

National Consultation
Reclaiming the rights of marginalized communities
Hotel Bodhgaya Regency Bodhgaya, Bihar
28th -29th August 2017

Day 1

Session 1 -Improving the Human Rights Condition of Beedi Workers in India

Speakers- Jitendra Chaturvedi, DEHAT, Shri Surendra Kumar, JJBVK and Ms. Sakina Bibi, Beedi worker, Jamui

Introducing the topics of the Consultation Dinbandhu Vats, PAIRVI said that in the state of denial and deprivation, the exercise of the human rights became illusionary for the marginalized communities. Ensuring the enjoyment of rights for the vulnerable groups of people continue to be the biggest challenge for the Indian democratic ethos. Attainment of the rights and access to justice remains the distant goal for them. He briefed about the human rights violations of marginalized group like beedi worker, Paharia tribes and prisoners. He briefly discussed about socio-economic demography, condition of employment, legislation application, institutional benefits and social security and scope of alternative livelihood for beedi workers and Paharia tribes.

Shri Jitendra Chaturvedi emphasized on Child labour in Beedi industry. He said that incidence of child labor is reported to be very high in Beedi industry. One of the reasons for child labor in the industry is the lack of adequacy of income of the workers to nurture and educate the children especially single parent families headed by women. The children, whether they go to school or not, end up helping out the family in rolling beedis. More girls than boys are engaged in the beedi industry. This is because a larger number of girls drop out of school or so not attend school. The boys generally attend school and roll beedis after school. The overlapping roles of child as a helper-cum-trainee in beedi making makes the labeling as child labour difficult. Legally, India child labour law does not cover children who help out as family labour and this loophole creates the scope for employment of children in many home based activities. The labour department officials express inability to take any action against the employers/contractors who claim that they have given work to only the adult members.



Shri Surendra Kumar emphasized on poor condition of beedi workers and its impact on health. He said that beedi rolling process releases large amounts of coarse particles and dust into the work environment. Workers do not have access to protective clothing, gloves or masks, and are exposed to

tobacco dust through their skin and by inhaling the harmful particles. This results in diseases like bronchial asthma and tuberculosis. The beedi dust affects not only the beedi roller but also her entire family too leading to respiratory problems. He also said that the beedi industry in India employs mostly women from weaker sections. These women undertake beedi rolling despite very low wages and live in extremely vulnerable conditions. The poverty, indebtedness, landlessness, the lack of alternative skills, little or no access to credit and other means of livelihood force many women to persist in this occupation

Ms Sakina Bibi, a beedi worker shared her experience and narrated the sorry state of beedi industry. She said that beedi workers are extremely underpaid despite the hard labour. Government authorities never focus on social security and unions are not functional. Beedi workers don't have access to credit and loan. They are totally dependent on sub contractor who in turn exploit them. They very often reject the beedi and deduct our wages. The system of subcontracting of production and labour to intermediaries/ contractors leads to a high dependence on middlemen for short term



credit needs and work. This system of informal dependence and lack of state regulation leads to the non- implementation of the labour laws by the contractors. Entire households relying heavily on beedi production for survival are often forced to go into debt to beedi contractors when raw materials to complete the production process are scarce. Contractors then gain financial control over them.

Session 2- Bridging the Development Deficits of Paharia Tribes

Speakers- Professor Deepak Kumar, Department of Sociology Gaya College, Gaya and Navin Bajpai, Advocate, Godda

Navin Bajpai briefly discussed about the demography and socio economic conditions of Paharia tribes. Paharia is a primitive tribal group mainly residing in Bihar and Jharkhand are characterized by a pre-agricultural system of existence that is practice of hunting and gathering, zero or negative population growth, extremely low level of literacy in comparison with other tribal groups. They are extremely poor and backward on all human development indicators. Despite being one of the aboriginal people of Santhal region, Paharias are on the verge of extinction because of the apathy of past governments in Jharkhand. The Britishers had allotted them land, which they lost. The community has been fighting for their rights for years.

Professor Deepak Kumar focused on economic condition, culture and traditions of Paharia tribes. The name 'Pahariya' is drawn from the word of Pahar, which means Mountain. They fully depend on forest resources and agriculture. As they are forest dwellers engaged in Bamboo craft, collect Mahua from

forest etc. Moreover, they are cultivating agriculture for themselves. He said that state government has not reached out to this community.

Session 3- Mainstreaming legal aid services for the marginalized

Speakers- Shri SB Rai, Rtd Principal Family Judge and Shri Vikas Ranjan Daftuar, Advocate

Shri SB Rai said that briefed about the legal framework, structure and criteria of eligibility of legal aid. He said that The Legal Services Authorities Act, 1987 prescribes the criteria for giving legal services to the eligible persons. It makes a person eligible for assistance under the act if the person is the member of a Scheduled Caste or Scheduled Tribe, a victim of trafficking in human beings or beggar, a woman or a child, a mentally ill or otherwise disabled person, industrial workmen, prisoners, a person with annual income less than one lakh, and a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster. He also informed that legal aid can be obtained in the forms of payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings, providing advocate in legal proceeding, obtaining and supply of certified copies of orders and other documents in legal proceedings and, preparation of appeal, paper book including printing and translation of documents in legal proceedings,



Advocate Vikas Ranjan Daftuar said that Legal aid is one of the means to ensure the opportunities for securing justice denied to any person by reason of poverty, illiteracy, etc, but the sorry state of legal aid is falling short of its original intentions. An effective free legal aid system that will provide Adivasis and other backward classes with lawyers of competence and commitment and accessible to the humblest should be brought in. He added that very few of litigants were using court-appointed lawyers and 80 per cent of our country is shut out of judicial system because they cannot access lawyers and that legal aid quality is poor. Apart from the poor quality of legal aid, lack of trust, accountability, communication gap and alienation drives people away from legal services.

Session 4 Prisoner' Rights and Prison Reforms in India

Speakers- Shri Santosh Upadhyaya, Bandi Adhikar Andolan, Shri Sumit Kumar, Advocate, Dr. Rajiv Gautam, Akhand Ekta and Shri Mithlesh Kumar, SamastiPur

Shri Santosh Upadhyaya said that prisoners in India are living in inhumane conditions, facing unfair trials and horrific acts of police torture. Torture, solitary confinement and violent investigation techniques are endemic. Prisons, by their very nature, are closed institutions hidden away from public view, and therefore require particular attention with regard to external scrutiny, transparency and good

governance. At the same time, prisons can be part of more inclusive societies if they provide prospects for rehabilitation and reintegration of offenders back into society.

Shri Sumit Kumar informed about the arresting, rights to fair trials, and Rights of the prisoners. He said that imprisonment does not reduce the person into a non-person. They have all absolute right, which is available to a non-prisoner citizen but subject to some legal restrictions. The Indian Supreme Court had established that prisoner is a human being, a natural person and also a legal person. Being a prisoner he does not cease to be a human being, natural person or legal person. Prisoners retain all rights enjoyed by free citizens except those lost necessarily as an incident of confinement. He underlined the role of judiciary in protecting the rights of prisoners.



Dr. Rajiv Gautam and Mithilesh kumar shared their experience of work in Samastipur jail. They stated that jail authorities and government official often deny the access to jail. They even refuse to reply the RTI and we often file appeal after denying the rights. They shared the inhumane condition of inmates in Samastipur jail.

Day 2

The meeting started with recap of first day discussion followed by the group. During the group work presentations participants flagged up the issues of Beedi workers, prisoner's rights and legal services. Participants discussed the possible ways of engagement with these groups to improve their human rights situations. The group on beedi workers suggested scope of some livelihood options and strengthening the unionizations. They also focused on importance of Self Help Groups and microfinance for generating the alternative livelihood options and rehabilitation of beedi workers. The group on prisoner's right suggested the intervention on custodial torture, advocacy on establishment of human rights courts, transparency in jail, safety of women inmates, and access to legal aid to the prisoners. The group also focused on dialogue with government on prison reforms in India. The group on legal aid focused on strengthening the access to institutions like State/District Legal Services Authorities, functioning of legal clinics in colleges and involvement of Para Legal Volunteers to ensure the legal aid to the marginalized groups.

Law students of South Bihar Central University also participated in the meeting. Ms. Ravina Dhonchak , PAIRVI extended the vote of thanks to the participants.