



HUMAN TRAFFICKING

- Bhaskar Jyoti Kalita

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The Mission of LCHR is to empower the weak, The poor, the needy and the powerless, accompanying them to claim their inalienable rights and human dignity, which has been impaired by inhuman social structure and unfavourable.

Human trafficking is a rapidly growing issue in many district of Assam, especially in the tea garden areas of Sonitpur, Udalguri and Nagaon districts this issue is becoming a huge threat. While visiting many areas of these three districts as a part of our monthly visit we found that some people are taking away both minor and major girls in the name of employment, marriage etc from these areas. The simplicity and illiteracy of the people of tea garden areas is the best reason to be trafficked easily. Most of the times the traffickers take help from some local agents which make their task easier. Poverty of tea garden labourers is another factor for which sometimes anti-social factors like traffickers make sufficient space for them in these areas. Trafficking is a kind of crime which exploits the person first and the society next. Trafficking is a gross violation of Human Rights. Girls trafficked from these areas are used as domestic helper or they are forcefully engaged in prostitution. Sometimes it also seems that the Police and administration is not taking cases relating to trafficking seriously. Legal Cell for Human rights (LCHR) is working very seriously on this issue. Para Legal Persons (PLP) of Sonitpur, Udalguri and Nagaon district are being trained on human trafficking and the legal provisions for its prohibition. Our PLPs are working so hard to create awareness among the people about human trafficking. To stop trafficking in these areas the cooperation of police and administration is much needed. Awareness is a strong weapon to fight against human trafficking. The central Government, State Government and District Administration must give emphasis on creating awareness on human trafficking. With the help of the village headmen an Anti- Trafficking cell may be formed in each tea garden. It is a well-known proverb that "Prevention is better than cure". So, creating awareness among the people can curb human trafficking to a great extent.

"The time has now come, when the court must become the court for the poor and the struggling masses of this country. They must be sensitized to the need of doing justice to the large masses of people to whom justice has been denied by a cruel heartless society for generations" (AIR 1982 SC 1473)



THE FETUS RIGHTS AS HUMAN RIGHTS

- *Satya Narayan Boruah*

“Human Rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the Courts.

It is believed that every human being including the unborn child in the womb of its mother receives the rights to life directly from the Almighty God but not parents, society or any other society. It is a well known fact that the age of the child is counted from the birth of the child. Moreover, Indian Penal Code defines “man as male human being of any age and women as female human being of any age”. The unborn child is not included which defining person under IPC as well as Indian Constitution.

When we discuss about the human rights one question is raised that when does the human right start in a human life? The human rights start from the mothers' womb. From the moment of conception the unborn baby or child gets the rights through the mother. The unborn baby cannot directly enjoy the human rights.

The right to life is a fundamental human right, central to the enjoyment of all other human rights. International human rights law recognizes this basic right as accruing at birth, international and regional human rights bodies, as well as courts worldwide, have clearly established that any prenatal protections must be consistent with women's human rights. An emerging trend to extend a right to life before birth and in particular from the conception, poses a significant threat to women's human rights, in theory and in practice. These efforts, often rooted in ideological and religious motivations, are part of a deliberate attempt to deny women the full range of reproductive health services that are essential to safeguarding women's fundamental rights to life, health, dignity, equality, and autonomy, among others. These attempts to grant a right to life before birth—and therefore recognize prenatal legal personhood—seek to bestow rights on a zygote, embryo, or fetus that would be equal or superior to the rights of women. In many cases, these measures aim to outlaw any procedure that terminates a pregnancy. In other cases, these attempts have sought to justify restrictions on access to in vitro fertilization

and contraception. Across the board, these strategies attempt to deny women the ability to make autonomous decisions regarding their fertility with complete disregard for women's basic human rights.

HUMAN RIGHTS EDUCATION IS AN IMPORTANT PART OF OUR LIFE

- *Sanjib Hazarika*

For the complete development as a human being every exercise, experiment and enjoyment of human rights by all the people is necessary. Fundamental rights in the Constitution help us to develop our talents, smartness, inner qualities, intelligence and conscience to meet our material and spiritual needs which are part of Human Rights. It is needless to state that without the recognition of the right to education under Indian Constitution, realization of the right to development of every human being and nation is not possible. Article 26 of the Universal Declaration of Human Rights (1948) inter alia states that 'education shall be directed to the full development of the human personality and to the strengthening of respect for human rights, constitutional rights and fundamental rights. It shall promote friendship and understanding among all nations, social or religious groups and shall further the activities of the United Nations for the maintenance of peace'. Human Rights Education cannot merely be an intellectual exercise. It acts as a linkage between education in the classroom and development in a society as a whole. Study of human rights should be included in the curriculum or syllabus in schools and colleges making it an essential part of the learning process. India has accepted elementary education as one of the basic needs of everyone. The Constitution mandates to provide free education to all children in the age group of 6-14 years. The World Conference on 'Education for All' held in Jomtien, Thailand in 1991 pleaded universal primary education in particular on education for girls and women.

The knowledge of the rights and freedom of oneself as much as of the others is considered as a fundamental tool to guarantee the respect of all human rights for each and every person. On 10th December 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights



Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors. Building on the foundation laid during the United Nations Decade for Human Rights Education (1995-2004), the new initiative reflects the international community's increasing recognition that human rights education produces far reaching results, by promoting respect for human dignity and equality and participation in democratic decision-making. Dissemination of knowledge of human rights must aim at bringing about attitudinal change in human behaviour so that human rights for all become the spirit of the very living.

OUR INTERN SPEAKS...

- Swapna Das

I am Miss Swapna Das perusing LL.M from Gauhati University. I have started my internship in Legal Cell for Human Rights (LCHR) from April 7, 2015. It is a great experience for me working in LCHR as I am learning many new things. It is also a great opportunity to utilize whatever I have read and studied during my LL.B and LL.M courses. I have come to know about the organization's work and activities in various fields to promote and provide justice to all the poor and needy. For the people who are poor and struggling to get justice and to whom justice has been denied. According to my point of view LCHR is the best helping hand for them to get justice as per as the law and order are concerned. Apart from that the staff members in the office are also very cooperative and encouraging. Everyone is very sincere and disciplined in their work. So, at last all I have to say is that working in LCHR is a great experience and I feel privileged to be a part of it.

TEA PLANTATION LABOURERS OF ASSAM : THEIR IDENTITY AND LIFE

- Abinash Narzary

Assam produces about 55% of tea in India. About 60 lakh labourers, mostly women are employed in tea gardens across the State. It is said that they were brought into Assam from Jharkhand, Chhatisgarh, Orissa, West Bengal and Andhra Pradesh more than a

hundred years ago. They are attributed as "Tea Tribes" to include all other sub tribes namely Oraon, Munda, Kharia, Sawra, Santhal etc. This attribute does not include to those who do not work in tea gardens, whereas, they are categorized as "Ex-Tea-Tribes". Such categorization has been resented because that does not uphold their real identity. These counterparts in other states are called by their own tribes or sub tribes. They are popularly known as "Tea Tribes" or "Ex- Tea Tribes in Assam", in the Central list of OBCs for the State of Assam there is no single community described as "Tea Tribe". But there are more than 95 casts in the list of OBCs for the State of Assam falling under the description "Tea Garden Labourers, Tea Garden Tribes, Ex- Tea Garden Labourers and Ex-Garden Tribes".

The tea plantation labourers of Assam living in the tea gardens which are mostly situated in remote areas have had to come through tough life in the hands of the garden managements and the negligence of the ruling Governments for decades. These innocent people are almost neglected in action as they lack power to raise voices against the Government officials and law makers.

Girls from tea gardens are sought for maid servants by city people. Human trafficking has become one of the dangerous prevalent in the lives of the tea plantation labourers. There are many school drop-out children. Some of the undeniable reasons of these happenings are negligence of proper education, low wages, unhygienic labour lines etc. Illegal selling of the country-beer in the labour lines has remained unchecked by Government authorities. The estate managements are not seen to be discouraging this damaging business. Furthermore, the consumption of country-beer by the plantation labourers has also hampered the growth of their community to some extent.

Plantation labourers of Assam share the same Act called the Plantations Labour Act, 1951 along with the other plantation labourers of the other parts of India. Some of their basic rights are secured through this Act. Nonetheless, this Act requires amendments and proper implementation by the Government of the day. The state of Assam has framed the "Assam Plantations Labour Rules" in the year 1956. However, the non-implementation of the rules has kept the labourers in pitiful conditions. One can see the wretched living standard of the plantation labourers as he or she enters their quarters provided by the estate management. The

labour lines (colonies) lack better safe drinking water, proper drainage, housing etc. which are forcing unhygienic living. The facilities to be available in the hospitals as per the provisions of the Assam Plantations Labour Rules, 1956 are not seen. One of the clear examples of violation of health right is the huge number of death from Tuberculosis (TB) in tea gardens. Other health conditions are malnutrition, underweight among children, worm infection and skin problems. It is sad to know that more than 90% of the labourers are unaware of system of the Assam Plantations Labour Rules, 1956. A few of them are aware of the existence of Labour Commission, Labour Inspector, Provident Fund Commissioner, and other officials and departments created separately for them by the State Government. Only 5 days of classes take place in the Lower Primary (LP) Schools of some of the tea gardens. The teachers employed in the School are used by the estate management on every Saturday to make payment to the labourers. There are tea estates where about 200 to 300 retired or resigned labourers are not paid their Provident Fund (PF) which amounts to several thousand and lakh of rupees. How long will the poor and needy labourers have to suffer further? Is this a kind of modern slavery happening even if the Constitution is in existence?

RECENT ACTIVITIES

- Ravi Sagar, Director, Shobha K.P., Dy. Director and Felcita D' Souza, Programme Coordinator of LCHR attended meetings in the month of January 2015, as part of the programme, "Training and Sensitization of 400 Lawyers empanelled with State Legal Services Authority including Sikkim" in all the eight states of North East India. Further a meeting was held at LCHR Guwahati on 31st January, 2015 with the contact persons of the eight states to coordinate the programmes in their respective states.



- LCHR conducted a training programme on "Para Legal and Advocacy Skills" for the Para Legal Personnel of Kamrup District at LCHR Training Hall, Christianbasti, Guwahati from 21st to 25th February, 2015. The topics dealt were Social Security Schemes, Mahatma Gandhi National Rural Employment Guarantee Act, Panchayati Raj Institution, Right to Information and Criminal Justice System.



- **3 DAY TRAINING FOR EMPANELLED LAWYERS OF LEGAL SERVICES AUTHORITY HELD**

Three training programmes for lawyers empanelled with Manipur State Legal Services Authority (MSLSA), Mizoram State Legal Services Authority and Nagaland State Legal services Authority (NSLSA) were conducted in the month of February and March 2015, which were attended by 132 Panel Lawyers.

This training has been part of 8 months long programme "Training & Sensitization of 400 lawyers empanelled with the Legal Services Authorities of 8 states of NE including Sikkim" by the Department of Justice, Ministry of Law and Justice, Govt. of India in collaboration with States Legal Services Authorities of N.E and Legal Cell for Human Rights (LCHR) Guwahati.



Inaugurating the 3 day training programme in Imphal, Hon'ble Justice Kotiswar Singh, Executive Chairman Manipur State Legal Services Authority stressed the need to update and enrich the knowledge in order to discharge the responsibility of lawyers to

act on behalf of the vulnerable sections of the society. Hon'ble Mr. Justice B. P. Katakey speaking on this occasion said that it is the duty of the advocates to give service to the society. Summarizing 3 day training at the concluding ceremony Mr. Thokchom Ibohal Singh appreciated the outcome of the entire training for 3 days as part of the integral project “Access to Justice in 8 states in the Northeast India including Sikkim and Jammu and Kashmir”.



In the inaugural programme at Aizawl, Mr. Lalsawta, Hon'ble Minister for Law, Govt. Of Mizoram who was a senior member of the Bar said “Justice has become expensive affair for the poor and weaker sections”. Mr. D. K. Mahanta, District & Session Judge (Rtd) said, “Justice is linked with God and only God can do full justice. God has delegated this divine task to judges, lawyers and court officials.



In the inaugural address at Dimapur in Nagaland, Hon'ble Mr. Justice H. K. Sema, Former Judge of Supreme Court of India said, “Human Rights violation has taken place in the remote areas of our country. Justice being an essential commodity has not reaching to those areas. Hence go to the rural area to be the voice of the voiceless”. Mr. Kesonyu Yhome, IAS, DC of Dimapur said, “Over the years entitlement given to the citizens have seen erosion. This is an area need to be addressed quickly”. Mr. Ajongba Imchen, JMFC, Member Secretary of Peren District Legal Services Authority said, “Change of attitude is important factor for the empanelled lawyers to reach the unreachable and provide legal service to the poor and the vulnerable sections of the society.”

Delivering the Key note address, Ravi Sagar, Director, LCHR said that the training aims at building the capacity of the empanelled lawyers to empower the poor and the marginalized. He said, “In order to do this, many organizations like Dept. Of Justice, National Legal Services Authority, State Legal Services Authorities and LCHR have come together with carefully arranged activities spread over a period of 8 months”. He added, “Legal Services to the people poor and the marginalized is not a charity but it is a constitutional right backed up by judicial pronouncements and legislative enactments. Therefore, empanelled advocates have the constitutional duty to fulfill”.



Discussions on various topics such as legal aid as a Fundamental Right, function, strength and challenges of State Legal Services Authorities of those three states, rights and legislative protections of women, children, the aged, people with disabilities, SC, ST OBCs, working class, rural and urban poor, victims of natural calamities, disasters, ethnic conflicts etc. were taken up. While dealing with Civil and Criminal Procedure with relevant laws including customary laws with special reference to vulnerable sections and weaker sections, Skill Development Tools for the empanelled advocates along with professional ethics was emphasized.

Resource team of LCHR accompanied the Para Legal Persons in awareness programmes organized in various district of Assam during the monitoring and valuation meetings.



- LCHR conducted Legal awareness programmes on RTE, RTI, Human Trafficking, Child & Women Rights, Social Security Schemes and Plantations Labour Act at Gorchuk, Chandrapur, Tinsukia, Jagun, Dibrugarh, Chapar, Dhubri, Baganpara, Kumarikata and Dhekiajuli. About four hundred rural people of Assam attended the Legal Literacy Sessions.



- International Women's Day was celebrated at Jagun on 8th of March, 2015. The staff members of LCHR were the resource persons; spoke on various topics such as human trafficking, domestic violence, women empowerment and importance of education. More than 500 people took part in the programme.



- Shobha K.P. was the resource person at training on human rights education for school teachers of Assam organized by North East Diocesan Social Service Society, Guwahati, wherein she spoke on Universal Declaration of Human Rights (UDHR) to 45 participants.
- Tea Garden District Coordinators attended a consultation meeting on 7th April, 2015 at LCHR to chalk out their strategy for the future.



- On 30th March, 2015, 73 youth from Baganpara in Baksa district of Assam were enlightened on Human Trafficking, Right to Information and Child Rights. Satya Narayan Boruah and Preeti Rekha Gogoi from LCHR were the resource persons.



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