that public employment services and training agencies should offer appropriate support to job seekers and contributes to the better matching of supply and demand locally.

It is reaffirmed that the importance of ensuring human resources development opportunities for all, including effective skills development and training programmes that meet labour market needs. These includes programme that (i) integrate vulnerable groups into skills development systems, (ii) improve assessment systems of occupational skills, and (iii) further upgrade career counseling functions and career education to support individual career development.

The Contribution for the G8 Members to the Challenges of Global Sustainability

13. Recognizing our membership in the global society, it is declared with intent to contribute to addressing employment and social challenges arising from environmental concerns and issues in order to realize a resilient and sustainable society. It is not only to enrich our own countries but also to promote a harmonious global society. In view of this, G8 countries should share experiences and promote dialogue of these challenges with developing countries and emerging economies interalia through appropriate international fora.

14. It is highlighted that sustainable society is based on the three independent and mutually reinforcing pillars of economic development, social development and environmental protection. We
recognize the need to better analyze and address the global challenges. We ready to contribute to this.

15. It was agreed that the following policies and programme can help to address the employment and social challenges related to environmental concern, in particular climate change.

Assessing possible impacts to environmental change and policy responses labour markets. Helping displaced workers from affected industries make a transition to new jobs. Encouraging skills development that responds to environmentally-friendly innovations and industrial changes. Promoting environmentally-friendly way of working by adjusting to new patterns of natural resource use conservation in workplace. Our hosts set a good example by making significant efforts to hold this meeting in an environmentally-friendly manner. Such policies and programmes will benefit from cooperation with social partner and other stakeholders.

It is also noted that the interesting and potentially valuable work of the ILO in its Green Jobs Initiative, which proposes a coherent, a tripartite way of addressing the challenges.

16. It confirmed the intent to promote Decent work for all and the social dimensions of globalization. Again recalled the importance of social protection in combating poverty and promoting economic and social development. In this context it confirms the agreement is Dresden and Heiligendamm on broadening and strengthen social protection
and it is noted the ILO initiatives to promote basic social security system in developing countries and emerging economies.

17. We recognize that Governments, employers and workers should work together to achieve a coherent balance of growth, employment, productivity and concern for the environment. Social dialogue and cooperation beginning at the workplace makes an important contribution to achieving this goal. Promoting these activities is ILO. “Nigata Global – Balance Principle”.

Contribution to G8 Hokkaido Toyako Summit and the Next Steps.

18. It is asked to the G8 heads of state and government to recognize the importance of realizing a resilient and sustainable society by:

- enabling well-balanced lives in harmony with increased longevity;
- addressing the needs of vulnerable workers and areas;
- promoting the Nigata Global-Balance Principle.

19. The offer welcomed of the Italian Government to host the next G8 Labour and employment Ministers Meeting in 2009, and their offer to consider to possible to follow-up.

**Geneva (ILO News):** Noting that 169 of its 181 Member States have adopted a national policy or strategy concerning HIV/AIDS, the International Labour Office (ILO) is launching a process to adopt a new international labour standard aimed at bolstering the role of the workplace in the global response to the pandemic. A new report, HIV/AIDS and the
world of work, lays the groundwork for discussion at the 2009 and 2010 International Labour Conferences. It is the first of its kind to provide a comprehensive overview of action taken by national governments and international organizations on HIV/AIDS, with specific references to the world of work, and reveals that many countries have taken significant steps to address the issue of HIV/AIDS is the world of work. The report finds that more than 70 ILO Member States have, or are in the process of adopting, a general law on HIV/AIDS, while 30 centuries have adopted, or are in the process in adopting, specific workplace rules. Other countries deal with HIV/AIDS under either equal opportunities or public health legislation, and some having integrated HIV/AIDS into labour legislation. HIV is having a devastating effect on the world of work. A majority of the 33.2 million people worldwide now living with HIV are still working and in their most productivity years, with skills and experience their families, workplace and country can ill afford lose. However, despite major advances in attitudes and knowledge about AIDS, many workers still face discrimination, stigma and fear of losing their job. A labour standard in the form of a Recommendation would reinforce and extend the impact of the ILO Code of Practice on HIV/AIDS and the world of work adopted in 2001, with its focus protection and promotion of rights. It would further support joint action on HIV/AIDS by the ILO's tripartite constituents and other partners and strengthen the workplace contribution to achieving Universal Access to HIV prevention, treatment, care and support. The first discussion at the 2009 Conference will be on occasion to bring together ILO constituents to consider in detail the valuable experience gained over the
past decade. The discussions will be based on Members States’ response to a questionnaire included in the report which asks for government, employers’ and workers’ organizations’ views on the potential scope and content of the proposed standard. Given the broad nature of the subject, labour ministries are advised to consult with other national ministries and institutions dealing with HIV (PLHIV) and others engaged in national programmes. The report has been sent to ILO Member States for the consideration are response by 31st August 2008. A second report will then be produced based on their responses, with conclusions for discussion at the 2009 Conference, and sent out in February in 2009.87

Dar es Salaam Tanzania (ILO News): The International Labour Organization (ILO) announced the launch of a new grant scheme through the Cooperative Facility for Africa programme, Coop Afrida is a partnership programme implemented by the ILO and the funded by the U.K. Department for International Development (DFID) to support the development and promotion of cooperatives in Africa, Partners include the International Co-operative Alliance, the U.K. Co-operative College, the International Trade Union Confederation, the Committee for the promotion and Advancement of Cooperatives and the African Union.

The new programme will provide assistance, through a competitive bidding process, under “Challenges Funds” categories, including cooperative support services, cooperative innovations, and cooperative

training. The Coop Africa Challenge Funds support projects up to US $150,000. Funding requests in the range from US $50,000 to US $150,000 will be collected twice a year though calls for proposals. Funding requests below that amount can be submitted at any time during the year. Proposals for the following Challenge Funds may be submitted by qualified organizations or institutions.

**Challenge Fund for Services**: Institutions that demonstrate significant technical expertise in cooperative development, and provide technical support to cooperative organizations (e.g. guidance on market information, financial services, business planning, legal issues, etc)

**Challenge Fund for Innovations**: Members, leaders and promoters of non-traditional types of cooperatives (e.g. shared service cooperatives, social service cooperatives, burial societies, etc)

**Challenge Fund for Training**: Institutions such as cooperative colleges, cooperative apex bodies, public authorities, social partners, NGO etc. that demonstrate significant capacity building expertise for the development of cooperative (e.g. provision of updated cooperative curricula, staff training, development of training material etc.); The ILO invited applications for the three above-mentioned challenge funds.

**Delhi on 19th May 2008 (ILO News)**: The lack of social security floor, and the social stability it can bring, puts at risk sustainable economic growth and development in Asia-Pacific and may compromise the positive effects
of globalization, according to a new assessment by the International Labour Organization (ILO).

The papers calls for a challenging of the conventional economic wisdom that sees spending on a social floor as unproductive, resulting in a "one sided-views of social security as a cost of society rather than a potential benefit and an investment in economic and people".

The paper, "Poverty, Economic and Social Development and the Right to Social Security within the Global Decent Work Debate", introduced a high-level Asia-Pacific meeting on extending social security coverage, particularly to the informal sector, held in New Delhi on 19 – 20 May 2008. The two-day meeting, at Vigyan Bhawan in New Delhi, was opened by India’s Minister of labour and employment, Mr. Oscar Fernandes, on Monday 19th May 2009 at 9.30 a.m.

The paper demonstrated that implementing basic social security systems can make an enormous contribution to pulling people on poverty and to the achievement of the first Millennium Development Goal (which calls for the number of people living on less than a dollar a day to be halved by 2015). In contrast, economic growth does not automatically reduce poverty, unless it is supported by employment promotion and income redistribution mechanisms. But while social security is an established human right it "remains a dream for 80% of the global population".
According to ILO calculation less than 2% of Global Product could provide basic social security benefits top all the world’s poor, and 6% could cover will those who currently lack access to social security. What’s more, even most low-income countries can afford some level of social protection, the paper says, citing example in Bangladesh, India, Nepal, Pakistan and Vietnam where research shows that the cost of a basic benefits package, varying over the next 20 or so years, should not exceed 6 to 8% of Gross Domestic (GDP). Such a package might include essential health care, benefits directed at child, and old age and disability related income security.

Making the case for global social floor, the paper cites “good social reason to introduce social protection mechanisms at an early stage of economic development and generally no good economic reasons why that should not be done”.

The Asia-Pacific Regional High-Level Meeting on Socially Inclusive Strategies to Extend Social Security Coverage will bring together representatives of Governments, Workers and Employers from 21 Asia Pacific countries. It was organized by the International Organization (ILO) in collaboration with the Indian Ministry of Labour and Employment, Government of India.

The aims of the conference include helping delegates to share experiences regarding ways of extending social security coverage and dealing with emerging challenges, identifying good practices and fostering
good consensus on ways to proceed. As well as a high level round table on the Extension of Social protection and panel discussion on Social Security and the Right to Work, there will be thematic discussions on strategies for extending income security and health protection.

3.2.2. ILO Predicts 'painful' wage cuts; Tensions to Intensity, (Middle Class to be hard hit) : 88

Copies of the paper, other background papers, and more information about the meeting can be found at:


Media queries and requests for interviews with ILO representatives can be directed to:

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The ILO's first Global Wage Report released on 25th November, 2008 has predicted difficult times for workers in 2009. Estimating wages will decline by 0.5% in industrial countries and grow by no more than 1.1% globally.

The ILO study says the global economic crisis is expected to lead to "painful cuts" in the wages of millions of workers worldwide in the coming year.

"For the world's 1.5 billion wage earners, difficult times lie ahead", says ILO in its Global Wage Report 2008-09. The report warns that tensions are likely to intensify over wages.

It says: "Slow or negative economic growth, combined with highly volatile food and energy prices, will erode the real wages of many workers, particularly in the low wage and poorer households. The middle-class will also be seriously affected".

Based on the latest IMF growth figures, the ILO forecasts that the global growth in real wages will at best reach 1.1% in 2009, compared to 1.7% in 2008, but wages are expected to decline in a large number of countries, including major economies.

Overall, wage growth in industrialized countries is expected to fall, from 0.8% in 2008 to 0.5 (minus 0.5) percent in 2009.

The ILO report shows that this bleak outlook follows a decade in which wages failed to advance in lockstep with economic growth.

According to the report, between 1995 and 2007, each additional 1% rise in the annual growth of GDP per capital led to an average of only
0.75% increase in annual growth of wages. As a result, in almost three-quarters of countries worldwide the labour share in GDP has declined.

While inflation was low and the global economy grew at a 4% annual rate between 2001 and 2007, growth in wages lagged behind, increasing by less than 2% year in half of the world's countries, the report says.

Pointing out "wide regional differences", the report says the growth in real wages was about 1% per year or less in most developed and Latin America countries, but reached 10% or more in China, Russia and a number of other transition countries.

The report also shows that since 1995, inequality between the highest and lowest wages has increased in more than two-thirds of the countries surveyed, often reaching socially unsustainable levels.

Among the developed nations, Germany, Poland and the United States are the countries where the gap between the top and bottom wages has increased most rapidly. In other regions, inequality has also increased sharply, particularly in Argentina, China and Thailand.

How at the International level the sinister activity of exploitation of bonded labour will be curved or bold out or abolished absolutely? During the research on international perspective of bonded labour, few vital suggestions have come up to overcome the problem of bonded labour at the International level. These suggestions are as follows:-
1) It has been established that information is power. In a country with percentage of illiteracy, the written words have no meaning. The rest thing is to spread awareness through Radio, T.V., Hording, Newspapers, by seminars, workshops and also posters and wall writing throughout the country on a massive scale.

2) The repose trust in Non Governmental Organizations (N.G.O.)- the Government should not play tardy and dismiss them as non authentic and so on.

3) The Government machinery must not put obstacles in the way of functioning of the commissions appointed by the Supreme Court The reports given by them be seriously looked into.

4) Free and compulsory education to children below the age of 14 years with some economic incentives for the families below the poverty lines will help even the free bonded girls child of bondage.

5) Remove discrimination. It will assist the female labour to get rid of exploitation.89

3.3. Conclusion:

The need of self-sacrificing men with muscles of iron and nerves of steel, with a heart of oceanic feelings for the suppression of the sufferings of these helpless poor. There will be more chances of the improvement

89. Veneeta Shankar, "The girl child in India - An aver view". Main stream volume XXXI No. 17 (Saturday March 6, 1993) P. 17, Leelamma Devasia, V.V. Devasia, Girl Child in India. (Ashis Publishing House, New Delhi 1991.)
when the beneficiaries are full involved in the programme planning, decision making, its execution and evaluation. Decentralization of planning, state power and authority are a precondition for the success of this programme/scheme because it can only go ahead on the basis of the wide possible mobilization and participation of the workers. Evaluation should be entrusted to social scientists who could conduct unbiased research, because government officials have limitations to express frank opinion. Though the progress in the issue is not satisfactory, but finding of faults will not solve the problems. There are miles to go and promise to keep breaking their chain of bondage. Awake arise from hypnotism of weakness of slavery. None is really weak. The soul is infinite, omnipotent and omniscient stand up, assert yourself, proclaimed God within you, do not deny him. Power will come, glory will come, purity will come and everything. That is excellence will come when this sleeping soul is aroused to self-conscious activity, *Gandhi*, *Subhash Chandra Bose*, *Bhagat Singh* and other freedom fighters snatched freedom from outsiders with sacrifice.

According to Kurt Waldheim, Ex-Secretary General, U.N.O. much remains to be done. The highest goal, setout in the International Bill of Rights can only be achieved when its principles and standards are fully recognized in law and observed in practical practice, the problems of Bonded—Labourers will be settled. Their exploitation will be minimized. Poverty and starvation will be eliminated. There shall be healthy atmosphere in their surroundings so that they may not be compelled in *"Modern Bondage"*, because if it is all does not happen it is beyond imagination to think of these weak bonded labourers to revolt against their
compulsions as this evil is increasing day by day and law has failed to have a check on this sinister evil.

U.N. Seminar on 1978 in Geneva recommended establishment of National Institution for protection, promotion and proper realization of Human Rights, in consonance with its N.H.R.C. was constituted under protection of Human Rights Act, 1993 in India. Its advocacy for abolition of TADA, its stand on custodial death, rights of women and children and even regarding existence of bonded labour, child in Dhaba as domestic servant brick kiln, devdasi system, fisherman, building and road construction labourers, forest labourers, bidi and carpet workers and police atrocities have all lead to an atmosphere where it (NHRC) had made its presence and has recorded dissatisfaction on the response of government to tackle the problem.

A serious push seems to be coming in the shape of child labour Deterrence Bill, moved in the United States Senate to link international trade with children's right. The Bill has been moved by Senator Harkin and Co-sponsored by Conrad Inonye, Wofford Granston a Grassley, Rockefeller and Matzenboum. It defines a child as one who is below the age of 15 years. This is important for India because the constitution makes it a "fundamental duty", of governance by any political party to ensure free and compulsory primary education to all children till the age of 14 years. Further, the Supreme Court in Unni Krishnan case 90 has declared that this is not only a fundamental duty but a fundamental right which can

90. Unni Krishnan case.
be enforced through court of law. The proposed Bill requires that the U.S. Labour Secretary to compile and maintain a list of foreign industries and their respective host countries that use child labour in the production of goods exported to the United States. The identification process can be initiated to all instance of any one filing a petition with the labour secretary. After this a notice shall be published in the Federal Register and objections invited to the industry and country being listed.91

Once a country and its industry have been identified as using child labour, the treasury secretary is directed to prohibit the entry of any manufactured article from such industry and country. The ban will not apply if the U.S. imparters can certify that the product from the industry and its country is not made by the child labour. The imparter would be required to sign a certificate to affirm that they took reasonable steps to ensure that the products imparted from the industries identified by the labour secretary do not employ child labour. Companies imparting willfully and knowingly imparting the banned products will be subject to penalties. The bill wages the president of the United States to seek and agreement with other governments to secure an international ban on trade in the products of child labour. This directly links trade negotiations of human rights. India is a signatory to a whole gamut of international conventions prohibiting the use of children in industry at the cost of their education and health. Its own constitution mandates a government budget and an economy that will give "social economic and political justice" to children. Since the enforcement of the constitution in 1949, the Union and

91. Ibid.
State Finance Ministers have got away with a violation of the constitution by actively promoting unconstitutional economics. May be the U.S. Bill will force politicians have to function according to the Indian constitution.

The Human Rights Protection Act, 1993 in India also envisages Human Rights Commission at state level for better protection of Human Rights. These two institutions (National and State HRC's) are yet to be realized. However, the acceptance and credibility of these institutions depends at least on autonomy, transparency and effectiveness.

On the occasion of world day for safety and Health at work, on 28th April 2008, the Office of the Director General of the International Labour office has been vehemently uttered that today we put the spotlight on protecting the life and health of workers everywhere. Labour is not a commodity and markets must serve people. Today, rapid technological change, fast paced and globalize economy being new challenges and pressures for all areas of the world of work. Safety and health remain integral elements of the ILO's decant agenda.

Million of work related accidents, injury and disease annually take their toll on human lives, businesses the economy and the environment. Each year, for some two million women and men, the ultimate cost is loss of life. In economic terms it is estimated that roughly 4% of the annual global gross Domestic Product or U.S. $1.25 trillion is siphoned off by direct and indirect costs of occupational accidents and diseases such as lost

92. Ibid.
working time, workers compensation, the interruption of production and medical expenses.

Developing countries where the rate of accidents has been increasing face particular challenges. And it is fact that the most workers in the informal economy where work related accidents, disease and death are likely to be unrecorded. Their health and safety must be a prime concern. The focus should be on managing risk in the work environment, it is known that by assessing risks and hazards combating them at source and promoting a culture of prevention, significantly reduce work place illness and injuries. Employers, workers and governments all play key roles in making this happen. It calls for sustained advocacy, effective social dialogue and the promotion of relevant international labour standards, including the Promotional Framework for Occupational Safety and Health Convention, 2006 (Convention 187). Practice measures such as sharing experience and know-how can also foster progress. On this world day for Safety and Health at work the ILO is committed to working with our constituents and all concerned partners to make work and workplaces safe for all.93

But mere slogans, directions, law, welfare legislations, government machinery, organizations, conventions, conferences can not effectively change the fate of these ignorant and illiterate people unless they are unanimously prepared to raise their own voice without any fear. Preamble of our constitution is reminding us in bold capitals that "we people of

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93. CILO, Statements 2008, P-1.
India" have pledge to secure to all justice, equality, liberty fraternity without any discrimination on the basis of sex, caste and creed. Let us join hands and minds to ensure decent human existence for all. Respect for law and easy and equal access to justice can play effective role for this purpose. Thus the dream, of our founding fathers, enshrined in our Indian constitution will be realized. Dignity and decency will be maintained.

Plight of Indian Bonded Labour

Bringing to fore the ugly face of forced labour in India, a new ILO study has said bonded labourers often lose their freedom to choose employment due to lack of transparency in wage system and continue to work for unlimited period. In its latest report on ‘Cost of Coercion’, the International Labour Organization (ILO) said bonded labour prevails in a range of sectors, including those which face extreme competitive pressure. They include handloom weaving and rice mills and those expanding rapidly like brick kiln and stone quarrying, it said. “Bonded labourers”, and sometimes their families, lose their freedom to choose employment through a system of loans or advance payment for work, it said, citing the example of Tamil Nadu.

However, the organization said it is working with the Central Government and the state administration in Tamil Nadu to put an end to the scourge. One of them include making advance payment system more transparent and improve social protection and working condition. In states as Punjab, it noted that there has been some progress in improving the

situation of bonded labourers, thanks to 'unionization' of brick kiln workers. “This has led to increase in wages in some cases, which in one quarter more than official wages and receiving benefits including health care”. Referring to Tamil Nadu, the report said labour agents pay wage advances in a manner that “obliges” workers to return to the same kiln the following season despite putting in 16 hours and working for 6 days a week.

The agents pay substantial wage advances to brick kiln workers at the start of a season, often equivalent to three to seven months of a family earning.

But, at the end of the season, when wages are calculated, the advances are shown as more than the work performed, obliging workers to return to the same kiln again the next season, the study said. The report estimated that the “opportunity cost” of coercion to workers affected by such abusive practices in terms of lost earnings has reached over $20 billion year worldwide. Across Asia, the report said, the system of abusive-recruitment is widely prevalent. Much of the recruitment, whether through private agencies or informal networks, is inadequately regulated. Such recruitment is one of the highest in countries such as China, it said while emphasizing the need for better official oversight of recruitment agencies and their practices.