

Annotated Bibliography on Forced/Bonded Labour in India

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Working Paper

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**International Labour Office
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Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.¹ The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness-raising, advocacy and knowledge functions – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

Dr. L. Mishra, formerly a high-level official of the Government of India, dealt for a long time with questions of bonded forced labour, including through work he carried out for the country's Supreme Court, which involved interviews with large numbers of bonded labourers working in brick kilns and quarries.² Shortly after he joined the ILO's Regional Office in Bangkok as Senior Advisor on Fundamental Principles and Rights at Work, I asked him to consider elaborating a long-term plan to spur the elimination of bonded forced labour in India. This was published as a Declaration working paper last year.³

Another task that he assumed was to go through his personal document collection as well as a number of university libraries, research institutes, government and non-government offices to collect and summarize the many books, articles, monographs and reports that have been issued in India on questions of forced or bonded labour. Much of material, which is brought together in the current Working Paper, was published when the discussion on these questions was at its hottest – in the 1970s – but it is still relevant and informative today. Before all this material gets lost and forgotten, this volume documents its existence and value for future generations of policy makers and researchers.

I thank Dr. Mishra for having performed this huge task with his usual zeal and thoroughness.

December 2002

W.R. Böhning,
Director, Programme Management,
InFocus Programme on Promoting the Declaration.

¹ For the text of the Declaration, please visit our website at <http://www.ilo.org/public/english/standards/decl/declaration/text/index.htm>

² A summary of his concern with workers tied down by debts has appeared in L. Mishra, *Burden of bondage* (New Delhi, Manak Publications, 1997).

³ L. Mishra, *A perspective plan to eliminate forced labour in India*, Declaration Working Paper 2 (Geneva, ILO, 2001).

Preface

This bibliography provides a wide range of references on the subject of forced/bonded labour in India, which has multiple forms. Regardless of this multiplicity it is a negation of inalienable human rights, an affront to dignity, decency and worth of human existence, and anathema to civilised human conscience. Moreover, the prevalence of forced/bonded labour is also incompatible with decent work.

The source materials have a very wide canvas. They address the historical origin of forced/bonded labour in India and contributing factors to the phenomenon. Poverty characterised by landlessness, loss of control over natural resources, and helpless dependence on money lenders, are some key factors. Similarly, landlords acting as middlemen for obtaining loan/debt/advance for personal consumption, ceremonial purposes and meeting other family needs, also contribute to the vulnerability of poverty-level groups. Besides this, the failure of the formal credit systems, banks, and cooperatives to meet these needs lead to the preponderance of traditional/informal systems of credit. Likewise, distress migration arising out of drought and scarcity conditions also lead to indebtedness and debt bondage.

A consequence of debt bondage is the loss of freedom, and human dignity and decency. In many instances there is also injury to human life and limb resulting in incapacitation, with educational deprivation of working children. Therefore there is a need for a variety of intervention measures to deal with these consequences. The purpose of these measures ought to be to provide relief to the deprived and oppressed and prevent recurrent debt bondage.

In India the Bonded Labour System (Abolition) Act was passed by both Houses of Parliament in India in 1976 and received the assent of the President of India soon thereafter. But the act was given retrospective effect from 24.10.75, when the Bonded Labour System (Abolition) Ordinance was promulgated.

Before this major initiative at the national level was taken, steps had been initiated at the provincial level both during the pre and post independence period. Laws and regulations had been enacted to put an end to the multiple forms of bonded labour systems, which was known by different names in different states. To illustrate, in Andhra Pradesh, the Hyderabad *Bhagola* Agreement Act, 1943, sought to eliminate the bonded labour system known as *bhagola* in the old Hyderabad state. In Bihar, the Bihar and Orissa *Kamiauti* Act of 1920 declared that all *kamiauti* agreements leading to various forms of bondage, such as *kanuas* and *sevakias* in Palamau, *kamiauti* in Santhal Parganas, *harwahi* in Bhagalpur, *kandh* in Deoghar, *bhaot* in Godda and *krishari* in Dumka, were illegal. In Orissa the Debt Bondage Abolition Regulation, 1948 declared that all *gothi* agreements leading to various forms of bondage such as *bahabandh* - bonded slavery - and *bethi* and *begar* - forced labour - will be void. In Rajasthan, the *Sagri* System Abolition Act, 1961 abolished *Sagri*, one of the most hideous manifestations of usury with its attendant elements of oppression and exploitation.

Studies on debt bondage done during the pre-independence days showed the need for legislative interventions to abolish them. Such an analysis provides interesting sociological insight into the creation and perpetuation of the bonded labour systems. It also provides an insight into the inequitable agrarian structures and relations, which are heavily loaded in favour of absentee landlords and weighed against the landless agricultural labourers.

This publication comprises publications on the historical origin, contributing factors and consequences of debt bondage. This volume also examines the directions of the system thus far and the necessary steps eliminating it in the future. For clarity, the publication is divided into three sections, with Part I annotating books, Part II journal articles and essays, and Part III report and case studies.

It is acknowledged that despite best literature searches, the list of publications referred to in the bibliography is not exhaustive. A sincere and earnest effort has, however, been made to trace as many publications relevant to forced/bonded labour. To complete this task, a number of people and organizations were integral for its timely completion, and I need to mention of the following persons.

I am indebted to Mr. Vinod Vaish, then Secretary Ministry of Labour, for having written to the Secretaries in charge of departments concerned with forced/bonded labour to provide me with necessary logistics and academic support to enable me to proceed with this assignment. I am equally indebted to the secretaries and

heads of departments of the concerned departments in thirteen states I visited for having provided necessary logistic support and help.

They also ensured that I had made necessary arrangements to enable me to interact with NGOs, voluntary social action groups and institutes of social science and research. I am grateful to those NGOs in particular who responded to my invitation and provided valuable insights into the world of forced/bonded labour in India. My thanks are also due to the Director of Lal Bahadur Shastri National Academy of Administration and his colleagues and Directors of ten other institutes of social science and research to have provided me access to their libraries, valuable publications, and information on the subject.

My special thanks are due to Mr. Manohar Lal (Director-General, Labour Welfare), Mr. Uday Varma (Director, National Labour Institute) and Mr. C.S.K. Singh (Senior Fellow of the Institute) for their ungrudging support and help. I must acknowledge that without the unremitting help of Mr. C.S.K. Singh it would have been virtually impossible for me to have carried this assignment to its end.

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Part I – Books (Arranged in Alphabetical Order)

Arora, UP, Pandey LP, Patra MK, Shankar R. and Chaubey NP

- Nurturants of Bonded Labour (Pages: 56)
Published by Indian Academy of Social Sciences, Allahabad (1977)
Catalogue No: ISSA.004

The publication is based on a survey of six villages in the district of Allahabad in Uttar Pradesh where bonded labour has been prevalent for a long time. The survey was conducted by a team of social scientists of the Survey Research Centre of the Indian Academy of Social Sciences. Selection of sample was done at two levels, namely village and the individual. While six villages were selected from different parts of the district, one member from each family of labourers was selected. In all 470 labourers could be interviewed with the following results:

- Over 50 per cent belonged to low caste.
- Majority are landless and illiterate.
- Low wages received by men force women to work.
- Wages are paid in both cash and kind.
- An overwhelming percentage of labourers are dissatisfied with wages.
- Ignorance of the provisions of Minimum Wages Act, 1948 is colossal.
- Wage labourers turn to landlords/money lenders for loan/debt/advance.
- They prefer to approach the latter, in comparison with cooperative banks, even though the rates of interest are usurious and very high.
- Failure to repay the loan/debt/advance is followed by physical assault, forced labour, increase in interest rates, forced possession of property and no escape.
- There is no awareness of the provisions of Bonded Labour System (Abolition) Act or the provisions of Debt Relief Act.
- Debt bondage mostly turns out to be intergenerational on account of the principal debt remaining intact.

The other important findings of the survey are:

- *Zamindari* system has been abolished by law but in practice replaced by an equally exploitative system of contractors.
- The joint family system gets replaced by nuclear families, with significant social and economic consequences.
- Over 65 per cent of children do not go to school and child labour is used as a corollary of bonded labour systems.
- Money lenders and landlords advance loan/debt out of economic considerations and not out of any charity or catholicity.
- Bonded Labour System is deep-rooted in the rural economy.
- The social systems of rural labourers are fragmented and weak compared to rural rich farmers.
- Bonded labour system blocks full play of human creative energy and potentiality, and it stifles development of human personalities.
- Flow of information from top to bottom is slow.
- Government officials at the village level are usually callous and insensitive in terms of their attitude and approach.

Arora UP, Patra MK and Chauby NP

- Social Cost of Bonded Labour (Pages: 94)
Published by Indian Academy of Social Sciences, Allahabad (1977)
Catalogue No. 1: ISSA.005

This publication is a collection of five papers pertaining to different aspects of 'bonded labour' in India. The first by M.K. Patra deals with bonded labour in the form of 'inhuman bondage'. The second by U.P. Arora is an

attempt to trace socio-historical linkages of bonded labour. In the third, Gauri Shankar presents an economic analysis of the problem. The fourth is a survey report based on six sample villages around Allahabad. In the fifth paper, cultural cost of bonded labour has been examined by N.P. Chaubey, Rajni Jain and L.P. Mehrotra. The following conclusions emerge from the four papers.

- What was originally perceived as a scheme for social division of labour - caste system - has degenerated over the years into one of the worst forms of social exclusion - denial of access to public facilities.
- Persons at the lowest rung of the social ladder, *sudras*, had duties to perform but no rights to claim. This peculiar perception was regrettably supposedly sanctified by the Hindu scriptures.
- Bonded labour system represents an unequal exchange system, which is crafty and deceptive, and it rests on verbal agreements.
- It could be short term or long term; in most cases it is lifelong.
- It is not confined to agriculture and is not occupation specific.
- It gets compounded by natural calamities - flood, cyclone, drought, famine, etc.
- The bonded labour system results in
 - forfeiture of freedom of employment
 - forfeiture of the right to sell at market value the product of labour.
- The Agricultural Labour Enquiry Committee, 1956-57, has brought out how the rural lower middle class are getting converted to marginal farmers, marginal to landless labourers and landless labourers to bonded labourers. 16.3 million were estimated as agricultural labour families, 57 per cent of whom were landless.
- The debt investment survey conducted by the Reserve Bank of India in 1972 also brings out the extent of massive rural indebtedness.
- The bonded labour system is deeply rooted in customs and traditions and a primitive mode of agricultural production. Heavy population pressure on stagnant agriculture leads to fragmentation and subdivision of unproductive landholdings. Acute indigence and helpless dependence of the poor leads them to moneylenders and landlords for obtaining loan for consumption and ceremonial purposes. Bonded labour becomes the best collateral as they have nothing else to offer to the moneylender/landlord.
- Regardless of the system having multiple forms and goes by different names in different parts of the country, victims of the system can be found everywhere.
- A number of social movements have been launched at different times at the national and state level with minimal or no impact on the liberation of un-free labour.
- The process of awakening has been slow and legislations have not produced the desired results.
- Women, adolescents and children labour under conditions of denied freedom and movement that they can easily degenerate into forms of bonded labour.
- Land reforms hold the key to solution of the problem, which should be comprehensive and time-bound.

Bales, Kevin

→ Disposable People – New slavery in the Global Economy (Pages: 298)
University of California Press (1999)
Berkeley and Los Angeles, California

Of the seven chapters in this book, written with tremendous depth and intensity by a lifetime researcher of slavery and slave-like practices, the sixth chapter captioned, 'India: the Plough-man's Lunch' deals with various forms of debt bondage in India. Factors contributing to the phenomenon of debt bondage, the position of debt bondage victims, the stand of the state on the practice of debt bondage, pitfalls in the implementation of rehabilitation programmes and what needs to be done to improve the pace, content and quality of the programmes for elimination of debt bondage is dealt with here.

The chapter begins with the life of a plough-man and his family who are among the millions of agricultural labourers who live in bondage and proceeds to deal at length with the various forms of bondage, such as (a) domestic (b) workers who are bonded in plantations, in manufacturing process, in brick kilns and stone quarries, (c) widow (d) *devadasis*, (e) bonded working children and so on. The essay extensively deals with the problem of

debt bondage in India's most populous state of Uttar Pradesh, in agriculture, stone quarries, brick kilns, match box and firework factories and factories producing cigarettes, brassware, glass and bangles, pottery and carpets.

Of the 27 million slaves at a global level, it is estimated that there are 500,000 bonded labourers in Uttar Pradesh. All the bonded labour keepers are big land holders and belong to upper castes, while almost all the bonded labourers are landless and illiterate. Most of the bonded labourers are attached permanently to the land and household of the landlords. The former look up to the landlord or the money lender for loan, debt and advance either for marriage, paying the bride price, consumption, payment of fine, or other household needs. There is an obvious reference to some of the abominable practices in vogue in Uttaranchal, such as selling wives into prostitution, in order to get the money to pay off the debt they took to marry them. The practice of intergenerational bondage, under which the debt owed is inherited by the oldest son whose labour is counted against the debt interest is also alluded to in the article. Workers who are recruited from other states like Orissa by recruiting agents to work in large construction projects are also explored. The exploitation takes place by denial of minimum wage, living accommodation, food and water and medical care is described in depth.

There is a vivid account of the working and living conditions of bonded labourers in a village called Bandi, which is 30 miles away from Allahabad. The following picture emerges from this interview:

- Agricultural tools and implements used are primitive.
- The working hours are long - 7 a.m. to 1 p.m. and 3 p.m. to 7 p.m.
- Untouchability, social segregation, continues to be practised.
- Bondage is intergenerational and has been taken for granted.
- The bonded labour keepers belong to upper caste Hindus and the bonded labourers to scheduled caste/tribe community.
- Bonded labourers on account of their ignorance and illiteracy are unable to recount how much loan is taken, repaid and outstanding.
- The need for borrowing from the landlord is pervasive and unremitting. It is either for consumption, fertiliser, or treatment of the old and ailing persons.
- It is an unequal exchange relationship, under which the stakes for the bonded ploughman are heavily loaded or rather loaded in an unjust and inequitable manner against him.
- The wife of the bonded ploughman is attached both to the household as well as fields of the landlord. It is a non-stop routine for her.
- There is no freedom and spontaneity in the day to day life of the bonded ploughman. Debt operates like a cycle in which the bonded are eternally trapped from generation to generation.
- The local officials work hand in glove with the landlord/bonded labour keeper. This is a strange, though not inexplicable, nexus that works to the total disadvantage of the bonded labourer.
- The schemes meant for rehabilitation of freed bonded labourers are seldom appropriate and relevant to the real life situation of the bonded labourer.
- Indigenous groups or self-help groups can make a lot of difference to the lives of the bonded and their family members.
- Even though share croppers stand on a different footing from that of the bonded, they also have serious problems in terms of land and soil management, management of cattle and crops and in getting a just and fair share of the produce.
- Most of the state governments fight shy of the problem and labour under the impression that with enactment of a central law debt bondage has been fully eradicated.
- Ironically some of the senior officials of the labour department of a state were found to be bonded labour keepers.

The economics of the bonded labour system as perceived by the landlords makes a rather distressing reading. According to this perception, the bonded labour system is the key to economic profitability. The costs incurred by them in agriculture production, the landlords maintain always increases. In sharp contrast, the cost of maintaining a bonded labourer is always fixed and kept to a minimum.

The good work done by a few states and a couple of success stories notwithstanding, the study is loaded with a lot of cynicism and scepticism against the policy of rehabilitation of freed bonded labourers and manner of its implementation. It has brought out instances of fudging of numbers, deception and fraud practised by officials, while handling rehabilitation assistance and huge unmerited benefits being cornered by a handful of people without the slightest compunction. Simultaneously, it has offered a couple of good suggestions to ensure that rehabilitation efforts produce some desired results. These are:

- Freed labourers should have a say in the type of rehabilitation they receive.
- Freedom should be immediately followed by training and support.

- Apart from ensuring transfer of record of rights on the land, land should be developed in a manner to ensure productivity and food security.
- Funds should be set aside for low interest loans and emergency grants in the first few years of freedom, in particular, to take care of funeral and wedding expenses.
- The follow up support should include helping freed labourers to set up small credit unions.
- Children of freed labourers should have easy access to free, compulsory and universal primary education.
- Low level government jobs should be set aside for freed labourers.

Breman, Jan

→ Patronage and Exploitation - Changing Agrarian Relations in South Gujrat, India (Pages: 286)
University of California Press, Berkeley, Los Angeles, London (1974)
ISBN: 0520-02197-5

This is a study of the relationship between landlords and agricultural labourers of South Gujrat in the sixties and seventies, which has several distinct characteristics. To start with, it adopted observation and participatory techniques for conducting the study, which is different from the questionnaire technique. Secondly, the study is an attempt to place grass-root level findings in a theoretical frame. Thirdly, it restores the primacy and centrality of agricultural labourers, who constitute 25 per cent of the agrarian population.

The study begins with characteristics of pre-colonial society in India, that was politically autonomous, economically self-sufficient and collaborative on a footing of equality and reciprocity. The colonial rule brought about sweeping changes in the economic structure of the local community, such as:

- Monetizing the economy and stagnation of agriculture.
- Destruction of old village communities
- Flooding the domestic market with foreign manufactured goods
- Destruction of domestic industry
- Land revenue assessed at high rates and payable in cash
- Inability of many peasants to pay land revenue resulting in their land vesting in the state
- Peasants and rural artisans becoming landless agricultural labourers and increasingly pauperised.

The study refers to the various forms in which servitude/bondage existed in different parts of India. Bondage was not confined to agricultural labourers. Small and marginal farmers also entered into an agreement of tenancy and crop sharing and undertook to (a) hand over a portion of the crop and (b) perform field services. It analyses how the landowning castes managed to establish complete control over socially and economically weaker groups of the village and monopolise over their services. It has attributed the following factors to servitude in agriculture: (a) reclamation of land from wilds and marshes and hence need for engagement of labour, (d) soil and climate acting as limiting factors for employment of imported labour and hence suitability of native labour under difficult environmental conditions, and (e) inability of agricultural labourers to earn an independent living and a desperate search for security and certainty of livelihood.

The study establishes a close co-relation between servitude and lower and depressed classes. It traces the history of debt bondage and intergenerational bondage. The study brings the landlords and agricultural labourers representing the two extremes of the economic structure closer as partners in the traditional *jajmani* system in the following manner:

- The members of the locally dominant caste were the *jajmans*, while the members of other castes depended as *kamins* on the landowners.
- The inequality of power that was inherent in the *jajmani* system implied compulsory exchange of goods and services on unequal terms.
- The *jajmani* system was an expression of the extreme hierarchical character of the caste structure with patronage as an essential aspect.
- There was little to distinguish a *jajmani* relation from servitude.
- The only difference between *jajmani* system and servitude was that in the former the servant is also a client entitled to affection, generosity and intercession on the part of the master.
- The relationship between the master and servant was an admixture of elements of exploitation and patronage, mitigated exploitation.

The study after presentation of a brief profile of geography and demography of South Gujarat region proceeds to describe the salient features of 'hali' system. 'Hali' is the other name of a farm servant, the permanent employee of a landlord - a *dhaniamo*. Most of the *halis* were *dublas* and some were *kolis*. The relationship between a landlord and a *hali* started with incurring of debt for marriage the repayment of which was virtually impossible. It was *Anavil* Brahmans who mostly employed *halis*. The *hali* worked on the land and was also the personal servant of the landlord. His wife served as the maid in the house of the landlord - fetching water, sweeping the floor, washing the utensils, cleaning the stable and emptying the chamber pot on the dunghill.

The study brings out clearly the elements of servitude which was not forced on *dubla* agricultural labourers. It was a reciprocal need and relationship. The *Anavil* Brahmans themselves did little or no work on the land and needed to have adequate amount of labour permanently at their disposal. Lack of continuous employment in the traditional agricultural economy made the *dublas* to go in for this type of attached agricultural labour system. Besides, they stuck to the landlord (*dhaniamo*) as (a) the latter acted as a money lender, (b) he helped the *dublas* on all occasions of death and marriage, (c) he also provided food grain allowance, a head cloth, a jacket, loincloth, and scarf for winter, (d) allowed labourers to gather firewood on the master's land, (e) provided food in years of scarcity and in old age when the *hali* could not work and medicines at the time of illness, and (f) allotted house-site for building a hut. It is precisely for these reasons that the *halis* did not want to end their attachment. Debt was rather fictitious in character and its repayment was not envisaged by either of the parties.

Both sides aimed at continuing the arrangement as long as possible but continuance was not automatic. It was rather contingent on the approval of the *hali* and his descendants. For the latter, it was as much a right as a duty to succeed their father as farm servants. While the landlord tried to keep the debt within reasonable limits, the *hali* did his best to extract as much out of the master as he could. He stimulated his master to be liberal and to make a show of behaving like a good master. He knew that his dependence on the master increased but he accepted it as inevitable. This is because the chances of finding alternative employment were rather limited. The *hali* of a prominent *Anavil* patron was assured of a reasonable amount of security and protection. In short, servitude was sought by the *halis* and not imposed on them.

The study indicates towards the end how the trend over a period of time has been a switch over from keeping *dublas* as permanent farm servants to contract/casual labour who can be engaged and disengaged. This was a gradual development; there was no sudden termination of the earlier relationship. While according to some research scholars the system disintegrated between 1930 and 1950, according to some others disintegration came between 1940 - 1960. Under the new dispensation, servitude was replaced by a casual and intermittent service. This was not on account of any significant shifts in land ownership. The *dublas* and *kolis* continued to be peasants, tenants and agricultural labourers. The factors which account for the new features are:

- Sharp increase in the number of agricultural labourers and landless agricultural labourers.
- Relatively higher birth rate of lower castes combined with a gradual decrease of mortality.
- More people were available to be engaged on contract/casual basis on hire and fire.
- The cost of engaging farm and household servants went up and was not affordable.
- Subdivision and fragmentation of landholdings weakened landlord's financial capacity.
- The economic crisis of 1930s accelerated the disintegration of *hali* system.
- Decline in cultivation of a highly labour intensive crop after the first world war led to a vastly diminished demand for permanent labour.
- Increased social and labour mobility of *dublas*.

Debi, Mahasweta
Ghose, Nirmal

→ Bonded Labour in India (Pages: 58)
(original in Bangla translated into Hindi by Anand Swaroop Verma) Radhakrishna Prakashan, New Delhi

A rich historical and economic insight into the problem of bonded labour in India for over 200 years is provided in this study. It brings out clearly the system of land ownership and collection of land revenue which was in vogue prior to introduction of *zamindari* system by the colonial rulers through the Bengal Permanent Settlement Regulation in 1793 and later the Madras Permanent Settlement Regulation, 1802. The new system converted millions of peasants to tenants and subjected them to numerous forms of oppressive treatment by the feudal landlords. The latter was the most effective agent for collection of land revenue; and was also synonymous with exploitation and torture. New categories of oppressors were born such as *gantidaar*, *pattanidaar*, *darpattanidar* and *talukedar*. The concept of ownership of land was reversed. Land became like any other saleable commodity,

and ownership of land changed hands on account of non-payment of rent in time. Rack renting, absentee landlordism and rural poverty were the direct outcome of the *zamindari* system.

Both in terms of extent of land owned and wages earned, the tenant and agricultural labourer were at a disadvantage. Three fourths of the families had less than 15 *bighas* of land, 57.2 per cent less than 9 *bighas* and 81 per cent of the tenants did not have enough to eat even with a good crop.

In 1842, the daily minimum wage was one *anna* - in one rupee one could get 40 *maunds* of rice. The daily wages in 1922 went up to 4 to 6 *annas*, with one rupee one could get 5 seers of rice. In 80 years time while wages went up 4 to 6 times, real wages fell by 25 per cent to 50 per cent.

The reasons for taking loan/debt from the money lender were inescapable. Landholdings of an average tenant, being small with limited production were insufficient even for survival. This got compounded by taxes and numerous other contingencies such as money needed for buying seeds, rituals and ceremonial expenses, medical expenses etc. The burden of loan went on increasing.

The publication refers to a number of sporadic protests against the usurious practices introduced by the absentee landlords such as

- Wahabi revolution of Barasat
- Faraji revolution of Faridpur
- Maunom agrarian revolution of 1832-33 and KOI revolution of 1831-32
- Santhal revolution of 1855-56
- Revolution of Neel Bagan
- Revolt of Pabna - Baguda
- Revolt at Malabar, by mopla farmers

The Bengal famine was caused in 1943 due to a crisis in availability of food grains on account of ban on import of rice during the Second World War and lack of serious efforts on the part of the state to distribute rice. Over millions perished while 420,000 acres of land reached the hands of those who had nothing to do with farming.

The publication estimates that there were three million bonded labourers in 1931 out of which over one million alone were working as plantation labour in Bengal and Assam. Furthermore, according to a Reserve Bank of India (RBI) report of 1967-68, an estimated 70 per cent of the families live below the poverty line.

According to RBI report the impact of the law on minimum wages has been minimal. Any demand for minimum wages results in loss of employment and replacement of local labourers by people from outside. Seasonality of employment in agriculture where on an average employment is available only for 150 days in a year, therefore, in terms the income of agricultural labourers has declined by 5 per cent. Prolonged unemployment and decline in real wages compel an agricultural labourer to take recourse to loan from the money lender. Six out of ten families are indebted and it is indebtedness, which gives birth to bonded labour. Of the total loan of Rs. 3,752.00 *crores*, according to RBI report Rs. 3,374.00 *crores*, 88 per cent, were accounted for by agricultural labourers who account for 72 per cent of the total number of workers. A number of states, Tamilnadu, Haryana, Maharashtra, Uttar Pradesh, have enacted debt relief laws, but the real relief to agricultural labourers and others who are indebted is still elusive.

Different parts of the country in the States of Andhra Pradesh, Bihar, Gujrat, Madhya Pradesh, Maharashtra Tamilnadu and Uttar Pradesh where bonded labour system is endemic is identified. A majority of bonded labourers, 84per cent, are shown to be members of scheduled caste and scheduled tribe communities. The publication presents a telling account of the plight and predicament of individual victims of debt bondage, with the strategy and methodology of putting an end to this plight and predicament has also graphically depicted.

Dubey, Anand K.

→ Social Justice and Bonded Labour in India (Pages: 194)
Printwell Publishers, Tilaknagar, Jaipur – 302 004 (India) (1989)

In the introductory chapter, the publication affirms that the right to freedom is a natural right, and freedom and dignity are inherent virtues. Bonded labour, therefore, is anathema to human dignity. It emphasizes that fundamental rights are essential for development of all human beings and regrets to observe that social behaviour at every stage of development has sought to divide society into two groups. The net result of this is that we have *de jure* concept of equality but not *de facto* one.

At the end of the introductory chapter the publication comes to the conclusion there is no genetic and congenital distinction among people and that there is no rationale in assigning higher status to one race, *varna*, caste or class and lower status to another. The publication looks upon basic human dignity as absolute and non-negotiable. It also treats social justice as a right by constitutional entitlement. The book establishes a clear co-

relation between law and life. Law alone, without life, values and perspectives is meaningless in as much as life alone without law organising it along desired and desirable patterns of conduct does not make any sense.

Chapter one deals with the concept, legal meaning and dictionary meaning of bonded labour systems. It gives a causal analysis of the present problem and gives a shape to the conceptual framework of the study. The second chapter gives a historical perspective of bonded labour. It provides an international backdrop of forced/bonded labour in the context of 13th and 14th amendments to American Constitution for abolition of slavery and the reactions thereto.

The next, chapter three, provides an international perception of forced/bonded labour. It analyses various international charters including ILO Convention No. 29 of 1930 on forced labour and ILO Convention No. 105 of 1957 on abolition of forced labour. It also examines the practice of forced labour in Thailand, Myanmar (Burma), Hong Kong, Malaysia, Singapore, Philippines, Ceylon (Sri Lanka), Pakistan and Indonesia.

The fourth Chapter deals with the socio-economic dimensions of bonded labour in India, with reference to the *zamindari* system, the *ryotwari* system and the *mahawari* system. It refers to the twenty point socio-economic programmes announced by the government from time to time, in which elimination of bonded labour system prominently figures, as also India's five year plans and the approach to eradication of bonded labour system.

Chapter five traces the history of constitutional and legislative intervention for abolition of forced labour by referring to the debates of the Constituent Assembly that brought Article 23 of the Constitution for abolition of *begar* into existence. It deals with the legislative interventions for abolition of bonded labour system in the States of Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamilnadu, Uttar Pradesh and West Bengal.

The penultimate chapter deals with enforcement of the legislation on abolition of bonded labour system, and drawbacks in the enforcement machinery. And the final chapter critically examines various judicial pronouncements and gives some recommendations/conclusions.

Hamilpurker, Dr. J.L.

→ Changing Aspects of Bonded Labour in India (Pages: 226)
Himalaya Publishing House (1989)
ISBN – 81 – 7040 – 099 – 6

This is a study conducted in three villages situated in Bidar and Gulbarga, two very backward districts of Karnataka, on the incidence of bonded labour system. The first chapter provides a historical insight into the existence of bonded labour. It refers to a survey jointly undertaken in 1977 by the Gandhi Peace Foundation and National Labour Institute and the state-wise position on the basis of the findings of the Survey. There is a special reference to the *Bhagola* System Prevalent in the ex-state of Hyderabad, which was abolished by law as early as 1943. There is a detailed analysis of the concept and definition of bonded labour system as perceived by numerous authoritative figures. And then it proceeds to discussing the aims, objectives and the methodology of the study.

The second chapter deals with the different land tenure systems obtained in the Hyderabad state, and the geography, topography, social and agro-climatic conditions obtaining in Bidar and Gulbarga districts and the three villages. It gives a detailed account of the demographic composition, distribution of population and households, and modes of cultivation in these three villages.

Chapter three deals with the social framework of bonded labour system in the context of composition of bonded labour households. It examines the personal characteristics of bonded labourers, history and extent of indebtedness, and the purpose for which debt was obtained.

A profile of the social and economic background of the bonded labour keepers, their attitude and approach towards bonded labourers is given in the fourth chapter. The next chapter, five, deals with the terms and conditions of the agreement for debt. It looks at the period for which service is to be rendered by the bonded labourer, number of bonded labour keepers served, span of service and reasons for change, nature of work allotted, wage rates and mode of payment.

The impact of the measures for rehabilitation of freed bonded labourers is the focus of chapter six. The difficulties in the identification process, the possibility of lapse back to bondage and specific measures for timely and effective identification, release and rehabilitation of bonded labourers is all emphasized. Finally, chapter seven, presents a summary of conclusions and recommendations.

There are three important observations in the report, which deserve serious consideration. First, the best and largest lands are owned by upper caste Hindus, while land of poor and mixed type are owned by the members of scheduled caste, tribe and backward caste communities. Secondly, 90 per cent of the members of the bonded

families are illiterate and only 10 per cent are literate. Among the literate, the percentage of the primary level educated is the highest which is mostly due to compulsory primary education. Thirdly, a decade after the passing of the Bonded Labour System (Abolition) Act, the system has not been eradicated and the measures of rehabilitation are not strictly implemented. Also important are the observations that all bonded labourers should be freed from the existing load of debts, which is the provision of law and that they should be given loans by the government until rehabilitation is attained with improvements in their economic conditions. These measures will prevent freed bonded labourers from lapsing back to bondage.

Hasnain, Nadeem

→ Bonded Forever – A Study of the *Kolta* as Himalayan tribe (Pages: 141).
Harnam Publications, New Delhi 110002 (1982)
ISBN 572.09542

The publication is a lively and sensitive account of the working and living conditions of *koltas*, a menial caste group, living in abject poverty and social exclusion in the foothills of Himalayas under the virtual tutelage of upper-caste, *Brahmins* and *Rajputs* landlords for generations.

The publication is in two parts. The first part deals with area, people, history and methodological configuration and the second part deals with the poverty and social exclusion of *kolta* tribes and sexual exploitation of *kolta* women.

The introduction in the first part deals extensively with the concept of poverty as seen by classical and neo classical economists, Marxists and other schools of thought. The three distinct categories, collective, cyclical and individual, conditions, economic inequality, dependence and insufficiency, and the culture of poverty as perceived by Oscar Lewis (1959) are also explained.

Chapter two deals with the geography, topography and agro climatic conditions of the two tracts, Jaunpur – Rawain and Jounsor Bawar, in which the *kolta* tribes live amidst others, the ethnic composition, and their life style is noted.

The third chapter is a treatise of both adaptation and reaction of the members of *kolta* tribes to their marginal position in a 'class stratified' society. The presentation is based on series of interviews that the author had with tribe members.

Chapter four is a graphic account of the causal factors of poverty and social exclusion of *koltas* characterised by landlessness and indebtedness. It also explains why *koltas* prefer local landlords/moneylenders to cooperative societies and how marriage and its dissolution alone are responsible for the indebtedness of *kolta* households. It also deals with the harrowing consequences of debt bondage and its meek acceptance by the *koltas* and the sexual exploitation of *kolta* girls and women.

The next chapter, five, gives an account of how the officially recognised *gram panchayats* and *nyay panchayats* have come under the complete sway of the upper-caste people, *Brahmins* and *Rajputs*, who are also the bonded labour keepers. It is a telling evidence of how even-handed justice for *koltas* in the hands of members of such local self-governing bodies dominated by vested interests is not possible and how their participation in such institutions is only a euphemism.

Chapter six deals with land, livestock, other material possessions of the members of the *Kolta* tribe, while chapter seven deals with their food, health, life expectancy and mortality. Chapter eight deals with the permissiveness and licentiousness in matters of sex and marriage in a society where members of *kolta* tribes live, 'polyandry', its consequences, and the generally low status of women.

Chapter nine and ten sum up the philosophy of life to which a member of *kolta* tribe is attuned. This is a 'culture of silence and dependence', resignation to fatalism, a world of superstitions and obscurantist ideas and practices, educational deprivation of children and a colossal waste of human resources.

Chapter eleven seeks to recreate life of members of *kolta* tribe as depicted in folk songs. The author has bemoaned that the pace of change needed to ameliorate the plight of *koltas* is painfully slow. A system still prevails where the members of *kolta* tribe find themselves helpless, economically crippled, socially downtrodden and politically *persona non-grata*

Kamble, N.D.

→ Bonded Labour in India (Pages: 163)

This is a study of bonded labour system in Tumkur district of Karnatak. Twenty out of 2454 inhabited villages were selected for a sample study. A structured questionnaire was designed to elicit information from thirty-six bonded labour households – and while conducting personal interviews in an informal manner was adopted. Eventually 40 bonded labourers were found from 36 households in ten villages, from a total of 1,184 households.

The caste system in India, under which right to property and education was the exclusive preserve of the first three *varnas*, *brahmin*, *kshathriya*, and *vaishya*, and the *sudras* were victims of deprivation is mapped out. Economic dependence and poverty of marginal social groups force them to borrow, work free or for nominal wages and enter into a debt trap. Such creditor-debtor contracts had social sanctions. The creditor had the right to extract work from the debtor until the debt was cleared off, which could not be cleared because of usurious interest rates and this multiplied and swelled yearly. Besides, the documents were often fraudulent. Since the debtors are illiterate, they did not understand the full implications of the size of the loan, repaid and outstanding amounts. While the system thrived and flourished, debtors went further down the social ladder. Where debts were not cleared, it passed onto the next generation with the caste system acting as a transmission belt to pass on bondage from one generation to another.

Family members of a bonded labourer were *de jure* free but were *de facto* bonded to landlords. A number of laws had been enacted prior to independence at the state level, which either restricted or legalised forced labour. Yet, as there is no uniformity in these laws and their impact was minimal, this led to a central enactment i.e. Bonded Labour System (Abolition) Act, 1976. This act was given retrospective effect from 25.10.75.

Main findings of Tumkur survey:

- Of the forty bonded labourers identified in the survey, twenty-seven were agricultural labourers (84 per cent), while six were bonded for generations. Furthermore, 86 per cent were illiterate, eleven were landless, twenty had 1 to 5 acres, two had 5 to 10 acres and three above 10 acres. Much of the land, however, was dry and economically non-viable. Fourteen of them were above 51 years of age suggesting that clutches of bondage systems are very old and ten were in 40-50 year age group.
- 83 per cent of the bonded labourers were released but have been bonded again.
- Indebtedness is a compelling factor for the continuance of the bonded labour system.
- Twenty out of thirty-two borrowings are spent on consumption, seven on marriages and four on other purposes.
- The extent of borrowing: while 2/3rd is up to Rs. 300.00, 1/3rd ranges between Rs. 300.00 to Rs. 700.00.
- Low wages meant limited purchasing power, and the latter meant consumption of low calorie diet and malnutrition. The bonded labourers interviewed consumed inferior cereals without any protein. Low food intake meant low energy, which meant low productivity.
- Bonded labourers were from households whose heads were married. Marriage entailed larger needs, which entailed more borrowing and usually bondage.
- Average size of the family was 4.2 with a sex ratio of 1,081 females for 1000 males, positive sex ratio.
- Mode of payment: 25 per cent were paid once in a month but not in cash. 97 per cent of the bonded labourers were paid below Rs. 500.00 per annum while 1/7th of them were paid only Rs. 50.00 to Rs. 100.00 per annum. This works out to Rs. 28.00 per day, which is not sufficient even for a cup of tea. Some were paid in kind, with the cash value computed according to the will of the master.
- Out of forty bonded labourers, fourteen are still working under the same conditions as before, ten were released in response to President's Ordinance of 24.10.75. In the absence of alternative occupations, however, they lapse back to bondage. Twelve of them were officially released, but unofficially are working as bonded labourers.
- 60 per cent of the bonded labourers were released only after repayment of debt, even though bonded debt stands extinguished under law. The remaining 40 per cent had to mortgage their property.
- Neither the bonded labourers nor their masters are prepared to acknowledge the existence of bonded labour systems.

The publication does not offer any solution to elimination of bonded labour system. It, however, expresses a fond hope that the pernicious system of debt bondage may not recur for the following reasons:

- Division of land on account of separating landlord families.

- The size of land holdings will be smaller, than at present.
- Population in the divided families will increase.
- Smaller holdings and availability of more family labour will not require additional labour force from outside the family.
- Landlords are also trying to dispose off their land due to fear of tenancy legislation.
- Status of absentee landlords is slowly diminishing.
- Demand for bonded labourers will, therefore, decline.

Kulkarni, PM

→ Rehabilitation of Bonded Labourers in Karnatak (Pages: 90)
Institute of Social and Economic Change, Bangalore (1988)

This study was carried out in mid 1987, with a view to assessing the nature of bondage. The process of identification and release from bondage, providing assistance to the released bonded labourers, retention and utilisation of the assets provided, and income generated and overall changes in the living conditions of rehabilitated persons is assessed here.

The study is based on a sample survey of about 400 released bonded labourers in the four districts of Mysore, Shimoga, Bangalore and Hassan. In each of these districts, two taluks were selected with total of eight taluks and sample sizes of fifty each are allocated. In all 411 persons in the four districts and eight talukas, who were given assets under the rehabilitation scheme were interviewed.

Broad findings of the Survey:

- Over $\frac{3}{4}$ of the rehabilitated labourers in the sample belonged either to scheduled castes, 72.7 per cent or scheduled tribes 5.6 per cent.
- Most of the others belonged to communities generally considered as backward, *idiga*, *kuraba*, *besthara*, etc.
- Most of the bonded labourers were illiterate with only 13 per cent having some schooling but most not completed even fourth grade.
- About half of bonded labourers, 45 per cent, belonged to landless households and about a quarter, 28 per cent, owned less than two acres of land.
- Only about 20 per cent owned some livestock.
- The bondage was mostly, 87 per cent in the form of labour on annual contracts, with such contracts being made just before the beginning of the agricultural season.
- Only 13 per cent are reported to have been bonded for long duration to pay off loans.
- Annual contracts, partly oral and partly written were often renewed at the end of the year.
- 83 per cent of persons interviewed had worked for five or more years as bonded labourers.
- Most began working as teenaged boys and continued to work for the same landlord or for another landlord year after year. The arrangement continued until marriage and even after marriage.
- 70 per cent received Rs. 400.00 or less for a year's service as bonded labourers, with the average at Rs. 332.00. This was in addition to food and clothing.
- It is difficult to get an accurate estimate of the total value of wages, since the estimate would be heavily influenced by the imputed value of food, clothing and other items.
- Wedding ceremonies was the main cause of borrowing, 35.2 per cent, followed by routine consumption, 27.8 per cent and medical expenditure, 13 per cent.
- The work to be performed by bonded labourers ranged from agricultural and animal husbandry operations to household chores, without any fixed hours and was required to be performed at any part of day or night. They had no freedom to seek work elsewhere during the tenure of the contract.
- There are differences in interpretation, especially because of the uncertainty as to whether those workers who are covered by annual contracts are bonded or not.
- Such doubts and disputes notwithstanding, the bonded labour system, which is illegal has not fully disappeared even after enactment of the central act.
- In about 8 per cent of the households of the released workers someone was working on bondage.

- Even three out of 411 workers were found to have continued in bondage after their formal release.
- In the selection of schemes, individual preferences did play some role. However, with difficulty in procuring land for allotment to labourers non land-based schemes through provision of productive assets was the order of the day.
- The process of procuring productive assets was long and cumbersome.
- Procurement of productive assets from far off places gave scope to doubts about mal practices. There was scope for more openness and transparency in these transactions.
- Only 17 per cent of those who were given cattle had owned such animals in the past and hardly any had owned crossbred cattle. The recipients of industry, service and business assets were not given any training for the trades. About 1/3rd of those who received livestock did not have any fodder available.
- The institutional support for proper upkeep and maintenance of the assets as also for marketing was weak. Milk producers' cooperative societies which could have played a useful role had not been formed in many areas. Only 22 per cent of those who were given milk cattle had joined such societies.
- The mortality rate in respect of some of the productive assets, sheep and goat, was unusually high, 590 perished out of 1278. This could be attributed to not carrying out de-worming of animals.
- There is considerable variation in net income, from no income to Rs. 200.00 to Rs. 2000.00 per annum. The average current income would be of the order of Rs. 568.00 annually.

The survey is not very specific about the impact of measures for rehabilitation of freed bonded labourers in terms of total quality of life, which goes beyond monetary income and covers many other indicators - such as access to primary health care, literacy, hygiene, nutrition, environmental sanitation and life expectancy. However, several deficiencies in implementation of the rehabilitation schemes brought out in the report would undoubtedly form a basis for corrective action on the part of planners.

Lal, AK (Dr.)

→ Politics of Poverty (A Case Study of Bonded Labour) (Pages: 106)
A.N.S. Institute of Social Studies, Patna (1977)
Chetna Publications, New Delhi

This case study introduces the two approaches and policies to development in India. Under the first, which is a reference to the Community Development Programme of the 50s, it was assumed that with development of infrastructure - both physical and social - and growth in production - be it agriculture or industry - the poorer and weaker sections of the society would benefit under 'the trickle down effect' theory. The second sets of policies have the exclusive intent of helping the poor even at the cost of rich. Enactment of a set of protective and anti-exploitative laws and programmes that aim at direct attack of poverty, reverse discrimination, fiscal incentives and subsidies come under this category.

Empirical evidence has, however, shown that both the approaches did not yield the desired results. The 'green revolution' mostly benefited the large and medium peasantry who had access to irrigation and inputs. Large peasantry thwarted all attempts at implementation of land reforms, including bringing structural changes in the village. The local self-governing bodies have also failed in discharging the responsibilities entrusted to them by the constitution and law.

A precise definition of bonded labour system is attempted in the study, where it is conceptualised as an unequal exchange relationship between the creditor and debtor. The latter borrows from the landlord and in the absence of any other security pledges him/herself to work for the creditor under terms of a contract which are largely favourable to the former. The debt tends to increase and sometimes the whole family is bonded for life. Dire poverty of the debtor and the usurious rate of interest make it rather impossible for the former to repay the debt and therefore, the bondage what the author calls 'voluntary life sentence' - continues for whole life.

This often turns out to be hereditary, where the bonded labourer or bondsman is known by different names. Regardless of this variation, however, the contours of exploitation remain by and large the same. There is large scale prevalence of *kamiya*' system in Bihar, a variant of bonded labour system that has the lowest per capita income in the country and where wages are mostly paid in kind. This ancient system provides the wherewithal for survival of a large number of landless agricultural labourers. A historical insight into the nature and character of the

problem over a thirty year period, 1926-1956 is also provided, which underscores the point that these segments of society have evoked very little attention of academicians and researchers.

Even though the study is confined to one village with 159 households, its findings are fascinating. Broadly, the following highlights emerge from the study, which are of interest and relevance for evolving a strategy for elimination of forced/bonded labour in India.

- The bonded labour keepers represent an overwhelming numerical majority, 83.6 per cent, while bonded labourers constitute a numerical minority.
- Land distribution and ownership is skewed. 42 per cent of households are landless.
- Higher education still remains the absolute privilege of the landed upper castes.
- Large numbers of children belonging to scheduled caste community are victims of educational deprivation.
- Bondage has been institutionalised under a system where the land owning upper castes and the labourers belonging to the lower castes have formed a stable alliance.
- It is also hereditary linked to the patri-lineal descent groups of masters and servants. The process begins from birth and goes up to death, and therefore bondage is lifelong.
- The bonded labourer is purchased, sold, mortgaged or leased out like any other commodity or property.
- Sometimes the amount paid for hiring a leased out labourer is Rs. 20.00 per annum which shows how human life is equated with goods and chattel.
- Escape from bondage is virtually impossible and is met with dire consequences. Sanctions for enforcement of the alliance are unilateral, even though resort to violence to correct an intransigent '*kamiya*' may occasionally spark off counter violence.
- The payment to '*kamiya*' is mostly in kind and falls far short of minimum wages notified under Minimum Wages Act. Wages are paid only for the days worked. No wages can be claimed for the period of illness of a '*kamiya*'. The wages are terribly low to keep the family barely fed all the year round. Therefore, low income compels the '*kamiya*' for fresh loans, and bondage is perpetuated.
- The system is doubly beneficial to the keeper in as much as, (a) it provides an assured supply of cheap labour, and (b) the keeper does not have to maintain the labourer all the year round.
- It is mostly disadvantageous to the '*kamiya*' except that it guarantees the basic livelihood of the labourer in an economy of scarcity. She/he has no voice and bargaining power, and meekly endures the inhuman and subhuman treatment meted out.
- On the whole, it is an exploitative relationship.
- The resource disadvantage of the '*kamiya*' tended to be cumulative. They are poor, their educational and income levels are very low and they have no marketable occupational skills.
- Reduction of cumulative inequalities strengthens the roots of democracy, while the bonded labour system robs democracy of its meaning and significance.
- Land is the main route to achieve rural equality, while inequality in ownership of land is a major contributing factor to rural inequality.
- Ceiling legislations have been passed to acquire surplus land from big peasants for the purpose of redistribution among the landless labourers.
- Three million tenants share croppers have acquired ownership of land in more than seven million acres through land distribution and ownership.
- In many parts of the country, however, land reforms are yet to be implemented, and vested interests have successfully thwarted the attempts of the state in that direction.
- Measures of 'reverse discrimination' are yet another instrument to disperse the cumulative inequality of depressed classes.

Nainta, Dr. Rish Pal

→ Bonded Labour in India: A Socio-legal Study (Pages: 251)
APH Publishing Corporation (1997)
5 Ansari Road, Darya Ganj, New Delhi 110002
ISBN 81-7024-835-3

This is a study of the social and legal dimensions of the problem of bonded labour in India with special reference to the incidence of bonded labour system in Himachal Pradesh. The concept and definition of bonded labour, the striking features of bonded labour system, obligation, force and curtailment of liberty and the constitutional philosophy envisaging abolition of forced labour are spelt out in the introductory chapter. The scope and objective of the study and methodology adopted for carrying out the field investigations are also in the first chapter.

The study was confined to a survey of 38 villages in four development blocks in two districts of the state in 1992 and 1993. Various facets of working and living conditions of seventy-five identified bonded labourers are identified. The extent of their land ownership, factors leading to debt bondage, nature of their work and their levels of literacy is noted.

Chapter two traces the origin, evolution and growth of the bonded labour system in ancient, medieval and British India. The origin of this social evil is attributed to the caste structure of the society, which not only sanctified the system but reduced serfs to the level of disposable commodities. It recounts a series of initiatives that were taken in the second half of the 19th Century, such as the report of the first Indian Law Commission (1835), formulation of an antislavery report (1841), enactment of first antislavery law (1843), Bihar and Orissa *Kamiauti* Agreement (1920), Madras Agency Debt Bondage Abolition Regulation (1948), and the various developments leading to the Constitutional Provision (Art 23) on Prohibition of Forced Labour.

The third chapter examines the jurisprudential perspective of bonded labour. An in-depth analysis of the various social and economic factors responsible for creation and perpetuation of such a system is made. The stratified structure of the society, antiquated social customs and traditions, pervasive illiteracy and ignorance are amongst the social factors, while landlessness, unemployment and underemployment, poverty and indebtedness are amongst the economic factors responsible for bonded labour systems. The latter also represents an institutionalised form of expropriation. Starting from the international level a critical appraisal of the various legal instruments and their impact on elimination of bonded labour system is made. The author bemoans the fact that the emphasis in the current law is on liberation and rehabilitation of bonded labour and not for punishing the perpetrators of the crime.

Chapter four deals with a number of issues associated with identification, release and rehabilitation of bonded labourers. The issues dealt with are (a) genesis of the problem of bonded labour, (b) steps taken by the state governments and district administrations who are responsible for enforcement of the provisions of law to unearth the system, (c) agency and procedure for identification and release, (d) findings of various studies/surveys conducted by Gandhi Peace Foundation and National Labour Institute (1977-78), National Sample Survey Organisation (1978-79) and State Governments and the accuracy and authenticity of findings of these surveys, (e) various schemes - land-based, productive asset-based and art/craft/skill based - for rehabilitation of freed bonded labourers, and (f) the evaluation of content, process and eventual impact of rehabilitation efforts.

The study highlights the fact that (a) most of the rehabilitation schemes have been thrust on the bonded labourers against their preference, felt needs and interests, and (b) there is no provision in the schemes sanctioned for rehabilitation to meet their consumption needs and therefore they approach the money lenders and eventually get into bondage. The chapter also underlines the need for a comprehensive national survey to correctly identify the magnitude of the problem.

The seminal importance of public interest litigation and judicial activism vis-à-vis identification, release and rehabilitation of bonded labour is underscored in the fifth chapter. Public interest litigation as opposed to the Anglo-Saxon concept of jurisprudence for seeking judicial redress is a welcome initiative in Indian jurisprudence since 70s. This system enables the victim to find an easily accessible outlet for ventilation and redress of his/her grievances against the inaction, callousness and insensitivity of the law enforcement machinery.

A number of judgements of the apex court and the directions issued by the High Courts or the apex court to the central and state governments and the law enforcement agency are recounted. They show (a) how to conduct surveys for identification of bonded labourers, (b) how to secure their release through a process of summary trial, (c) how to activate the functioning of vigilance committees as effective tools for implementation of the programmes of identification, release and rehabilitation of bonded labourers, and (d) how to ensure that schemes for rehabilitation of freed bonded labourers conformed to their preferences, felt needs and interests and how they were enabled and facilitated to reap the fruits and benefits of rehabilitation. The most striking part of these directions lies in the fact that any failure on the part of the State to implement programmes for rehabilitation of freed bonded labourers would contravene provisions of Article 21 of the Constitution. The other striking feature of the directions is that the apex court has not criticised the law nor changed it but has simply given a very broad, liberal and expansive interpretation of the law which would bring it much closer to the intention of the framers of the law. Yet another key fact that emerges from the direction is that administration should not fight shy of the problem on the ground since it will be a slur or bring discredit to the administration.

An empirical overview of the bonded labour system in the state of Himachal Pradesh on the basis of the survey of 38 villages in two districts is provided in chapter six. The findings which emerge from the study are:

- The bonded labourers identified in the survey are a mixture of land owning and landless, married and unmarried persons.
- The duration of bondage ranges between 1 to 20 years, and beyond.
- The landless have better scope to come out of bondage and earn their own livelihood in comparison with the landowning bonded labourers - as the land holdings of the latter are located in the same village.
- Repayment of loans is difficult because of low wage and high interest.
- Helpless children are bonded with payment of two square meals.
- Sometimes the widows and the aged are being held in bondage on account of neglect by children.
- Every entry into bonded labour system is due to economic insecurity. Consumption needs, marriage ceremonies, sickness of family members, death and ceremonies associated therewith are reasons for indebtedness and bondage.
- The amount of loan varies between Rs. 1000.00 to Rs. 10,000.00.
- The payment is partly in cash or kind or both.
- The nature of work is mainly agricultural but partly manual too - domestic service and cattle/sheep grazing.
- The attitude of the landlord/creditor towards the bonded is mostly unfavourable: wages are low and not revised for years.
- 68 per cent of the bonded labourers are totally illiterate.
- The bonded families prefer an earning hand in the family to incurring expenditure on education on account of the extreme nature of poverty and various other socio-economic needs.
- The district of sub-divisional magistrates display ignorance of the provisions of law and functioning of the vigilance committees. They are generally found indifferent to deal with the problem.

Chapter seven comes to the conclusion that bonded labour system exists in the State of Himachal Pradesh. The study acknowledges that collection of information is an uphill task as nobody is prepared to confess openly that he/she is a bonded labourer. Even all the four senior officers interviewed denied the existence of bonded labour system in their respective jurisdictions. No comprehensive survey has been undertaken in the state to identify the actual number of bonded labourers.

While taking cognisance of these limitations, a number of suggestions have been made to amend the provisions of the existing law, to accelerate the pace of identification and release. These involve the need to a) enlist NGOs and local self-governing bodies, *panchayats*, in the process, b) improve the content and quality of rehabilitation in conformity with the willingness, interest and aptitude of the beneficiaries, c) ensure restoration of land belonging to the bonded labourers, d) launch programmes of education through residential schools for the children of released bonded labourers, including working children released from bondage, e) ensure provision of consumption loan - by banks - and subsidised ration for victims of debt bondage, and f) involve both the originating and recipient states by allocating the cost of rehabilitation of migrant bonded labourers in the ratio of 60:40. Finally, a suggestion is made to establish a National Commission for Bonded Labour on the lines of the National Commission for Scheduled Castes and Scheduled Tribes. This the author suggests by making a provision in the Bonded Labour System (Abolition) Act. The Commission should, therefore, have directional, co-ordinational and supervisory functions related to implementation of the law.

Parulekar, Godavari

→ *Adivasis Revolt – The Story of Warli Peasants in Struggle* (Pages: 188)
National Book Agency Private LTD (1975).
12, Bankim Chatterjee Street, Calcutta 700012

The publication deals with two types of forced labour in Thane district in Maharashtra. In the first, the *warlis* who constitute 50 per cent of the *adivasis* of Thane and were initially land owners that they cultivated, but were dispossessed by outsiders who infiltrated into the region (around 1870). The latter systematically appropriated the lands taking advantage of the illiteracy, ignorance and docility of the people.

Agreements (*kabulayat*) are signed between the two groups. Under the terms of the agreement ownership of land remained with the landlord. The landlords, however, offered to give back to the *adivasis* few plots of very poor quality of land. The peasant had to give to the landlord, in return, half or more than half the produce of the

land. The share is known as '*khand*' and the peasant was known as tenant, who is forced to do all the work on the landlord's land without remuneration. Over a period of time, this unequal exchange relationship gives rise to the evils of debt slavery, serfdom and forced labour. Under these circumstances the *adivasi* tenants are made vulnerable and face torture, humiliation and harassment by landlords.

In collecting rents (*khand*) the landlords blatantly resort to deceit and fraud in order to get more than their share. They claim shares in every single thing that grew on leased land - be it rice or pulses or vegetables without investing a single *paisa*. They compel the tenant to attend to a number of additional items of work free of cost. These activities include thatching landlord's houses, cutting the wood, chopping it up, tying it in bundles, transporting it into the landlord's house, stacking and collecting leaves. The children of the tenants also tend the cattle of landlords, carry heavy loads on their backs and provide their bullock carts. The tenants and their family members were to be at the beck and call of the landlords at any time period. Protests or shirking was harshly dealt with, as they were belaboured with sticks and whips, and sometimes even killed.

The second type of forced labour is known as debt marriage slavery. Marriage is a natural and social necessity. For the marriage of an *adivasi*, a minimum of Rs. 100.00 to Rs. 200.00 was needed to perform all the rituals in the marriage ceremony as perceived in these households. Since *adivasi* tenants are never paid for their work, raising this money is a big problem. This compels the borrower to enter into an agreement with the creditor where he and his wife pledged their labour until the debt is fully repaid. Immediately after marriage the couple is tied to the household of the creditor and have to discharge manifold household chores. No wages are paid to the slave couple. While the slaves in the first category could be sold and bartered the marriage slave remained with one master all the time until the loan is fully repaid.

The book gives a vivid account of the functioning of both systems to the advantage of the landlord and to the disadvantage of the tenant. An account of how the system caused a deep chasm dividing society into two clearly identifiable and distinct different categories. One, the landlord, is greedy, selfish, resourceful and influential and also imperious, tyrannical and exploitative. The other, the tenant, is simple, hospitable, kind, compassionate and free of guile. The study also brings out many striking facts, such as:

- To ensure that everybody did his/her bit of slavery, an iron pole had been given by the landlord. The tenants called it (*vetti pole*) slave pole. This was passed around from house to house. All the people living in the house to which the slave pole had been brought had to go to the landlord's house on the following day and would work there for the day as force labourers. On their return in the evening they would pass on the pole to the next house. The drill is repeated continuously.
- The landlord's control over the life of the tenant is complete, which is exercised through a number of agents and musclemen.
- The nexus between the landlord and the lower echelons of bureaucracy at the village level, Circle Inspector, Police Inspector/Sub-Inspector and Officers of Forest Department, is tight.
- Forced labour is used both for execution of public works, tanks, bunds, irrigation projects etc., and for construction of palatial mansions and farm houses of the landlords.

A vivid account of how the tenants are awakened by a mass movement to break off the shackles and fetters of bondage is also given. It traces how bonded labourers are mobilised and organised to work for wages, and how through planned, coordinated and determined efforts the agitation against slavery/serfdom in Thane district took the shape of a mass movement and produced the following positive outcomes:

- The system of forced labour was put an end to.
- Debt slavery was abolished.
- Wages were paid for work, both farm and non-farm.
- Wages for cutting grass and felling of trees were increased.
- Rent in kind was declared illegal.
- All the land was assessed and land revenue fixed according to categories and produce.

Patnaik, Utsa
Dingwaney, Manjari

→ Chains of Servitude: Bondage and Slavery in India (Pages: 380)
Sangam Books (India) Pvt. LTD. (1985)
ISBN 0 86131 490 5

This is a collection of nine essays on various aspects of caste debt, women, child and migrant bondage. The introduction begins with a succinct analysis of antislavery laws enacted and its impact. A definition of feudalism as conceptualised by Maurice Dobb is provided in the introductory chapter. The author then proceeds to feudalism and pre-capitalist employer-labour relations in India and how it differed from those of Europe. An analysis of the caste and the indentured labour system of recruitment is outlined to deal with factors leading to the process of massive displacement of artisans and pauperisation of indebted poor peasantry. This exercise shows how traditional forms of servitude were replaced by monetary forms of bondage. The following three extended influences on agriculture and agrarian relations in the 1950 period has lead to this process:

1. Direct intervention in agrarian relations through land reform legislation;
2. Initiation of a new agricultural strategy from the 1960s to promote modern technology in agricultural production;
3. Indirect effects of an expanding domestic market for agricultural products.

Even though land reforms in 50s and 60s did help establish a uniform land tenurial system the result was to replace one form of domination with another. Specifically, while the feudal land tenure system, such as *zamindari*, *jagirdary* and *inam* was abolished, indirect cultivation through tenants was substituted by cultivation through hired labour. The latter did not reduce the vulnerability of landless peasants. Another ill effect of abolishing the *zamindari* system has been the emergence of rentier landlords, who have used compensation money to introduce mechanical production. This has resulted in the eviction of tenants, with the latter ending up as unrecorded tenants-at-will or agricultural labourers.

The heterogeneous attributes of the term 'tenant' are also spelt out in the introductory chapter. A majority of the tenants were poor or middle peasants while a small rich peasant stratum was also in existence. The latter groups owned land in addition to the plots they rented and cultivated with hired labour, and had ready cash and access to credit. Ownership of land which taken by the government could be bought back. Since the tenancy legislation did not distinguish between different classes of peasantry, they lost sight of operational constraints that would defeat the primary objective of the law. The poorest sections of the peasantry continued to be evicted and join ranks of labourers, while the best tenants continued to thrive, prosper and enlarge their holdings by continuing to purchase state land.

Some inherent limitations on land ceilings and the operational constraints in implementing the law is also discussed. For example, fictitious partitioning and transfers were done resorted to by landlords to retain their monopoly. While the amount of ceiling surplus land taken over by the government was limited, a much smaller proportion was distributed to the landless that was unfit for cultivation.

- The author comes to the conclusion that the net effect of land reform laws on the labouring poor has been
- to perpetuate the old, semi-feudal forms of bonded labour and attached labour on an increasingly monetised basis;
 - to provide an impetus towards capitalist production for profit.

The final outcome of these processes has been to swell the ranks of landless by evicting poor peasants.

The essay, 'Of Dasas and Karmakaras – Servile Labour in ancient India', has presented the evolution of institutional slavery in ancient India. India does not have the same type of chattel slavery as in the Greco-Roman model, forming an exclusive basis of production, but slavery appears to have originated in the *aryan* conquest and assimilated into the caste structure. Other individuals too, however, could be enslaved in ancient India in return for subsistence or in default of debt.

The next chapter on 'New forms of bondage in medieval India' presents the new forms of servitude that came into being after the Ghorian conquests of the 12th century. Various domestic slaves were imported to serve aristocratic households. Special types of slaves are also inducted for manning the army and civil service. Employing eunuchs to guard Muslim aristocratic harems represented yet another barbaric institution superimposed on the exploitative caste-based Hindu society.

'Bondage in the Colonial Context' presents an evolution of slavery and debt bondage in the early colonial period. Slaveholdings as an integral feature of large, prosperous royal and aristocratic households, both Hindus and Muslims, and of the new metropolitan white elite - commercial, administrative and clerical groups – in the port cities of Bombay, Madras and Calcutta is shown to exist. Captive agricultural labour employed at pure subsistence wages, usually paid in kind, is closely linked to the local caste structure. Praedial slaves were the absolute property of their masters with bondage often intertwined with several forms of petty tenancies and share cropping arrangement.

The author of 'Debt bondage in South Arcot district – A Case Study of Agricultural Labourers and Handloom Weavers' deals with the colonial land tenure system, Munro's *ryotwari settlement*, which recognised the indigenous proprietary rights including that of slaveholding. The East India Company had arrogated to itself the power to seize and sell slaves on defaulting estates in order to realise revenue arrears. Despite the formal abolition of customary slavery by the Act of 1843 the passage of the Breach of Contract Act soon afterwards in 1859 legalised debt slavery by allowing creditors to lay claim on the debtor's labour in lieu of interest or amount

repayable. As alternative employment opportunities were limited, taking advances against repayment through labour was the only avenue available to the lower castes in traditional bondage. Similarly, loom-less weavers became victims of textile merchants and master weavers. As the latter social group owned weaving units in the village and controlled a majority of the weavers, they advanced yarn and kept the labour bonded.

The extensive dispossession of tribal population during the two centuries of colonial rule, their exploitative assimilation into the Hindu population and their conversion into mine and plantation workers is the subject of the essay on "Bondage in Santha Parganas". The study indicates that majority of the labourers had been bonded for more than one generation, with *chamars* and *musahars* - or the most depressed scheduled castes' formed 90 per cent of debt bondage victims.

A link between the agriculturally depressed regions of Bihar and eastern Uttar Pradesh and the rapidly growing and prosperous region of Punjab is exposed in the next essay. There are two allurements that induce at least a quarter of a million labourers from Bihar and eastern Uttar Pradesh; these are: (a) higher wage rates in Punjab, and (b) employment being available continuously for three to four months. The plight and predicament of the people recruited through agents on payment of advance and are virtually reduced to the status of bonded labourers while working for the landlords of Punjab is noted to be despicable.

'Bondage in a Green Revolution Area: A study of Brick Kiln Workers in Muzaffarnagar district of Uttar Pradesh' is an intensive study of over 300 brick kiln workers in Muzaffarnagar district. It finds that an overwhelming percentage of them belong to *chamars*, lower castes, with 75 per cent of the landless being also illiterate. Another interesting observation is that a sizeable percentage belonged to Muslim weavers, who were impoverished into non-customary wage labour. Their bondage usually arose from loans taken from landlords and kiln owners for consumption purpose.

General observations about the low rate of participation of women in the labour market, poor quality of their employment and discriminatory treatment meted out to women workers is noted in the introduction. However, the most revealing account of the exploitation and suffering of women is in the chapter on "Himalayan Polyandry: Bondage Among Women in Jaunsar Babar'. Land relations in Jaunsar Babar area of Uttar Pradesh led to monopoly of landed proprietorship by the *brahmins* and *rajputs* employing *koltas* - *chamars*, *doms* and *bajgees*. The colonial settlement explicitly forbade the holding of land by *kolta*. Collectively property held by the patriarchal family of the landed gentry was paralleled by a polyandrous family structure. Through a series of case studies, the author establishes the main features of degeneration in the position of *kolta* women where as the common property of men within the patriarchal family, they are obliged to become prostitutes.

The author of the last article in the series deals with the evolution of the law in relation to slavery and bondage both during the colonial period and post independence period. She makes a thorough and dispassionate analysis of the severe limitations in the laws and in the legal system to eliminate debt bondage which has been in vogue in India over thousands of years.

Prakash, Gyan

→ Bonded Histories: Geneologies of Labour: Servitude in Colonial India (Pages: 250)
Cambridge University Press (1990)

The historical formulation of the discourse is reconstructed to look at freedom as a natural right and an innate human condition. However, historically the realisation of these human essence, i.e. freedom, is noted to be lost.

A wide range of historical practices, political, administrative, economic and social, that lead to a group of persons as unfree is shown to take place. In doing so the period between early 1800s to 1930s is analysed with a sincere attempt being made to interpret evidence and in particular, evidence from the oral tradition. While south Bihar constitutes the focal point of attention much of the evidence flows from Gaya district in central Bihar.

The origin and growth of *kamia* system in south Bihar, is traced by looking at the graphic presentation of the geography, topography, agro-climatic conditions and irrigation practices. The incidence of labour bondage lies deeply embedded in north Bihar, north of the Ganges, and south Bihar, south of the Ganges. North Bihar is a flat alluvial plain with a diversified cropping pattern, autumn, winter and spring, transplanted *aghani* rice, broadcast rice, maize, millets, *marua* and indigo in autumn, wheat, barley and oilseeds in winter and spring. These agricultural production takes place despite having only 5 per cent of the total land area covered by irrigation. In south Bihar there is a strong slope, undulating landscape and the inability of the soil to retain moisture. This peculiarity has lead to human-made canals and tanks to draw and store water for agriculture. More than 46 per cent of the cropped land was irrigated in the early part of the 19th century in south Bihar, but water stored in tanks

could support only *aghani* rice. Therefore, diversified crops are not possible due to inability of the soil to retain moisture. The principal *rabi* crops in south Bihar consisted of cheaper pulses sown in paddy fields.

A succinct analysis of how the north-south divide is relevant for agricultural production and patterns of agrarian relations is presented. The origin, growth and continuance of the *kamia* system are presented in a logical, coherent and convincing way. How and why *kamias* (unfree labour) were preponderant in south Bihar, embracing Palamau, Hazaribag and Santhal parganas, as compared to the north is linked to agricultural production.

In north Bihar there is intensive agriculture, double cropping, higher population density, availability of family labour, high to moderate demand for labour, while family labour is sufficient for small peasants, demand for labour on large landlord estates and big peasant farms would be high. In the South on the other hand, there is mono-cropping – a second crop that is primarily a cash crop - high agricultural seasonality and, therefore, need for a constant labour supply. The supply of labour, therefore, could be guaranteed only if special ties were in effect between the landlord and the agricultural labourer throughout the year. This is how existence of attached agricultural labour made sense in south Bihar while in north Bihar where work is available for most parts of the year, the need for such special bonds or the need for attached agricultural labour is less.

The inescapable conclusion is that the agrarian economy is created under social relations of production, which is secured, reproduced and sustained by the process of power. Whether conceptualised as the Marxian notion of commodity fetishism or Karl Polanyi's formulation on the embeddedness of the economic in the social under pre-capitalist formations, the differences along the north-south continuum leads one to the stranglehold of agro-economic determinism. Namely, that social relations are seen in terms of their economic functions and that social relations are represented according to economic categories.

The author has made a convincing dialectical presentation of such economic determinism by presenting a very interesting and absorbing oral history of *bhuinyas* of the south Gangetic plain who came to be known as *kamiyas*. *Bhuinyas* in the hilly tracts of Monghyr and Bhagalpur were *phatwals*, who had formerly owed allegiance to *rajyas*, Kings, in the north. As *ghatwals* they were guardians of mountain passes, bound to oppose invasions from the south and to support their *rajyas* with their armed followers. *Bhuinya* landholders were connected by marriage and internally ranked. In due course, superior *Bhuinyas* adopted the title of king, once the power of the kings in the north declined. Over time *bhuinya* chiefs claimed warrior, *kshasthriya* status, while junior *bhuinya* chiefs were called *tikaits* - *tika* is a token of investiture. Different from *ghatwals* and *tikaits* were *pawri* hill *bhuinyas* in the tributary states of Orissa, which borders south Chotanagpur. They had no castes even though they were divided into clans and chiefs and did not develop land tenure systems. They, therefore, did not break into stratified groups and were largely independent.

An interesting account of the degeneration of *kamiyas* from the erstwhile status of chiefs to bonded serfs is presented. The author shows how they were subjected to variety of practices that defined and documented them as persons who had lost their natural rights to freedom on account of some limited access to economic resources. Therefore, they now received land, grain or money under the *kamiauti* agreement from *maliks*, bonded labour keepers, and had to therefore, work all their life for the same landlord.

Reddy, Y.R. Haragopal

→ Bonded Labour System in India (Pages: 256)
DEEP and DEEP Publications (1995)
F-159, Rajouri Garden, New Delhi 110027
ISBN 81 7100 703 1

This study is directed to identify the existence or otherwise of the incidence of debt bondage in stone quarries, a non-agricultural sector in Guntur district and to reveal the factual background of the phenomenon. The introductory chapter, one, welcomes the shift from the 'in-house, traditional, black letter, doctrinaire textual legal research' to a new activist research, which articulates the widespread socio-economic inequalities in the society. It acknowledges how the apex court through public interest litigations and its judgements has encouraged socio legal research by social scientists and social action groups. This is on the basis for exercise of its writ jurisdiction under Article 32 of the Constitution of India. The importance attached by the latter through Article 21, 23 and 24 of the Constitution to a life with dignity and decency and without discrimination and exploitation is recognised. Despite constitutional and legal provisions bonded labour, child labour and untouchability is still in existence four decades after independence. Constitutional and judicial pronouncements and international promises therefore, have not had desired impact in eliminating bonded labour.

The salient features of the Bonded Labour System (Abolition) Act, is introduced. The gist of the findings of the joint survey conducted by the National Labour Institute and Gandhi Peace Foundation on the magnitude of

the problem, a profile of Guntur district in Andhra Pradesh, a profile of the stone quarries in the district is noted. Information collected from 215 households and 43, out of 153, quarries selected, multiple regression technique adopted for confirming the findings on the basis of the tabular analysis is also traced in this chapter.

The next chapter presents a brief historical background of the bonded labour system. The factors responsible for the origin, growth and perpetuation of the system along with the measures to eradicate bonded labour are examined. The introduction of debt relief and land reforms introduced by central and state governments to deal with the problem of poverty, unemployment, indebtedness and bondage is noted. But these measures are shown to have failed because of large scale manipulation, evasion and circumvention of vested interest groups.

The legislative response to the elimination of bonded labour system at the national and international level is the focus of the third chapter. Anti-slavery Convention, 1926, Universal Declaration of Human Rights, 1948, European Convention on Human Rights, 1950, International Covenant on Civil and Political Rights, 1966, Forced Labour Convention, ILO, 1930 (No. 29), Abolition of Forced Labour Convention, ILO, 1957 (No. 105) are some responses at the international level. Nationally, a series of debt relief and bonded labour system abolition legislations enacted at the state level, Rajasthan, Orissa, Kerala, Maharashtra and Uttar Pradesh, followed by the Bonded Labour System (Abolition) Act 1975 were all implied. While the redeeming features of these laws in general and those of the Bonded Labour System (Abolition) Act in particular is examined, it has rightly observed that mere passing of a law would not automatically put an end to bondage. The mobilisation and organisation of the bonded labourers themselves against the exploitation and achieving the right to work are noted as key ways of putting an end to this system.

The concept and practice of filing public interest litigations for enforcement of Article 23 of the Constitution and the role of the Supreme Court in securing the release of bonded labourers and ensuring proper rehabilitation of the freed bonded labourers is analysed in chapter four. Public interest litigations that have highlighted the important role played by the apex court in identifying, releasing and rehabilitating bonded labourers are:

- People's Union for Democratic Rights vs Union of India, which is popularly known as Asiad Workers' Case, AIR 1982 Supreme Court 1473.
- Bandhua Mukti Morcha vs Union of India, AIR 1984 Supreme Court 802.
- Neerja Chaudhary vs State of M.P., AIR 1984 Supreme Court 1099.
- Sanjit Roy vs Union of India, AIR 1983 Supreme Court 328.
- Mukesh Advani vs State of Madhya Pradesh, All India Report 1985 Supreme Court 1388.
- Chatisgarh Krishak Mazdoor Sangh vs State of Madhya Pradesh, W.P. No 300/1983.
- Bandhua Mukti Morcha vs State of Tamilnadu and others, W.P. No. 574/1986

This chapter brings out two redeeming features in some of the above judgements. Namely, (a) the appointment of individuals known for their character, integrity and excellent track record of public service as socio-legal investigating Commissioners to unearth the bonded labour system, and (b) enlisting the involvement of dedicated social action groups for identifying, releasing and rehabilitating bonded labourers.

Chapter five presents a factual analysis of the socio-economic background of the sample households. The chapter is divided into two sections. The first section deals with the profiles of the stone quarrying industry and the sample households, while section two deals with the economics of bondage in stone quarries surveyed. The tabulated data brings out the system of payment and recovery of advances, payment of commission to middlemen and blasting charges, monthly gross and net wages, minimum wages and expenditure patterns. The following facts emerge from the analysis contained in this chapter:

Profiles of the stone quarrying industry and sample households:

- Quarries are leased out in favour of labour contract cooperative societies. These in turn sublease them to contractors on a fixed payment per quarry per year.
- The sublease is an oral understanding between the lessee and the contractor.
- The quarry owners remain in the background leaving the operation to sub-contractors.
- This blurs division of responsibility, aiding and abetting the circumvention of laws.
- Out of 195 households, a large majority of 114 households are interstate migrant households.
- As many as 83 per cent of the households do not possess any land.
- More than 80 per cent of workers belong to backward caste and 18 per cent belong to scheduled caste.
- Majority of the households, 55 per cent, were in the age group of 31 to 50 years.
- Majority of the households had a family size of 6 to 10 members. More than 98 per cent of the households belonged to 'below 5 earning members category', and 96 per cent of the respondents got less than 5 dependents each.
- Majority of the respondents were illiterate. About 17.5 per cent of the children in the age group of 10-15 years were working with only 11 per cent of the children are school going.

- 61 per cent of the households had below 10 years service in the quarries.

Economics of bondage in the stone quarries:

- The advances received by the sample households range between Rs. 3000.00 to Rs. 10,000.00. This is not supported by any documentary evidence.
- Agreements are renewed from year to year because of, (a) lack of alternative avenues of employment, and (b) inability to repay the advances.
- Through loans the contractors establish complete control over the debtor's produce.
- Contractor's continue to give advances being fully aware of the fact that such practice violates section four of Bonded Labour System (Abolition) Act.
- 159 out of 195 households are bonded within the meaning of section 2 (f) and section 2 (g) of Bonded Labour System (Abolition) Act.
- More than 29 per cent of the monthly gross wages of the households were deducted towards recovery of advances, a practice which is violates section 6 of Bonded Labour System (Abolition) Act.
- 84 out of 195 households, 43 per cent were paying commission to middlemen violating the ruling of the apex court in *Asiad Workers' case*.
- More than 17 per cent of the total monthly gross wages were deducted towards recovery of blasting and drilling charges, a practice which goes against the ruling of *Bandhua Mukti Morcha case*.
- Thus the deduction towards the recovery of advance, payment of commission to middlemen, blasting and drilling charges formed 50per cent of the monthly gross wages, a phenomenon that contributes significantly to the pauperisation of the households.
- The daily minimum wage earned is much less than the minimum wages notified by the appropriate central government.

The salient provisions of the Bonded Labour System (Abolition) Act are introduced in the sixth chapter. It argues that the provisions of the Act are not implemented in the study area, with the implementing agencies are not functioning effectively to fulfil the intention of the framers of the law.

The penultimate chapter deals with the implementation of labour laws and orders of the government in the stone quarries of Guntur district. The laws which are applicable to the workers of the quarries are (a) Mines Act, 1952, (b) Metaliferous Regulations, (c) Contract Labour (Regulation and Abolition) Act, 1970, (d) Interstate Migrant (Regulation of Employment and Conditions of Service) Act, 1979, (e) Maternity Benefit Act, 1961, (f) Payment of Wages Act, 1936, and (g) Workmen's Compensation Act, 1923 (h) Minimum Wages Act, 1948.

The final chapter is a summary of the observations, conclusions and recommendations contained in previously. The suggestions and recommendations are:

- Issue of an executive order under section 6(1) of the Bonded Labour System (Abolition) Act for extinguishment of the liability to repay bonded debt.
- Prohibition of illegal and unauthorised deduction from the monthly wages of quarry workers.
- Enforcement of minimum wages by the officers of Central Labour Law Enforcement Machinery.
- Release of bonded households after conducting an inquiry.
- Release, repatriation and rehabilitation of interstate migrant workers.
- Issue of identity cards and release certificates to the released interstate migrant workers.
- Simultaneous prosecution of bonded labour keepers along with release of bonded labourers.
- Reconstitution of vigilance committees and surveys to be conducted by them for identification of bonded labourers.
- Maintenance of statutory registers as required under Rule 7 of Bonded Labour System (Act) Rules, 1976.
- Constitution of National and State Bonded Labour Advisory Boards and District Bonded Labour Cells.
- Changes in the agrarian structure.
- Nationalisation of the quarries by the government and constitution of a minor Mineral Development Corporation to eliminate the chain of contractors and middlemen or leasing out the quarries to societies of quarry workers.
- Formulation of a liberal credit policy to provide productive and non-productive credit, both short term and long term, to the quarry workers as a preventive measure.

- Bonded Labour in India (Pages: 227)
Biblia Impex Private LTD, New Delhi (1981)

The findings of the joint survey conducted by the National Labour Institute and Gandhi Peace Foundation between May to December 1978 is brought out in this book. The survey was conducted to identify the incidence of the bonded labour system in agriculture in ten selected states. The states were: Andhra Pradesh, Bihar, Gujrat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamilnadu and Uttar Pradesh. These states were identified on the basis of the report of the Commissioner for Scheduled Castes and Scheduled Tribes for 1975-76 and 1976-77.

The survey was based on a random sample of villages drawn from a total of 450,119 villages in the ten states. Eventually 1000 villages from 4.5 lakh villages spread over 295 districts were selected. Every 450th village in the census list of villages for each state, starting with a random number, was selected for the survey. The field investigators were asked to visit each village allocated to them and find out whether there were bonded labourers in the village. Every investigator was required to interview at least 20 per cent of the bonded labourers in the village on the basis of a questionnaire and record the findings at the end of the interview. The methodology for identifying bonded labourers was decided in advance and the field investigators were required to draw a line of distinction between free agricultural labour and bonded labour. The questionnaire comprised of a few personal/family details, amount of loan taken, the year and the rate of interest, the year when the bonded labourers started working for the landlord/bonded labour keeper, the total number of years he is required to work in bondage, the nature of work, fixed wages, real wages, i.e. actual payment after deduction for repayment of the loan or for food and whether the deduction is with the full knowledge and understanding of the bonded labourer.

Every survey ends up with a projection and in this case, the projection was calculated on the basis of the data collected by the field investigators. The number of bonded labourers in each district was estimated in the following four ways:

- (i) Proportion of bonded labourers in the population surveyed.
- (ii) Proportion of bonded labourers in the population of farm labourers.
- (iii) Proportion of bonded labourers in the population of scheduled caste and tribe.
- (iv) Average number of bonded labourers in the villages surveyed in a particular district.

The estimated number of bonded labourers in agriculture surveyed in 1000 villages of 10 states totalled up to 26.17 lakh or 2.6 million.

The other main findings of the survey are:

- 86 per cent of the bonded labourers come from scheduled caste and scheduled tribe
- 25 per cent of the bonded labourers belong to the age group below twenty years.
- 70 per cent of the interviewed bonded labourers have 3 children or less, the average being 2.7.
- 30 per cent of the bonded labour families are forced to send 2 or 3 of their family members into bondage.
- 19.3 per cent of the bonded labourers have not taken any loan *de jure*.
- Guarantee of a permanent source of cheap labour is the primary incentive for money lending and not extraction of a high rate of interest.
- The all India average of the period of bondage is six years, even though 44 per cent of the bonded labourers interviewed had stated that bondage was for an indefinite period.
- 55 per cent of the bonded labourers take loans for the purpose of domestic expenditure while 30 per cent take it for festive occasions/ceremonies.
- While average wage fixed per month is Rs. 60.00, average wage actually paid is Rs. 40.00 which makes the possibility of repaying the debt and making one free from bondage remote.
- Bonded labourers interviewed were generally land-less and asset-less.
- Forfeiting the right to seek alternative employment is an essential element of bondage.
- 45 per cent of the bonded labour keepers come from upper caste Hindus, 15 per cent from backward classes, 15 per cent from scheduled caste and 13 per cent from scheduled tribe.
- Incidence of bonded labour is on the increase in non-agricultural operations, like building and construction, brick kilns and stone quarries.
- 51 per cent of the bonded labour keepers employ two to five bonded labourers, 5.5 per cent employ six to ten bonded labourers while 40 per cent keep only one bonded labour.

- Debt was the most important compelling obligation which forced persons to bondage – 75 per cent. Social and traditional obligations accounted for 11 per cent while intimidation, coercion physical assault accounted for 26 per cent.

At the end, there are a few suggestions to review the bonded labour problem. These are:

- Failure to achieve the objective of the law and making desirable progress in elimination of bonded labour system cannot be attributed to the administrative apparatus.
- Administration can enforce the law provided the ruling political elite stands solidly behind with total commitment to social equality and human dignity.
- The Indian Parliament should set up a 'National Council for liberation and rehabilitation of forced labour', which shall be directly accountable to the people through Parliament.
- Prime Minister should be the Chairman of the Council. The council should comprise of Chief Ministers of States, Heads Union Territory Members of Parliament, select Voluntary Agencies, social worker and social scientists.
- The implementing authority at the district level shall be directly accountable to the National Council
- A new intensified campaign should be launched for unionisation of aged labour and bonded labour.
- Special educational programmes should be launched to make agricultural labourers aware of the laws on minimum wages, liquidation of rural debts and abolition of bonded labourer.

Singh, SK

→ Bonded Labour and the Law (Pages: 268)
Published by DEEP and DEEP Publications, F-159, Rajouri (1994)
Garden, New Delhi 110027
ISBN 81 – 7100 – 601 – 1

The publication, which was originally presented as a doctoral thesis, seeks to analyse various legislations enacted to protect for the bonded labourers and the indifferent attitude of the executive and law enforcement agency towards the predicament of the bonded victims. This prevents their emancipation, and therefore, the proactive role of the judiciary to protect and safeguard their interests is also examined.

The first chapter provides a historical perspective of the bonded labour system, which was supposedly sanctified by the Hindu scriptures and therefore existed in numerous forms since times immemorial. The study traces the origin of the bonded labour system to the caste and *zamindari* system present in colonial India but it also co-relates the prevalence of the system to plantation and coal mining industry. The findings of the survey jointly conducted by the National Labour Institute and Gandhi Peace Foundation in 1978 and the annual reports of the Commissioner for Scheduled Castes and Scheduled Tribes are the major source of information to reveal on the magnitude of the problem. Variations in the estimates of bonded labourers and the different sets of figures reported by government to Parliament are acknowledged.

The concept of human rights as found in the constitution and as further interpreted by judicial verdicts, along with international law is the focus of the next chapter. The study provides a clear exposition of the concept and agenda of human rights that encompass the inviolable dignity, equality and freedom of every human being. The Universal Declaration of Human Rights adopted by the General Assembly of United Nations in 1948 set the pace and tone as the common norms and parameters that is applied to people, regardless of race, colour, sex, language, birth or any other status.

The legislations in India that ensures the protection of the health and strength of workers, which enable them to develop in a healthy manner conditions of freedom and dignity amidst just and humane conditions of work is also examined. Some of the laws analysed in length are: (a) Bonded Labour System (Abolition) Act, 1976, (b) Mines Act, 1952, (c) Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, (d) Contract Labour (Regulation and Abolition) Act, 1970, (e) Minimum Wages Act, 1948, and (f) Equal Remuneration Act, 1976.

Chapter three traces the history of initiatives and efforts made both before and after independence to abolish bonded labour. Some of these initiatives are (a) Indian Penal Code, 1860, (b) Bihar and Orissa *Kamiauti* Act, 1920, (c) Madras Debt Bondage Abolition Act, 1940, (d) Orissa Debt Bondage Abolition Regulation 1948, (e) Rajasthan Sagri System Abolition Act, 1961, and (f) Ordinance promulgated by Government of Andhra Pradesh (28.08.75), Madhya Pradesh (25.09.75) and Karnatak (20.10.75). The impact of series of debt relief legislations enacted by government of Bihar, Maharastra, Uttar Pradesh and West Bengal which were meant to provide relief to debtors and not to abolish bonded labour systems, is also investigated.

A precise definition of bonded labourer, bonded labour system, slavery, serfdom, forced labour etc. is attempted in relation to the legal system. It analyses the definition as presented in Bonded Labour System (Abolition) Act, bringing out the gaps, omissions and weaknesses in the definition, and refers to the interpretation given by Justice Sri P.N. Bhagwati - while disposing of the writ petition No. 2135 of February 1982 - that helped to bridge some limitations. This chapter shows how despite the best intention of the framers of the law and those of the apex judiciary, the interpretation, application and implementation has badly suffered due to negative mindsets and the clumsy approach adopted by the enforcement machinery. On account of such clumsiness and ignorance of bonded labourers about provisions of the law in general and the provision relating to extinguishment of bonded debt in particular, there are reports of relapse back to bondage of many freed bonded labourers. By making every offence under the act bail-able and cognisable, the authorities have lost sight of the urgency and seriousness of concern associated with every offence.

The constitution, reconstitution, wherever applicable, duties and responsibilities of vigilance committees is dealt with in the fourth chapter. The findings deplore the stand of a few state governments, who without even constituting the vigilance committees, have reported non-existence of bonded labourers. The rationale for representing voluntary agencies and social action groups in the vigilance committees is convincingly brought out offering a number of suggestions for making these committees more effective through close monitoring at central and state levels.

Chapter five comes to a very logical and convincing conclusion that existence of bonded labour system is a denial of human dignity and freedom, social, economic and political justice, and equality of status and opportunity. A clear interpretation of the term 'forced labour', which implies use of physical, legal, and economic forces is provided. Economic circumstance that leaves no choice of alternative compels social groups to provide labour or service with a remuneration less than minimum wages.

The Constitutional commitments dealing with fundamental rights and directive principles of state policy is the focus of the next chapter. The importance of directive principles, which though non-enforceable in a Court of Law are fundamental to governance of the country is emphasised. These directives are the harbinger of social and economic justice, and are the cornerstone of a welfare state. According to the study, their application and interpretation have considerable bearing on the life of a bonded labourer.

Chapter seven brings out the importance of public interest litigation in relation to the concept of *locustandi* in Anglo-Saxon jurisprudence. The importance of directions issued by the Supreme Court by invoking its writ jurisdictions and how the same has significantly contributed to the process of liberation of bonded labourers in the face of indifference of official machinery and resistance of vested interests is examined here. The study has referred to the pioneering work done by a number of socio-legal investigating commissioners, directed by the apex court, to investigate into the affairs of brick kilns or stone quarries to identify and report the incidence of the bonded labour system.

The concluding chapter gives a summary of various conclusions and recommendations. Bonded labour systems are shown to be one of the worst forms of abuse of human rights. Since laws suffer from a number of gaps and omissions and are not effectively enforced, the enforcement machinery is saddled with multifarious responsibilities. Consequently it is unable to pay any proper attention to the tasks mandated, and the penal provisions are not sufficiently deterrent. Therefore, the perpetrators of the crime escape with impunity. As a result generating awareness of the bonded labourers, during both pre and post bondage, is noted to be extremely important.

Tripathi, Dr. S. N.

→ Bonded Labour in India (Pages: 224)
Discovery Publishing House, 4594 Darya Garj, New Delhi 110002 (1989)
ISBN 81 - 7141 - 052 - 9

A case study undertaken in a tribal and backward districts of Orissa, i.e. Phulbani, is the basis of this book. It throws light on certain hitherto unknown facts relating to the bonded labour system prevailing in the district.

The introduction gives a historical insight into the genesis of bondage - including debt bondage, with a focus on the causes, magnitude and intensity of the problem in Orissa. The various kinds of labour in general and slave labour in particular, in ancient India are discussed with reference to the origin, evolution and growth of slavery and position of slaves as noted in the works of *Manu* and *Kautilya*. The legislative interventions for abolition of bonded labour system going back to the days of Emperor Akbar (16th century) and ending up with

Bonded Labour System (Abolition) Act is also discussed in detail. Finally this chapter gives a brief profile of the scope, objectives and methodology of the study.

Chapter two provides an insight into the variants of bonded labour system obtaining in different states - notably in Andhra Pradesh, Madhya Pradesh, Bihar, Chattisgarh, Gujrat, Karnatak, Kerala, Maharastra, Orissa, Rajasthan, Uttar Pradesh and Tamilnadu. The factors contributing from bondage to debt, debt to poverty and poverty to landlessness is discussed here.

The origin of *gothi* system, which is a variant of bonded labour system in Orissa is detailed in chapter three. This is a feudal form of exploitation of landless tribes and semi-tribal groups by crafty and unscrupulous moneylenders, with the latter mostly coming from the plains and settled down in hill areas. The exploitation of the poor peasants by the money lenders is twofold. The former approached the latter for help during times of failure of crops, while the latter approached the former during normal times of harvest, mopped up the entire produce at non-remunerative prices. The exploitation also took various other forms, such as forcible and illegal alienation of tribal land, burden of heavy taxation, illegal cess etc. leading to several peasant uprisings. These, however, were ruthlessly suppressed by the colonial rulers through military action.

The study recounts the prevalence of a series of feudal practices, such as *salami*, visit of the *zamindar*, *sunia bheti*, presentation to the landlord in the new year, *bibhachina* marriage dues, *taharir patwari's* dues), *mangan* and *lagan* (forced benevolence) as contributing the prevalence of bonded labour. It comes to the conclusion that the '*gothi*' system, a variant of bonded labour system in Orissa owes its origin to the *zamindari* system.

This chapter similarly traces the origin of the system of debt bondage in other districts of Orissa - Koraput, Kalahandi, Bolangir, Puri and Boudh Kondhmal, to (a) usurpation/alienation of tribal land by crafty and resourceful non-tribes from the planes, (b) absence of opportunities for tribal people for gainful employment seasonal employment and low income, (c) usurious rates of interest charged by moneylenders, (d) illiteracy and ignorance of the debtors, (e) excessively high land revenue, (f) abject poverty and social disabilities compounded by drought and scarcity conditions leading to sale of children, and (g) difficult terrain - characterised by hills, forests and undulating landscape - low productivity of land, denial of minimum wage. All of these factors are compounded by the emergence of the agents of the new order represented by traders, moneylenders and the contractors who subject members of the tribal community to a ruthless chain of exploitation.

New developments in the post independence period, such as Tribal Land Alienation Prevention Regulation, 1956, Orissa Debt Bondage Abolition Regulation, 1948, Dadan System (Regulation and Control) Act, 1975 later repealed by Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is also described. These were useful legislative interventions but did not create the desired impact on the *gothi* system or bonded labour system.

A profile of *boudh-khondmals*, *phulbani* district in relation to its geography, topography, climate and rainfall, forest, industry and minerals, agriculture and sericulture, marketing and storage of agricultural produce, irrigation, credit institutions, transport and communication, education and health services is given in chapter four. Tribes take recourse to shifting cultivation, or what is known as '*podu*' because of their socio-economic-cultural profile, religious faiths and beliefs. These factors lead to their indebtedness.

Moreover, this is the only district in the state that does not have a railway line and offers poor communication and transport facilities due to difficult landscape. The high forest and vegetal cover reduced due to denudation leads to shifting cultivation by tribal people. Poor infrastructure - both physical and social does not make it possible to harness natural resources and convert it to value added products. This leads to low income, poverty, indebtedness and bondage. A number of special development programmes in operation in the district for generations is introduced with productive employment and removal of poverty for primitive and backward tribal communities being a key focus still the author comes to the conclusion that all these programmes together have not produced any visible transformation in the lifestyle of the people and in removing their poverty.

The next chapter makes an in-depth analysis of the contributing factors of socio-economic backwardness. These include small, scattered and uneconomic landholdings, primitive techniques of farming, limited income, emergence of moneylenders, traders and forest contractors contributing to their exploitation, decline in forest area due to shifting cultivation, restrictions imposed by government on the use of forest by the tribal people, decline in agricultural productivity and large scale and illegal land alienation from tribal to non-tribal groups. The simplicity and guilelessness of tribes, their social customs and traditions that compel them to approach the wily moneylender and the machinations - signing blank promissory notes with the thumb impression of the debtors - also contribute to their bondage.

As the book is a case study of four blocks of Boudh-Kondhmals district (Phulbani), chapter five also presents a detailed picture of composition of scheduled caste and scheduled tribe population in those Blocks. The distribution of cultivable gross irrigated and cropped area, distribution of literacy is provided. The study was conducted in 15 villages of these 4 blocks and information was collected on family composition, occupation, age,

sex-ratio, literacy, consumption pattern through field survey, observation, interviews and perusal of government records.

The final chapter, six, analyses the constitutional and legal provisions for elimination of bonded labour system, the process of identification and rehabilitation undertaken under the Scheme of Economic Rehabilitation of Rural Poor and the impact thereof. The study analyses the various problems and constraints in rehabilitation, lacunae in law and government policy and in their implementation, emphasising the adoption of a holistic and integrated approach to produce the desired results.

Vyas, N.N.

→ Bondage and Exploitation in Tribal India (Pages: 152)
Rawat Publications, 11, Purohit ji ka Bagh, Jaipur (1980)

This is a study which endeavours to examine the social and cultural dimensions of indebtedness. Social and cultural factors are usually the basis for exploiting marginal social groups in rural society in general, and the Indian tribal society in particular.

The first, which is the introduction, attempts a simple and precise definition of exploitation as a social arrangement where persons of one status give less to and take more from persons of 'lower' status. The premise for this definition is that there is no permanent social group in which all members are equal and that societies have been divided into stratified groups where inequality is a dominant factor. Inequality in Indian society has been further reinforced by the caste system, and trade and money lending. Within this general setting two models of exploitation, i.e. 'feudal model' and 'mahajan model', in southern Rajasthan have been introduced where money, land, agricultural produce and manual services are extracted.

Indebtedness is the main variable affecting exploitation of tribal and non-tribal people in the villages of district Dungarpur in southern Rajasthan. A similar study was conducted by the author in 1965-66 for twelve villages, from which two villages are taken for the present study to evaluate the bonded labour system - *sagri* system. Ten villages were selected from Dungarpur Tahasil, including the two from the earlier study, with 680 families of who twenty were *sagri* families. Over 60 per cent were members of the scheduled tribe community, *bhils*, with the remaining being non tribal. All the twenty families of *sagris*, however, belonged to families of *bhils* scheduled tribe community.

Dungarpur is a predominantly tribal district with 834 villages, which are largely located on hillocks. Of the total tribal population, the *bhils* constitute 73.85 per cent. Tribal villages are dispersed as opposed to the clustered villages of the plains, and there are exclusively *bhil* villages as well as mixed villages - where *bhils* live with caste Hindus.

Chapter two presents a socio-economic perspective of the tribal and non-tribal groups in the surveyed area. Dungarpur was a princely state - prior to the integration of all 600 ex-states with the Indian Union in 1947-48 - where a number of small *rajput* princedoms were established. After conquering the *bhil* chieftains and pushing the indigenous people into the hills, a process known as tribalisation was set in place. The study introduces several interesting features, such as the struggle between *bhils* and *rajputs*, the initial resistance of traditionalism to economic development in the area after independence and later assimilation and acculturation. Furthermore, the economic implications of sanskritisation and marriage festivities and rituals - on account of births and deaths, has led the *bhil* tribal peasants into debt. Debt, therefore, has led to alienation of land and landlessness to poverty and bondage.

The third chapter presents a thorough study of indebtedness. The extent and magnitude of indebtedness among tribal and non-tribal families is determined by socio-economic factors such as education, occupation, land-holding patterns of the families. These debts eventually become the destiny and an instrument of socio-economic exploitation. The study reveals that, (a) 4 out of 6 low caste groups are heavily indebted, (b) incidence of indebtedness among the *bhil* and *meena* families is comparatively less than what it is in the low caste non-tribal families, (c) tribal and non-tribal groups do not differ much as far as incidence of indebtedness is concerned, and (d) caste status does not affect the distribution of indebtedness. It also reveals how on account of very limited earnings of small and marginal farmers and agricultural labourers, the debt burden operates like a cycle: the repayments are much less compared to the amount outstanding and fresh loans are added every year for meeting new needs. The vicious cycle can be broken only if the current savings go up, which is possible only if current expenditure is trimmed and kept to the minimum. And this does not appear to be feasible as illustrated through a number of case studies.

The origin and growth of the bonded labour system in southern Rajasthan as an institutionalised form of exploitation is dealt with in chapter four. It presents a succinct picture of the *sagri* system, a variant of the bonded labour system involving the *bhil* tribes of southern Rajasthan.

The next chapter, the fifth, presents a detailed analysis of the social background of the *Sagri*, the debtor, and the *Dharia*, master, in terms of literacy, size of the family and marriage. The economic background is explained in terms of income from land and labour, nature and extent of borrowing and work, source of borrowing, duration of employment and price of labour.

Chapter six analyses the sequence of developments to abolish the system. Starting with enactment of the *Sagri* System Abolition Act, 1961, *Sagri* System Abolition (amendment) Ordinance, Bonded Labour System (Abolition) Ordinance, 1975, Bonded Labour System (Abolition) Act, 1976, inclusion of abolition of bonded labour system as print No. 4 of the old twenty point programme announced to the nation by the then Prime Minister of India on 01.07.75 it comes to the conclusion that the *Sagri* System is on the decline.

Chapter seven, the conclusion, presents different theories of exploitation, and establishes a causal link between indebtedness and exploitation. It controversially comes to the conclusion that the caste system has nothing to do with indebtedness, and it is the lower socio-economic status that is the determining factor. While loans are taken for a variety of purposes, loans taken for fulfilment of social, economic and ritual needs is observed more by the tradition bound lower socio-economic status tribal and non-tribal groups. The size of loans taken for productive purposes by the higher economic status families was higher. An irony is that while the compulsions for obtaining loan with lower socio-economic status groups remains irresistible their repaying capacity always remains low. It is precisely for this reason that for these families indebtedness remains the root cause of bonded labour system.

The study also comes to the conclusion that despite modernisation of agriculture among the *Patidars* and *Patels*, upper caste land owning class, the traditional economic relationship of inter-dependence between *Sagris*, bonded labourers, and *Dharias*, bonded labour keepers, has not ended; rather it is slowly changing into *Bhagia* or share cropping relationship. The study further concludes that development of new infrastructure without effective protective measures has led to intensification and exploitation. It also ends up with an important observation that basic changes in agrarian production relations cannot be effected without dislodging the traditional power structure.

Part II – Articles (Arranged in Alphabetical Order)

Alexander, K.C.

→ Bonded Labour: A Review of Measures Adopted for its Abolition
Social Action, Vol. 29, April-June 1979 (P. 163-177).

The paper is in two parts. In the first part, it describes the various forms of bonded labour – the practice of mortgaging oneself or one or more members of one's family against a loan/debt/advance obtained from a moneylender. These practices are commonly found in different parts of the country, such as Andhra Pradesh, Bihar, Gujarat, Kerala, Tamilnadu, Uttar Pradesh and West Bengal. In the second part, it presents a comprehensive review of the legislative and administrative measures to eliminate bonded labour system and the impact thereof.

The following important facts and findings emerge from the paper:

- Between 1961 and 1971, the percentage of agricultural labourers increased from 17 per cent to 26 per cent.
- Agricultural labourers could both be free and bonded. The relationship with the employers would depend on the demand and supply forces in the labour market and the bargaining power of labour.
- Inter-generational bondage virtually amounts to slavery.
- Even though slavery was abolished in India in 1843 (Act V of 1843) in the absence of radical changes in the socio-economic condition of the people, there is no perceptible change in the conditions of the slaves.
- The relationship between the landlord and bonded labourers can be characterised either by reciprocal cordiality or by exploitation.
- Even though there are variants of the bonded labour system in different parts they exhibit common characteristics. These include, freedom of movement and choice in alternative employment, family members (wife and children) being engaged in the household, and the prevalence of intergenerational bondage.
- Following inclusion of elimination of bonded labour system in the twenty point programme announced by the then Prime Minister on 01.07.75, a series of bold, imaginative and decisive steps were taken by several state governments. These include the governments of Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal.

Some of the suggestions recommended in the paper for effective abolition of the bonded labour system include (a) allotment of house-sites and agricultural land, (b) appointment of social workers, (c) involvement of voluntary agencies, local self-governing bodies and political parties, (d) provision of consumption loan, and (e) stringent enforcement of the Provisions of the Minimum Wages Act.

Bagchi, Amiya Kumar

→ Reflections on the Nature of the Indian Bourgeoisie
Social Scientist Vol. 19 No. 3 and 4, 1991 (P. 3-18)

The paper starts with the emphasis that a correct understanding of the functioning of industrial society requires an evolution of norms and parameters that should be applied uniformly to the industrial employers as to the working class. It traces the origin and evolution of capitalism in different countries – United Kingdom, France, Germany, United States of America, etc., – before taking up growth of capitalist mode of production in India.

According to the author pure capitalism is as much a myth in India as in Western countries. The prevailing admixture of pre-capitalist and capitalist production relations and ideologies has neither transformed the structure of the economy nor resulted in improving the workers' working and living conditions. As a matter of fact, the conditions of labour, specially agricultural labour, labour working in the so-called informal, unorganised or basically low wage occupations has deteriorated and degenerated at places to slave-like conditions. Some of the crises with which capitalist mode of production has been confronted in general are: (a) gap between scientific and technological laboratories attached to educational/research institutions where new tools, materials and techniques

of production are evolved, (b) labour becoming more expensive and the difficulty in introducing labour saving innovations for economising on labour.

In tracing the mobility and growth of capital in different countries and its relationship with productivity, it comes to the conclusion that labour force in non-white colonies continued to grow and remain cheap not by the growth of labour force but on account of the exploitation to which labour was subjected. The practice of treating labour as servile that started in the Assamese tea plantations in the 19th Century was extended to Mauritius, Trinidad and Ceylon (Sri Lanka) where they were virtually enslaved.

The colonial powers had a vested interest in introducing capitalist production relations in India but the manner in which sometimes the relations were changed hindered rather than helped the growth of capitalism. It led to the decline of artisans and handicrafts industry on the one hand and deteriorated working conditions of the already exploited peasantry on the other. The paper has thrown considerable light on the nature and behaviour of the capitalist classes and capitalist system of production as a whole, how it promotes exclusiveness and discriminatory treatment. While colonial rule was not conducive to the growth of capitalist relations in society, end of the colonial rule, abolition of the *Zamindari* system and large public works programmes to build up the infrastructure needed for economic growth have left a number of scars. Vested class and factional interest have, therefore, halted genuine socio-economic transformations. Pervasive illiteracy, fragmentation of trade unions leading to erosion of the bargaining strength of the working class, use of workers in sweatshops without improved tools and equipments, have led to low productivity and low wages and poor economic and social development. In addition to caste and communal ideologies, exclusive and inward looking attitudes have made matters worse and not led to development of genuine industrial capitalism in India.

Bandopadhyay, Debabrat

→ Vettichakari of M. K.
National Labour Institute bulletin Vol. 2, No. 3, 1976 (P. 99-103)

This is a narrative of deprivation, exploitation and misery suffered by a group of thirty-five to forty members of the scheduled caste community in a village in Andhra Pradesh. The author has presented the story on the basis of an informal chat he had during his visit to the village on 18.02.76, nine days after the Bonded Labour System (Abolition) Bill had been passed by both houses of Parliament. The following facts emerge from the story:

- The persons interviewed (thirty-five to forty), belong to the scheduled caste community. Even though they have land of about 70 to 80 acres, they work as bonded agricultural labourers since the land has been mortgaged to moneylenders.
- Loans taken from the moneylender ranges on average between Rs. 100.00 to Rs. 300.00. Because of usurious interest rates and manipulation and fraud, the loan assumes onerous proportions.
- The period of bondage ranges between two to five years. This period is renewed according to conditions set by the moneylender.
- Against the prevailing minimum wage of Rs. 4.50 for an eight-hour working day, wages are paid at Rs. 1.00 per day. This is supplemented by basic meals the morning and evening. The average annual income of a bonded labourer comes to Rs. 220.00.
- Assuming an average family has three members, per capita earning per annum is Rs. 73.33. This means a daily earning of Rs. 20. With this income not only does existence become difficult, but also debt burden and bondage become an inescapable consequence.
- The nature of work in the household and farm of the landlord is backbreaking. It comprises of tending the animals, shed work, farm work in the agricultural field and fruit orchards. The approximate duration of these tasks is ten to twelve hours. The work is for 365 days a year, without any sick or festival leave.
- If minimum wage is at Rs. 4.50 per day for eight-hour workday, their loans would have been repaid and there is no reason for bondage to take place.
- The custodians of law and order are its worst violators.
- Nine days after the bonded Labour System (Abolition) Bill was passed by both Houses of Parliament (09.02.76) the victims of debt bondage, who are expected to be the major beneficiaries of the law, remain blissfully unaware of its provisions.

Bandopadhyay, Debabrat

→ Halis of Delanpore

Published in the Proceedings of a National Seminar on “Organising Unorganised Rural Labour for Social Justice – Strategy and Methodology” (P. 298-305) (5-8.1.84)

This article was written four days after promulgation of the Bonded Labour System (Abolition) Ordinance on the basis of a field visit by the author to a household of a bonded labourer in Delanpore, which is situated eight kilometres from Ratlam town in Madhya Pradesh. A heart-rending account of how *Punja*, *Behru* and many others belonging to the *Bhil* – scheduled tribe community – is provided. Most of these people were bonded to the landlords for a paltry sum taken as loan by their father. The terrible consequences of that bondage in physical, emotional and economic terms are recounted. The following are some highlights of the article:

- Socially relevant messages do not get easily transmitted. Four days after promulgation of the Bonded Labour System (Abolition) Ordinance on 24.10.76 both the bonded labour keeper and labourers are ignorant of its provisions.
- For the bonded labourers the writ that runs through their lives is the dictates of the master. On the day of the author’s visit to their hamlet, the master had not issued any orders releasing them from bondage. They, therefore, cannot conceive of any freedom from their present status.
- They were working a sixteen hours day as opposed to nine hours fixed under the Minimum Wages Act. Excluding overtime, which is at the rate of one and half times the normal wage, they never received any wages.
- They were, however, promised a monthly wage of Rs. 50.00, with provision of an increment of Rs. 15.00 from the fourth year.
- The terms of settling the loan were verbal agreements. The victims of debt bondage did not know the advance, the repaid and outstanding amounts. Documentary evidence, if any, always remains with the master.
- The victim is unaware that at the current minimum wage rates i.e. Rs. 4.50 for a nine-hour day, and adjusting the same with the advance taken at 24.0per cent interest per annum a huge surplus would accrue to him/her. That surplus is not noted. Instead, bonded workers are told every year that the amount originally advanced is intact.
- Since wages are not paid in cash, the bonded labourer survived on food (maize) advanced by the landlord.
- Despite clear provisions of the Ordinance, doubts and disputes persisted in the minds of numerous cynics and sceptics that a system of wage contract should not be confused with the bonded labour system.
- What prevailed in Delanpore went beyond the bonded labour system; it was a total indication of beggar or forced labour.
- The perpetrators of the crime practised with dexterity and skill, created an illusion of an honest and fair deal with their victims.
- They also succeeded in driving a wedge amongst the victims by a differential treatment that would prevent any united action against the oppressors.
- Apart from the abusive behaviour there were scores of cases of physical torture for absence from work for reasons, such as illness.
- As victims of a culture of silence and dependence, they only slide lower on the human development scale.

Basu, Timir

→ Postal Department’s Bonded Labour

Economic and Political Weekly, Vol. 13, No. 18, 1978 (P. 749-50)

The article brings to surface certain unfair labour practices in the Post and Telegraphs (P&T) Department in relation to its 250,000 P&T employees, known as extra departmental agents (EDAs). Workers include branch postmasters, postmen, mail carriers, runners, *darwans* and other class IV staff. Some of these practices are:

- They are purely on a no-work-no pay-basis and do not have the rights enjoyed by the permanent employees of the department. This occurs even after thirty years of continuous service.
- They do work of a permanent nature, but are treated as temporary or casual employees.
- They are discriminated against in respect of pay, festival and other allowances, leave, pension, gratuity, medical treatment and children's education.
- They have no security of tenure and are liable to summary dismissal on any charge, without a warning or a charge sheet.
- They become illegible for subsistence allowance during suspension.
- No overtime is allowed to EDAs even for those working as night guards, and *darwans* work twelve-hours instead of the normal five hours.
- The all inclusive pay of a branch postmaster is Rs. 110.00 per month, while all other categories of ED staff earn between Rs. 75.00 and Rs. 90.00 in all per month.

The article provides some historical insight into the beginning of the EDA system that was started by the colonial rulers. The objective was to secure personnel for running the postal service and building up a body of village heads to meet its political ends. It also brought out several malpractices associated with the recruitment of all categories of EDAs. Therefore, the article emphasizes the need for putting an end to this casual, unfair and exploitative labour practice, which constitute the bonded labour of P&T Department.

Chandolia, RN

→ Problems of Bonded Labour: A Study
Yojana, Vol. 23, No. 13, 1979 (P. 13-15)

India ratified the ILO Convention No. 29 of 1930 on 30.11.54. However, another twenty-two years were taken to enact the Bonded Labour System (Abolition) Act, which was passed by both Houses of Parliament in 1976 but was given retrospective effect from 1975. So since 1976 the Bonded Labour System (Abolition) Ordinance was promulgated.

Despite this legal provision and the provision in Article 23 of the Constitution banning forced labour, bonded labour systems exists in one form or another. The number of states and union territories was taking place rose from three in 1956-57 to five in 1960-61, eight in 1965-66 and twelve in 1970-71. Even at present there are states and union territories that disown the existence of the problem, but the system appears to persist.

There is no definite estimate in the number of bonded labourers in the country. Moreover, varying estimates are presented by different bodies (National Sample Survey Organization, state governments/union territories (UTs), Gandhi Peace Foundation-National Labour Institute joint survey, reports of the Commissioner for Scheduled Caste and Scheduled Tribes for different years). Reports for many states/UTs are not available.

State governments/UTs are not very keen to accept the prevalence of the system on two counts: (a) brings bad name to them, and (b) makes them responsible to release and rehabilitate bonded labourers. The logical rationale on both counts is neither clear nor convincing.

The process of rehabilitating freed bonded labourers has been rather tardy. Barely 24.42 per cent, i.e. 23,720 out of 97,114 freed bonded labourers have been rehabilitated so far. The position is far worse in states like Madhya Pradesh and Karnataka where it is less than ten per cent. It is futile to expect that the freed bonded labourers are going to wait for an indefinite period till they get rehabilitated. In all probability they will lapse back to bondage. Some of the suggestions made in the article for accelerating the pace of rehabilitation and for making it effective are:

- Any steps to emancipate bonded labourers without ensuring a permanent means of livelihood will be counter productive. All efforts should be made to prevent relapse to bondage.
- Alternative methods of rehabilitation should be devised in situations where sufficient extent of cultivable land is not available.
- All plans of rehabilitation should be carefully drawn to suit local conditions as well as the preferences, needs and interests of the freed bonded labourers.
- Immediately after their release, monthly subsistence allowance must be paid while simultaneously ensuring a regular source of livelihood.
- Government should take up programmes of land development and bear the full cost of making waste land cultivable.
- In animal husbandry, rehabilitation programmes involving a small plot of land should be provided. Such land can be used to keep the cattle and may be common land for growing fodder.

- Minimum wages fixed and notified by government must be rigorously enforced for all landless agricultural labourers.

Chaudhury, Kalyan

→ Bonded Labour
Economic and Political Weekly
Vol. 11, No. 11, 1976 (P. 415-16)

The paper presents some facets of extreme poverty and exploitation in a backward district like Purulia of West Bengal. Of the total population of 16.5 lakhs, 10 lakhs are members of scheduled castes and tribes. They are mostly landless agricultural labourers dependent on work in the fields of others, which is available only for 3 months in a year. In the absence of any other ostensible means of livelihood they have to fall back upon the landlords for loan/debt. Indebtedness leads to bondage with the following features:

- People pledge themselves, and some times a members of families, against a loan from an upper caste *mahajan* or *jotedar*.
- Their nominee is released from the pledge only on loan repayment.
- Until then they are required to work for the creditor and are given only daily meals.
- Since no wages are paid for work, one has to depend on other sources of income to procure the sum required for release.
- Since the money for repayment is not easily found, the feudal landlord – serf relationship continues for months, years, sometimes for life before being passed on to the succeeding generation, usually male heir.

The following are other characteristic features of the bonded labour system:

- Out of an average population of 1500 in a village, 1200 are landless *harijans* who work in landlord's fields.
- The terrain being undulating, cultivation has to be done in small narrow strips, which are scattered over a fairly large area. Thus the prospect of good agricultural production is rather bleak.
- The extent of loan ranges between Rs. 300.00 to Rs. 600.00 with 72 per cent interest rate per annum.
- The debtor along with spouse works as a domestic servant or general handyperson for the landowners, while the grown up children look after the cattle.
- In some cases the debtor, when male, is forced to send his wife or daughter to neighbouring cities to earn money through prostitution, a process which is actively encouraged by the landlord – money lender.
- In certain parts of Purulia, there is an obnoxious practice of purchasing dancing girls (*nachnis*) by rich landlords.
- There are instances, where withdrawal of the economic support by the landlord/money lender accentuated by poverty and starvation that lead to looting food grain by the scheduled caste and tribe community
- A vast majority of the district's rural population suffers from starvation and malnutrition on account of low wage in the agricultural sector.
- Malnutrition is one of the main reasons for tuberculosis and leprosy, which are on the increase in Purulia.
- Purulia has no industries, the soil is sandy, landscape is hilly and uneven and agricultural productivity is poor. These adverse factors are compounded by cycles of drought, scarcity of water and migration.

The author laments that money spent in relief operations is unproductive. There is a dole oriented attitude, which does not provide a permanent solution to the problems of poverty, indebtedness and bondage.

→ Bondage in a Green Revolution Area: A study of Muzaffarnagar Brick Kiln Workers
Social Scientist, Vol. 10, No. 3, 1982 (P. 38-55)

The paper presents a historical profile of the development of Muzaffarnagar district in the middle of the nineteenth century. A massive work of construction of canals was undertaken (1830-1860) and directly linked to famine relief work. The district, which has all the bounties of nature (being located in the upper Gangetic Doab), received a boost on establishing these canals in terms of substantial increase in sugarcane production areas - cane crop covered 47 per cent of the cropped area. Yet another factor, which boosted production of cash crops, was adequate supply of male agricultural labour, which in 1872 accounted for 36.5 per cent of the male agricultural population. The only disconcerting attribute/feature in the entire operation was a very high percentage of landlessness (40 per cent +) and the casual and sporadic employment of hired farm labour, which served as the foundation of bonded labour system.

The other area of concern relates to skilled artisans being enlisted for work by 'methods of non-economic feudal coercion'. Similarly, in the building trade the brick-makers are a part of a similar coming together of hiring and feudal coercion. Within this backdrop, the following picture emerges from the study:

- 10.4 per cent of the agricultural labour force of Uttar Pradesh (UP) is still bonded.
- 74 per cent of those who are bonded are members of scheduled caste, 14.2 per cent bonded caste and 7.4 per cent Muslims.
- There is no co-relation of bondage with well-endowed or less endowed regions of the district.
- High incidence of bondage has been traditionally associated with green revolution belts like Muzaffarnagar, Meerut and Saharanpur.
- 'Once bonded always bonded' is a common aspect of the system.
- 4 per cent of the respondents were bonded for 40-55 years, 75 per cent for over 3 years and 10 per cent did not even remember the names of persons who had bonded them initially.
- 75 per cent of the bonded labour keepers belong to upper caste, 17.5 per cent are from backward caste, 3.6 per cent are Muslim landlords and the rest belong to Sikhs and scheduled caste communities.
- 87.3 per cent of the keepers are in agriculture, 7.3 per cent in business, small industry and 4.6 per cent are in government service.
- 68.3 per cent of bonded labourers own no land, 23.3 per cent up to one acre and 4.4 per cent between 1 and 2 acres.
- 64.2 per cent of bonded labourers did not even possess any homestead land.
- 93.5 per cent were bonded as they had taken loans; 5 per cent of the loans range between Rs. 2000.00 to Rs. 7000.00. Most of the workers in brick kilns are in this category.
- All bonded labourers in UP are not poor or landless. 10 per cent of all bonded labourers receive annual wages above Rs. 900.00 while the average minimum wage for other bonded labourers is Rs. 335.00 per annum. About 1/3rd receive less than Rs. 200.00 per annum.
- In addition to members of scheduled caste who account for majority of workers in brick kilns, Muslim weavers also work as kiln labourers.
- 75 per cent of the kiln workers are illiterate; 87 per cent are married.
- The wives and children are also bonded along with male members. 56 per cent of men and 45 per cent of women who are bonded are in the age group of 35 and above.
- What begins as nominally free dependent labour slowly declines to servitude.
- The hours of work are long, range between 12 to 22 hours, and nature of work arduous and monotonous.
- The system of payment involved piece work which did not take into account breakages, rainy days and preparation of the brick field, which were part of traditional 'free labour' operations.
- Brick kiln is a seasonal operation and workers are recruited through agents. After the seasons, workers have to raise loans for survival.
- The rates i.e. payment per 1000 bricks which is the daily output of a working group of four including children, are fixed unilaterally and arbitrarily. Despite the expansion of the trade and its high profitability the rate is ridiculously low, (between Rs. 12.00 to Rs. 15.00). This works out to Rs. 3.25 per person for an 18 hour day excluding the cost of unpaid labour.

The paper concludes by stating (a) landlordism has combined in it elements of capitalism and feudalism, (b) capitalism has failed to overthrow feudal relations in agrarian sector, (c) bondage is a persisting form of pre-

capitalist relations, and (d) elimination of the bonded labour system is possible only through radical structural changes in land relations.

Dalwai, Hussain

→ Bonded Labour Continues
Economic and Political Weekly, Vol. 12, No. 21, 1977 (P. 868-69)

The paper begins with the positive assertion that bonded labour system does prevail in the districts with a predominantly *adivasi* population (Thane, Kulaba, Nasik, Dhulia and Chandrapur) in Maharashtra, despite the claim of the state government to the contrary. Even *dalits* and *kumbis* of Ratnagiri district are victims of the system. It also brings out the social fears of reprisal from money lenders associated with any attempt to unearth the system through a household survey. This fear notwithstanding, a survey was conducted between August and October, 1976 by the Bhumi Sena, an organisation working in Palghar taluka of Thane district. The paper presents the salient features of the survey and the findings thereof.

- Twenty out of 190 villages of the taluka were surveyed.
- Out of 261 identifiable cases of bonded labour, only 100 could be interviewed: the interviews were conducted by local *adivasis*, who are known in the area.
- 50 per cent of the bonded labourers are bonded for a loan of less than Rs. 600.00 while the extent of loan ranges between Rs. 600.00 to Rs. 1500.00 for the remaining.
- 67 per cent of the bonded labourers have been bonded for more than 6 years with the period of maximum bondage being 21 years; the remaining 33 per cent being bonded for less than 6 years.
- Marriage is the only motivation/compulsion for taking loan and for getting into bondage.
- An overwhelming percentage of workers do not remember the amount of the loan, the interest rate, repaid and outstanding amounts.
- One out of 100 bonded labourers does not get wages in money or grain. He receives only two meals a day and tea. Two labourers are paid Rs. 2.00 per day. The remaining ninety-seven are paid in the form of paddy, of these 71 get one *payali* of paddy - equivalent to 600 gms. of rice - per day. The remaining 26 receive 20 *payalis* of paddy per month and 20 *payalis* as *vahi* - additional wage, the latter being adjusted towards payment of interest.
- Twenty-one of the 100 persons have been bonded since their childhood and continue to be so even after their marriage. The remaining 79 got bonded after marriage.
- They toil for 11 hours on an average per day.
- Two persons have worked for twelve years for a loan of less than Rs. 700.00 and still the loan is not paid off.
- There is no reprieve from long hours and years of hard manual labour. One single day's absence results in physical atrocities and indignities of the worst kind for the bonded.
- There are instances of the moneylender forcibly possessing the debtor's wife.
- There are instances of voluntary alienation of right to land - 2 acres - for thirteen years apart from un-free status of the bonded for a loan of Rs. 1500.00 for marriage related expenses.

The paper gives a harrowing account of the untold plight and predicament of the bonded persons. It also exposes the hollowness of laws, government policy and programme and the gap between promise and reality.

Das, Arvind Narayan

→ In Bonded Freedom
The Economic and Political Weekly, Vol. 11, No. 20, 1976 (P. 724-26)

The paper written with considerable depth of understanding and sensitivity has dealt with two types of bonded labour in Palamau district of Bihar. The bonded labour system in Bihar was prevalent on a large scale for many years before and after independence.

One form is where labourers are intimidated by brute force by armed retainers of the landlord into passive acceptance of their dependence or subjugation. Any attempt to resist or wriggle out of this type of forced servitude is met with by a severe reprisal from the landlord, who wields enormous social and political power.

The second is the system of debt bondage under which labourers get bonded to the landlord through usury in order to meet their barest needs. These include the need to buy clothes, salt, oil and other day-to-day necessities, the expenditure involved in marriages, funeral, and such. Many factors drive rural poor, both the agricultural labourers and peasants, into the grip of the moneylender.

The heartrending predicament of both types of forced labour is brought out with reference to lifelike situations. The callousness and insensitivity of government officials and academicians is emphasised to point out to the intensity of suffering of bonded labourers.

The paper refers to the Bonded Labour System (Abolition) Ordinance, 1975, later replaced by an act of parliament, and other changes in the rural agrarian structure. The latter brought about in the wake of abolition of *zamindari* system, but deplores the fact that these by no means have put an end to the system. While some bonded labourers (*sevaktias*) have been released, many more are left to be identified and released and many are yet to start a fresh lease of life.

Das, Arvind Narayan

→ Promises to Keep: Repeat Camp for Freed Bonded Labourers in Palamau
National Labour Institute bulletin, Vol. 2, No. 11, 1976 (P. 505-508)

The paper presents a graphic account of the remarkable transformation brought about by the process of emancipation from bondage of persons previously bonded to landlords/moneylenders of Palamau. Twenty-one persons of the 581 bonded labourers have been officially freed in Palamau and attend a repeat camp. The earlier camp was in March 1976 - for three days in November 1976, organised by the National Labour Institute, Delhi.

The central objective of the camp was (a) to investigate the position of freed bonded labourers since the first camp in March 1976, (b) arrange a meeting between the freed bonded labourers and the local district administrators to sort out pressing problems, and (c) to carry on the process of consciousness-raising launched at the time of the first camp.

The freedom had instilled in the ex-bonded labourers a rare strength, courage and confidence. There was 'no folding of hands, no keeping their heads bowed and no mumbling when asked to speak'. They had overcome the diffidence, fright, oppression, and suffering, which was visible at the first camp. The rare grit, courage and determination of some bonded labourers to open up and articulate their issues were disputed. This happened notwithstanding the landlords of the village boycotting them socially and denying them work. For example the manager of a local quarry had been persuaded to deny employment to the freed bonded labourers who went to him when they had no work in the fields.

In all these acts of denial, the landowners had counted on the connivance, if not the support of the lowest levels of administration, in particular of the police machinery. It also transpired that all over the district, the Minimum Wages Act was not being implemented. It was further revealed that despite government sponsored liquor bans, poor tribes were forced to consume it and get into the vicious circle of indebtedness and bondage. Land given to freed bonded labourers were not accessible to be under their control. Moreover, landowners staked their claims on the Mahua trees, which were given to freed bonded labourers.

Despite these constraints, there are beneficial outcomes. Freedom from bondage had pushed up agricultural wages by more than 50 per cent with average earnings going up. Further, debts not having to be paid back nor interest on loans improving the condition of freed bonded labourers, even though marginally, is taking place. Even as the landowners retained control over economic means, their social power had diminished.

Das, Arvind Narayan and Gopal K. Iyer

→ Orissa: A Study of Poverty and Bondage
National Labour Institute bulletin, Vol. 3, No. 5, 1976 (P. 179-184)

The article presents a socio-cultural and economic profile of the state and people of Orissa, and factors contributing to backwardness, poverty, indebtedness and bondage. It presents two case studies on poverty and analyses how the *dadan* labour system, recruitment of local people for migration outside the state, has elements of a highly exploitative system, which is almost akin to the bonded labour system.

With 64 per cent of the total population living below the poverty line, a declining state income, low agricultural production and productivity the state of Orissa contains the poorest of the poor. This is partially caused by a host of factors, such as inadequate irrigation facilities, vagaries of monsoon, occurrence and recurrence of natural calamities, inability of poor cultivators and share-croppers to invest in land, poor implementation of land reforms and high dose of indebtedness. The two case studies throw adequate light on the circumstances under which landless agricultural labourers, mostly belonging to scheduled case and scheduled tribe communities, turn to rich land owners for loans for survival. The process of mortgaging themselves or their family members is common, with them struggling to repay the loan for years. Whether permanent or casual agricultural workers (*haliyas*) or share croppers, most of these households are indebted and have to surrender their meagre possessions since they cannot repay the loans. Their working and living conditions are harsh, and there is pervasive ignorance and illiteracy. Many remain unmarried since they cannot afford to pay the bride price.

The *dadan* labour system is a form of labour contract under which people are recruited by middlemen on payment of advance to work in different parts of India. Such a system has all the ingredients of bonded labour system, as is prevalent in Puri and Ganjam districts for five decades or so. The *Dadan* Labour System, Regulation and Control Act, as enacted by the Government of Orissa in January 1976 and all recruiting agents had to register themselves before proceeding to recruit persons. Until the end of February 1976 the act remained merely on the statute book, without any evidence of its enforcement. With enactment of Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 it has since been repealed. Yet, the pervasive aspects to the *dadan* system prevail.

Debi, Mahasweta

→ Contract Labour or Bonded Labour
Economic and Political Weekly, Vol. 16, No. 23, 6th June 1981 (P. 1010-1013)

The article is an insightful analysis of the working and living conditions of the members of scheduled tribe community from the districts of Palamau, Ranchi, Muzaffarpur, Samastipur, Bohjpur, Begusarai, Monghyr, Purnea, Gaya, Patna and Chapra. This group is recruited by middlemen to work in the brick kilns of West Bengal, the owners of which are mostly from North Bihar.

Many of the groups are freed bonded labourers but have very little to fall back upon after their release. The land given to them is usually uncultivable. The productive land is managed by bonded labour keepers, even though the land is in the name of the freed bonded labourer. There is no water for drinking or irrigation. There are no avenues of stable employment, either government or private. Under these circumstances they are lured and recruited by middlemen (*sardars*) to the brick kilns in West Bengal.

The brick kiln owners buy paddy land from poor peasants for building the oven. The paddy fields are ruined in the process. The average earning in a brick kiln are Rs. 4.00 to Rs. 5.00 per day for adults and Rs. 2.50 to Rs. 3.50 for children. A huge proportion of wages is spent on buying rice, and there is very little saving left for most labourers. Yet they return to the brick kilns every year as drought makes life difficult in their home towns.

The author bemoans that even in a politically conscious states, such as West Bengal, women labourers working in brick kilns are denied minimum wage, medical facilities and maternity leave or the right to unionise. No attendance register is maintained; no identify cards or employment cards or pay slips are issued. The workers cannot leave the kiln. They are not allowed to talk to any one without the permission of the kiln owner. In these ways they are confined by force and are virtually forced labourers.

It is poverty and deep-rooted apathy of the state government towards adopting any remedial measure to remove the root causes of poverty that drive people to desperation. The paper gives a graphic account of the life and economy in a tribal village and comes to the conclusion that negligence of an area by government will bring poverty, under-development, and backwardness. The latter will result in migration, exploitation, untold misery, and if these remain not addressed or unattended for prolong periods there is potential for resistance and rebellion.

Dogra, Bharat

→ Bonded Labour: Myth and Reality
Yojana, Vol. 31, No. 8, 1987 (P. 29-30)

The article begins by making a reference to the reported incident of kidnapping children from Palamau district in Bihar to Mirzapur district in Uttar Pradesh (UP) for forced labour in carpet weaving. It makes a pointed reference to the fact that kidnapping children was done with the full knowledge and approval of their parents. Such occurrences are attributed to extreme scarcity of the area and endemic poverty of parents. In such a situation it was not at all surprising to find that the parents and kidnapers were living in perfectly peaceful co-existence.

The article has identified the causes and factors responsible for the origin and perpetuation of bonded labour system. Concentration of agricultural land, especially irrigated landholdings, and complete command over a few natural resources, such as timber, minor forest produce and minerals, by a few hands is one leading factor. The latter group reap unmerited benefits from such control. Further, the absence of stable employment lead to migration and helplessness lead to dependence on big landowners, contractors and middlemen. This pathetic situation contributes to the phenomenon of debt bondage.

In the authors opinion it is possible to put an end to poverty, indebtedness and bondage through planned, coordinated and concerted efforts. This also requires extensive land reform and ecological rehabilitation of areas where there is chronic scarcity. Instead there is much publicity and propaganda to a few raids at some work sites or distribution of land pattas or some productive assets, cows and buffaloes, through some ceremony.

The author comments on the casual and ad hoc approach to rehabilitation of freed bonded labourers and the routine and stereotyped approach adopted towards identification of bonded labourers, which do not yield the desired results. Lack of clear understanding of the definition of bonded labour system leads to vacillation about who comes under bonded labour status, and political expediency in the matter of identification have made matters worse. All this confusion and uncertainty is therefore borne by the bonded labourers.

Joshi, R.S.

→ Two Liberated Bonded Labourers of Palamau
National Labour Institute Bulletin, Vol. 4, No. 5, 1978 (P. 444-455)

The article is a compilation interviews with freed bonded labourers of Mahudanr Block in Palamau. These interviews were conducted during the author's visit to various blocks of the district when conducting a health survey on bonded labour. The main themes are briefly summed up as follows:

- A few bonded labour households had land. Economic compulsion led to mortgaging the land to upper caste land owners. The consequence was landlessness and casual labour status.
- Social pressures such as, family needs, and medical treatment, led to indebtedness, with this leading to bondage of the whole family.
- As a bonded labour face unceasing manual labour for a pittance - 70 *paisa* or ½ Kg of paddy, or 250 grams of rice per day - and inhuman treatment.
- Liberation brought hope of a new life with inputs from the government for rehabilitation. But this occurred with problems. These are:
 - Land allotted by the government is uncultivable, barren and undulating. They are cut off from sources of water, which is necessary for cultivation.
 - Work was denied by the local landlords, driving labour to the verge of starvation. Labour was virtually ostracised.
 - Some productive assets - pigs, goats, hens etc. - were consumed and others sold off, due to acute indigence and starvation.
 - Landlords - bonded labour keepers - did not reconcile to the idea allotting land and distributing animals to labour. Landlords, therefore, have forcibly taken away productive assets.
 - Some freed bonded labourers worked with contractors on earthwork on daily wage basis. They lived in a pigsty without facilities of drinking water, latrine and light, freedom of movement and any semblance of dignity and decency.
 - Migrant workers from Madhya Pradesh, Uttar Pradesh, and Maharashtra – working in Bihar were virtually leading the same life as that of bonded labourers - *sevakias*.
 - When a work is wound up, dues are not settled driving labour to desperation.

Instances of some of the flagrant violations of labour and revenue laws come out clearly from the study, such as:

- An *ex-zamindar* has allegedly more than 1000 acres of *benami* land in flagrant violation of ceiling laws.

- Land grabbing is rampant. Labour is forcibly dislodged from land and they are implicated in protracted litigation.
- The law of minimum wages is violated with impunity.
- A bonded labourer oscillates like a pendulum between one bonded labour keeper and another, and is never wholly emancipated.

The author comes to the conclusion that (a) Bonded Labour System (Abolition) Act can neither change the traditional power structure nor the agrarian production relations in the countryside, (b) reforms at the superstructure level only help in maintaining status quo ante, (c) the law provides a bonded persons with a legal shield against 'physical and economic exploitation', but it does not guarantee them to be the master of their own labour (d) The culture of silence does not create the space for any retaliation from the newly freed bonded labourers, against the oppressive treatment of erstwhile bonded labour keepers.

Joshi, R.S.

→ Bonded Labourers and Their Fantasy
National Labour Institute Bulletin, Vol. 4, No. 12, 1978 (P. 200-210)

The article is a sociological study of the bonded labourers of Kalahandi district in Orissa,. The author examines the social stratification, similarities and contrasts between members of scheduled caste and tribes, wage patterns and disparities, poverty, exploitation and oppression prevailing in the district. Certain outstanding features emanate from the study. These are:

- Landless agricultural labourers and share croppers are known as '*sukhbasi*', contented soul, steeped in a culture of silence.
- There is a vertical division of the social composition of rural population, with no intermediate strata between the landlords and landless.
- Untouchable values against members of the scheduled caste community are practised even today. They are not allowed to enter the temples or pass through the main streets of the village or wear clean and white clothes or use shoes. They have to lead a completely servile and socially inferior existence on account of their birth.
- There is neither any basic change in agrarian relations nor any fundamental change in the quality of life of the people even thirty years after independence.
- The social backwardness characterised by feudalism - *gounti* system and forced labour – has been compounded by economic impoverishment because of recurring cycles of drought and famine.
- The feudal landlords perpetuate the traditional mode of exploitation and retain hold over the economic activities in the countryside. In certain pockets non-tribal landlords have kept forty to forty-five persons in bondage.
- They have penetrated into the local political system by maintaining liaison with the government officials at all levels.
- There has been no revision of wages over the last thirty-forty years.
- Despite the Orissa Tribal Land Alienation Prevention Regulation, 1956, being on the statute book, feudal landlords have succeeded in usurping the land of both scheduled caste and tribe community members.

The rural labour training camps conducted by the VV Giri National Labour Institute constitute an interesting and innovative experiment of the 1970s. They help to bring the landless agricultural labourers together, enable them to identify their problems through a group approach and confidence building exercise, and then find solutions to those problems. It helps them to think, reflect, critically analyse and introspect the causes that are responsible for their present plight and how to overcome them. This process is known as 'conscientisation'.

In one such camp held at Kalahandi in 1977 the following facts were noted:

- Within one year of enacting the law abolishing bonded labour, the system has come back into existence.
- The amount advanced earlier by landlords has gone up to Rs. 400.00
- Wages have gone down, while the cost of living has gone up.
- Acute poverty, destitution, drudgery, social oppression and anguish are common problems facing landless agricultural labourers, and they are subject to all types of harassment by landlords and contractors.

- Refusal to render forced labour implicates labourers in false cases, and they are subjected to all types of harassment by landlords and contractors.
- Measures to improve the conditions/situations of agricultural labourers in Kalahandi have produced the opposite effect.
- The camps generate considerable amount of critical awareness but there is a wide gap between advocacy and social action.

Kulkarni, S.D.

→ Bonded Labour and Illicit Money Lending in Maharashtra – Review of a Report
The Economic and Political Weekly, Vol. 14, No. 10, 1979 (P. 561-64)

The Government of Maharashtra had repeatedly officially denied the existence of bonded labour system in the state. However, while considering the recommendations of Shivaraman Committee on Consumption Credit, a committee to examine the problem of illicit money lending in the state, was also asked to 'investigate whether the system of bonded labour still exists in the state and if so, in what form and to examine the circumstances leading to the system of bonded labour and to suggest ways and means to eradicate this system'. The committee submitted its report in October 1977. This article is a critique of the recommendations contained in the report. It brings out several gaps.

- The treatment of bonded labour system both in terms of the definition and structure is too general and vague.
- It does not deal with some of the laws introduced under the colonial rule, such as Act 13 of 1859, section 200 of Civil Procedure Code etc., which were responsible for creating the system of bonded labour.
- It did not deal with laws enacted to abolish bonded labour system in other states - Bihar and Orissa Kamiauti Act, 1920, Orissa Debt Bondage Abolition Regulation, 1948, Rajasthan Sagri System Abolition Act, 1961.
- It failed to take note of provisions in Maharashtra Debt Relief Ordinance, 1975, which was converted to an Act in 1976 and deals with bonded labour agreements.
- It failed to take full cognisance and do justice to the 691 complaints attesting the fact that there was large scale prevalence of debt bondage in Thane in Maharashtra.

The author deplores that the report of the committee is full of misstatements and inaccuracies. To illustrate, the committee has observed that lack of adequate employment as the root cause of bonded labour system. This is not entirely correct. In lean season when employers cannot provide work to the bonded labourers they ask them to seek work elsewhere and does not pay them the stipulated wage in cash or kind. The third chapter, which relied on visits to certain areas, is disruptive rather than a committee report. The committee did not find it necessary to make inquiries in certain areas, which were endemic in terms of bonded labour systems.

The author also deplores the lack of conceptual and definitional understanding of bonded labour systems in the report. The gaps and omissions of the committee's report have been made worse by Government of Maharashtra not taking any decision on the report, and not including elimination of bonded labour system in its forty point programme.

Kulkarni, Vijay K.

→ Growing Rural Polarisation in Mandya
National Labour Institute Bulletin Vol. 4, No. 7, 1978 (P. 259-273)

The article contains an impressionistic overview of the author is to visit three *talukas* of Mandya district, namely Mandya, Srirangapattana and Pandavapura in March 1978. It provides a brief glimpse of the past, how over successive years Mandya has been pampered by the native and colonial rulers and by the Government of Mysore since independence. Today, therefore, this district presents a network of irrigation canals, agricultural development, represented by improved seeds, fertilisers, agricultural credit, technical know-how, and improved marketing.

The rural polarisation in Mandya begins with the economic divide between the rich landowning class, who are known for their affluence, and the members of *adi karnatak* caste. A further divide between members of *adi*

karnatak caste and members of the *coddar* caste also exists. The latter, are considered one rung below, and are not even allowed to draw water from *adi karnatak* well. Their wages are even lower than that paid to local labourers.

The rural polarisation in Mandya is characterised by the following distinct characteristics:

- The rural poor and in particular those who belong to the lower castes, live on the outskirts of the village, have their own worshipping place and drinking water well. They virtually lead an ostracised existence.
- Each caste group has its own *panchayat*, which sits on all inter-caste disputes. But in cases of inter-caste disputes, six elders of upper caste and five elders from the lower caste sit on judgement.
- There is polarisation among the *adi karnatak* caste. Those members of the caste who refuse to abide by the decision of the *panchayat* are boycotted socially.
- In times of need small consumption loans in kind and cash are advanced by the farmers, which seldom carried any interest. The only condition was that a member of the *adi karnatak* caste had to go to work for hire when demanded. This gave the farmer an assured supply of labour during peak periods and that too at a lower wage.
- The culture of abject dependence on the farmers has led the poor into deprivation and has virtually rendered them mute or expressionless.
- In a few cases, there are rising expectations of the poor and an awareness of social legislations relating to land, wages, debt, and reservation in government jobs. This awareness is resented by the landowning class who are from the upper caste.

Kumar, Arun

→ Freedom without Rehabilitation
Economic and Political Weekly, Vol. 19, No. 26, 1984 (P. 977-8)

The article is a thorough analysis of the judgement of Supreme Court in *Neerja Chaudhary vs State of Madhya Pradesh(MP)*, All India Reporter 1984 Supreme Court 1099 dated 08.05.84. The following aspects, which are largely related to identification, release and rehabilitation of bonded labourers, emerge from this analysis:

- Local level bureaucracy effectively frustrates the good intentions expressed by the apex court in its earlier judgements on the subject.
- The apex court envisages a role for voluntary agencies in identifying and rehabilitating bonded labourers.
- The apex court is of the view that mere identification and release of bonded labourers without timely and effective rehabilitation would again drive them to poverty, helplessness and serfdom.
- The lower level echelons of bureaucracy lack social commitment, are in sympathy with the exploiting class and cannot, therefore, be relied upon.
- The representatives of people hardly have time, and the *panchayats* are dominated by vested interests.
- With adequate training the officers can be sensitised and may feel a sense of involvement with the misery and suffering of the poor.
- Social action groups operating at the grass root level should be included as members of the vigilance committees, and be fully involved in identification of bonded labour systems.
- Allotment of land by government should be accompanied by other institutional changes, before it becomes a stable source of minimum necessary income for the rehabilitation of bonded labourers. This should be accompanied by large scale generation of rural employment.

The article has also brought out a few anomalies, contradictions and ambiguities in the judgement, which are:

- The judgement is unable to offer anything more substantial than state charity, which does not quite offer adequate and assured income sources.
- The court needed to apply itself to identify the appropriate form of rehabilitation, which would have some permanent impact.
- The definition of bonded labour system has its own contradictions. On the basis of the existing definition large number of rural population could be classified as bonded. This is on account of the fact that (a) minimum wages have not been fixed in respect of all scheduled employment, (b) minimum wages, wherever fixed, are much lower than market wage, (c) minimum wages are not

enforced, (d) wage rates always tend to fall during the lean season, and (e) at the current rate of low wages, not only the landless but even the marginal farmers are found to offer their labour.

The article concludes by assigning an important role to democratic movements to counter social evils like the bonded labour system.

Kumar, Dharma

→ Bonded Labour
The Seminar, No. 198, 1976 (P. 18-20)

The article brings out the self-evident contradictions between laudable legislative intentions and their implementation, between newspaper publicity and propaganda and ground level realities in relation to origin, growth and perpetuation of bonded labour system. Such contradictions arise on account of the fact that the bondsmen continues to hug the chains of servitude because of assured security of employment and better treatment in old age or sickness than the 'free' labourer.

The article also draws a line of distinction between two forms of attached labour. It does not perceive anything wrong in the system of permanent farm servants who work for one master for several years on account of (a) guaranteed employment, (b) minimum annual income, (c) higher rates of wages. It does, however, find fault with the more sinister form of attachment-debt bondage, a system where the agricultural labourers who borrows from their master has to work for their master until they have repaid the debts. Their labour becomes the collateral since they have nothing else.

The article is a caustic commentary on the old twenty point programme announced to the nation by the then Prime Minister on 01.07.1975.

- Point No. 4 dealing with abolition of bonded labour system is unclear what it seeks to achieve.
- Point No. 5 and 6 deal with plans for liquidation of rural indebtedness and review laws on minimum agricultural wages display ignorance of the facts of agrarian life.

Plans for the liquidation of rural indebtedness for over 100 years did not have any permanent effect. The agricultural labourer or small farmer will have to turn to the moneylender for loan/debt/advance, if there is no alternative source of credit. Over the years attempts to provide alternative sources of credit have brought in numerous problems, such as leakage of funds and red tape, and failed until the basic objective. Besides, credit by itself will not solve the problem of debt bondage: more important issues involve raising earning capacities and changing spending habits, so that permanent improvements are made to the position of the labourers.

Minimum wage does help raising the earning capacity, but here again mere review of the laws on minimum wages will not do. A more important measure is stringent enforcement of the provisions of existing laws. The problem of low wage - lower than minimum - will have to be dealt in two ways (a) an increase in employment opportunities, (b) unionisation of labour for better bargaining capacity . The two are closely interrelated. Farmers will not respond to claims of trade unions for higher wages, unless the demand and supply forces of the market compel them to do so. Increasing avenues of productive employment remains the answer.

Maity, A.B.

→ Forced Labour in India: A Note
Indian Journal of Industrial Relations, vol. 15 No. 1, 1979 (P.77-92)

The article begins with a positive statement that no society can endure permanently if some people are in the grip of forced labour. It provides an exposition of the content of ILO Convention No. 29 of 1930 on 'Forced or Compulsory Labour' and the perception of forced labour in India as reflected in the Agricultural Labour Enquiry (1952) and bonded labour as the outcome of debt bondage. The authors also present a historical backdrop of the concept and practice of forced labour in India. In particular a graphic account of the practice of forced labour in plantations and mining industries is presented.

The history of initiatives and efforts made both internationally and nationally for abolition of slavery and slave trade is traced. Notable among them are (a) Abolition of Slavery Convention No. 1926, (b) drawing up of ILO's Constitution (1919) and Philadelphia Declaration (1944), (c) ILO's Forced Labour Convention No. 29 of 1930, (d) ILO's Abolition of Forced Labour Convention No. 105 of 1957, (e) Universal Declaration of Human Rights of

10.12.48, (f) European Convention for the protection of human rights and fundamental freedoms, 1950, (g) Art. 23(1) of Constitution of India, and (h) Directive Principles of State Policy of the Constitution.

The article then deals with the concept, definition, causes and factors contributing to the phenomenon of debt bondage. The consequence of debt bondage is forfeiture of freedom, opportunities of employment, the right to move freely and/or the right to appropriate or sell at market value property or products of labour. Another impact of this exploitation is on his health, psyche and totality of development.

The various forms of bonded labour systems in different parts of the country in the pre-independence days and some of the initiatives taken are given. The Indian National Congress adopted a resolution at the Faizpur Congress, the Provincial Labour Minister's Conference in November 1947, the promulgation of the Bonded Labour System (Abolition) Ordinance of 24.10.75 and followed this by the Act of 1976.

The multiple benefits of the law and a brief account of the number of bonded labourers who have been identified, released and rehabilitated as on 31.05.78. is discussed in the paper. The author candidly acknowledges that the law is only a rescue measure and not a remedy for difficulties arising out of social and economic pressures. The issue of forced or bonded labour is a part of the wider agrarian problem. The remedy to the problem is, therefore, to bring about fundamental changes in the agrarian structure and social relationships in rural areas, which alone can bring about some qualitative change in the socio-economic condition of the bonded labourers.

Maharaj, R.N.

→ Freed Bonded Labour Camp at Palamau
National Labour Institute Bulletin Vol. 2, No. 10, 1976 (P. 387-394)

A rural labour training camp is an innovative experiment which was conceptualised by late Prof. Nitish Ranjan De. He was the first Dean of National Labour Institute in early 1970s. His view was to use the Paolo Frerian technique of consciousness-raising of rural poor through a camp approach for their eventual mobilisation and organisation. Such a method enables participants in the camp to think, reflect, critically analyse, introspect their strength and weaknesses, identify their own problems and find out the solution to those problems.

The first such camp for Bihar was held at village Semra, 18 kilometres from Daltonganj, the headquarters of Palamau district from 20-26 March 1976. The article gives an account of the activities of the camp and the background of the participants. Moreover, it assesses how the methodology adopted in bringing them together and enabling them to open up and interact amongst themselves helped the process of their transformation and empowerment. The following are the highlights of the report:

- The camp was a collaborative and participative effort. In addition to the sixty participants, the Union and State Labour Ministries and district administration were fully involved.
- The age of the participants ranged between 14 to 70 years.
- They were all freed bonded labourers, the period of bondage varied from 1 to 30 years including 17 cases of intergenerational bondage.
- They belonged to scheduled caste, tribe and backward caste communities. *Bhuyans* accounted for nearly 50 per cent of the total number of freed bonded labourers, *sevakias*, followed by *dusadhs* and *nagesias*.
- 33 per cent of them were landless. They were also totally illiterate.
- Years of serfdom had created havoc on their health, psyche and well-being. It rendered them mute and expressionless.
- The camp helped them to open up and indulge in dialogue. The techniques used were folk songs, dance, drama (one act plays), film and shows. Through these they came, thought, planned and acted together.
- Group discussions enabled them to identify and find solution to the problems. Their problems were low wages, payment of wage in kind, forfeiture of daily wage in kind to get 50 *paisa* in cash, drudgery of work and social exploitation at the hands of the masters.
- The most important and positive fall out of the camp was that those who at one time were passive and expressionless now mustered courage, confidence and strength to stand up. They narrated their woes in their own language without any fear, reinforced and resolved to (a) reduce dependence on moneylenders, (b) eradicate untouchable norms practised among them, and (c) increase the frequency and intimacy of social interaction.

- Identification, Release and Rehabilitation of Bonded Labourers
Social Action, January – March 1987, Vol. 37 No. 1 (P. 3-17)

The article is the revised version of a talk delivered by the author to the probationers under training at the Lal Bahadur Shastri National Academy of Administration, Mussoorie. The article is based on the author reminiscing his time as the Director General (Labour Welfare), where he made a tour to eleven states between 1982 and 1985. The following broad facts emerge from the article:

- Bonded labour system represents an unequal exchange relationship between a creditor and a debtor.
- The debtor obtains the loan or advance from the creditor due to unavoidable economic compulsions.
- Debtors mortgage their services or those of their family members for a specified or unspecified period, toil hard to repay their debt.
- The cruel logic of usury belies all debtors plans.
- As the interest on the debt keeps on multiplying at a compound rate, the economic pressure on debtors keep increasing.
- The plight and predicament of migrant workers is still worse. In addition to the vice-like grip of the recruiting agents and other mercenaries, their regimentation and coercion, they suffer dislocation of home and family life. Further their children turn out to be victims of educational deprivation. In stone quarries they become victims of incurable pulmonary diseases - silicosis, numoconoiosis, asbestosis, pleurosy, tuberculosis etc.
- Members of the scheduled tribe community who subsist on the collection, processing and disposal of minor agricultural and forest produce. Middlemen approach them during the collection/harvesting season, pay them a nominal advance and mop up the entire produce at virtually throwaway price.

The article also investigates the judgement of the Supreme Court in Bandhua Mukti-Marcha case. This decision has given a broad, liberal and expansive interpretation of the definition of bonded labour systems, methodology for identification and release of bonded labourers, and modalities and different phases of rehabilitation of freed bonded labourers.

The paper deals with the impediments to an effective and permanent rehabilitation and in particular the mindsets of bonded labour keepers, law enforcement machinery and bonded labourers. The author, therefore, advocates a community or group-based approach to rehabilitate bonded labourers to produce the desired results and make rehabilitation create a permanent impact.

- Can we break their Shackles? – Challenges of Retrieving Bonded Labour
Yojana, 1-15 May, 1987 (P. 6-12)

The author presents this article based on his direct experiential perceptions related to identification, release and rehabilitation of the bonded labour system. He emphasises the importance of social conscience and commitment on the part of the authorities/functionaries responsible for implementation of the law, role of the judiciary vis-à-vis public interest litigation, role of the NGOs and social action groups. The following broad facts emerge from the article:

- The definition of bonded labour, labourer and labour system in the Bonded Labour System (Abolition) Act is clear and unambiguous.
- The definition has not been changed by the Supreme Court.
- The latter has merely given a broad, liberal and expansive interpretation of the definition.
- The four consequences of the relationship between creditor and debtor as in section 2(g) of the act need not be read conjunctively to come to a conclusion about existence of the bonded labour system. It is enough if one of the consequences is in existence.
- The element of loan, debt and advance need not be conclusively proved; it should be presumed to be in existence.

- The questionnaire prepared in 1976 could be adopted with suitable modifications, as this may be locally relevant for identification of bonded labour system in a particular area.
- It is not necessary to open formal case records and subject each case to a formal process of trial by adopting the normal procedure for recording evidence. This will be an endless routine and would defeat the very objective of the process.
- Instead summary trials should be held immediately on receipt of reports from vigilance committees and other agencies. This will allow for a summary conclusion to come about the status of a person - i.e. whether he/she is bonded or not. A person who is concluded to be bonded should be released forthwith followed by issue of a release certificate.
- Rehabilitation should be physical, economic and psychological: the central objective of rehabilitation is total transformation of a bonded person.
- Rehabilitation should be holistic and should lead to integrated development. Resources can be pooled from a variety of sources and integrated imaginatively and skilfully to make rehabilitation create a permanent impact.
- The examples of Tribal Project Authority, Hill Areas Development Department, Government of Uttar Pradesh's group approach to rehabilitation adopted by Ranga Reddy district of Andhra Pradesh are worthy of emulation and replication.
- All the constraints and challenges to rehabilitation should be grappled with and overcome by planned, coordinated and concerted efforts.
- A strong advocacy plan needs to be launched to bring awareness at all levels.
- Recourse to public interest litigation should be viewed in a correct perspective and not with suspicion.
- Full involvement and support of good, reliable and committed non-governmental organizations should be enlisted to do justice to the daunting tasks of timely identification, release and qualitative and permanent rehabilitation of bonded labourers.

Mohapatra, Bibhuti, B.

→ Bonded Labour in a Tribal District: A Study
Yojana, February 16-28, 1990 (P. 24-26)

This is a study carried out by the author on bonded labour system in Orissa with special reference to Phulbani, the most backward district of the state. The author identifies indebtedness as the primary cause of this bondage, which is the outcome of low wages and distress selling of their produce - both agricultural and minor forest produce - to money lenders.

It provides a candid admission of the fact that laws and programmes related to abolition of the bonded labour system suffer from half-hearted implementation, and leakage and wastage of resources. Lack of specific guidelines, suitable methodology and transparency in identifying bonded labour systems, release and rehabilitation is noted. Firstly, the lack of political will and determination prevents ensuring that the benefits of the law and programme are reaped by the intended beneficiaries.

The paper also brings out the gaps between the estimates of bonded labourers made by the Gandhi Peace Foundation and National Sample Survey Organisation. These include gaps between the numbers identified, released and rehabilitated and the uncovered areas in relation to certain states. Factors, such as burgeoning population, growing disparity between the income and living standards of rural and urban population, increasing poverty and illiteracy, migration from rural to urban areas and inability of the urban sector to absorb the largely unskilled rural migrants and so on is also noted.

Traditionally, the system of bonded labour was practised mostly in the southern districts, i.e. Koraput, Kalahandi, Ganjam and Phulbani. This was because of widespread poverty, high concentration of tribal population and lack of employment opportunities.

Against this backdrop the study undertaken in fifteen villages spread in four blocks of Baliguda subdivision of Phulbani district reveals the following:

- Socio-economic backwardness of the tribal people is a cumulative product of their prevailing customs, exploitation by money lenders and isolation from the outside world.
- The demographic composition of the area under study reveals a very high percentage of scheduled caste and tribe population - ranging between 75 per cent to 81 per cent.

- The constraints of economic development in Phulbani district are (a) low percentage of cultivable area and lack of irrigation facilities, (b) lack of infrastructure facilities, (c) occupational immobility, (d) poverty, and (e) backwardness.
- 40 per cent of the sample households possess livestock of meagre market value, 41 per cent have ordinary agricultural implements and less than 1 per cent possesses two rooms to inhabit.
- While the rate of enrolment of school going children at the primary level is 54.66 per cent there remains a high percentage of dropouts.
- Lavish expenses incurred for social ceremonies are crucial factors for indebtedness and bondage for most of the sample households.
- More than 49 per cent of the sample families are subjected to bondage between one to two years.
- Indebtedness leads to bondage in most of the cases, and indebtedness is the product of low wages and distress – non-remunerative sale of agricultural and forest produce to moneylenders.

Mundle, Sudipto

→ The Bonded of Palamau
The Economic and Political Weekly Vol. 11, No. 18, 1976 (P. 653-656)

The article provides a deeply moving account of the working and living conditions of *sevakias* of Palamau district of Bihar. A person mortgages him/herself and the labour of his/her life to a landlord or moneylender either for his/her own marriage or that of his/her son or daughter or performance of rites on somebody's death or illness of self or any of the family members. On this very day he/she gives up his/her freedom to begin a life of bondage.

Bonded labour service is divided between the fields, the shops and the bullock cart. In return they get *banhi* or two seers *katchi* as the minimum subsistence consumption. The bonded person is unable to perceive the difference between his/her erstwhile miserable freedom and his/her present miserable bondage. For him/her it is one and the same unceasing hard manual labour every year. Escape from the clutches of bondage is virtually next to impossible on account of the closely guarded surveillance. Brute force is used to monitor bonded labourers. The *sevakia* is tied to debt bondage forever even though in principle he/she is bonded only until such time as he/she has paid back the debt.

There are two types of agricultural workers namely the small and marginal tenant who is free, *chutte mazdoor* and the labourer who is bonded *sevakia*. The dream of both is to become a middle peasant cultivating their own land, who is largely self-sufficient and resilient. That unfortunately is not always the case. They do get exposed to the greedy clutches of the landlord/moneylender in difficult situations like drought. They are also vulnerable to trickery, intimidation and forced occupation by the latter. Eventually, the middle peasant also gets pauperised and joins the ranks of the *chutte majdoor* or *sevakia*.

The article provides a rich historical insight into how Palamau became a hide out for the plain people after the first war of Indian independence (1857). It traces how landlords belonging to the three upper castes, *Rajputs*, *Brahmins* and *Vaishyas*, came from the Sone Valley and colonised Palamau during the 2nd half of 19th century.

The article concludes with an air of optimism. The twenty point programme, which is the manifestation of political will, commitment and determination and seeks to eradicate the pernicious bonded labour system and an empathetic and sensitive administration together hold out tremendous hope and promise for those at the abysmal depths of indebtedness and bondage. The two together can undoubtedly break the shackles and fetters of this age-old bondage system and harbingers the dawn of freedom.

Muthurayappa, R.

→ Rehabilitated Bonded Labourers – A Classical Example from Karnatak State, India
Indian Journal of Social Development, Vol. No. 1, 2001 (P. 39-58)

This is a study which was conducted in respect of 387 rehabilitated bonded labourers, 374 males and 13 females, in the four districts of Karnatak State, namely Bangalore, Hassan, Mysore and Shimoga, in May 1998. The main focus of the study is to examine the nature of bondage of identified and released bonded labourers, and investigate whether rehabilitation resulted an increase in incomes and improvements in living conditions. The main themes of the study are:

- Most ex-bonded labourers worked with their ex-landlords on annual contracts.
- The duration of bondage arising out of the said contract ranged between 6 months (4) to 15 years (340).
- The bondage agreements were verbal understandings.
- About 22 per cent started working as bonded labourers at the age of 14 years and the remaining 64 per cent started working as teenagers.
- Those who took to bondage at the age of 10-12 years served their masters for food and clothing only.
- The amount received for one year bonded service ranged between Rs. 200.00 - Rs. 500.00.
- In addition to the yearly advance, which is not a loan, they received three meals a day and two to three sets of clothes per year from the landlord.
- Nearly 72 per cent of the freed bonded labourers belonged to scheduled caste, 2 per cent to scheduled tribes and 26 per cent to other backward classes.
- All of them have received rehabilitation assets from government. About 30 per cent were given to milk animals, 13 per cent given bullocks plus cart, 14 per cent given sheep or goat units, 29 per cent a mix of the animals and 11 per cent given cash to purchase materials to set up and develop an industrial service and business.
- Over 1/3rd of the beneficiaries retained the asset, nearly 1/2 of them retained the original asset and another 1/2 replaced the original asset but retained the replacement.
- Discontinuation of the asset was due to inability of beneficiaries to replace animals and death of animals due to unsuitability to the present climatic conditions.
- Most of the beneficiaries who owned more than two acres of land had retained the asset.
- The retention of assets was more in those villages where milk producers cooperative societies existed. The latter in addition to helping marketing of milk provided credit facilities for purchase of fodder.
- The average annual income of those who retained the asset is Rs. 8721.00 and those who could not retain the asset is Rs. 8332.00
- Over 2 per cent of the rehabilitated labourers have lapsed back to further bondage. They have become bonded labourers again on account of poor economic conditions. Relapse to bondage took place five to six years after receiving rehabilitation assistance.
- Though the rehabilitation scheme improved the living conditions of bonded labourers to some extent, majority of them still have low incomes and are below poverty line.
- Even today the major source of income for the freed bonded labourers is wages.
- Most of them had taken loan either from banks, cooperative societies or private persons.
- Even though about 50 out of 387 beneficiaries have paid back whatever amount they borrowed, indebtedness continues to be a major problem for the rest.
- Marriage, medical treatment and personal consumption continue to be main causative factors for indebtedness.
- The solution to the problem lies in improving incremental income and the same will be possible if government assistance for rehabilitation combines both land and non land-based schemes productive assets.

M K T

→ Missing Numbers
The Economic and Political Weekly, December 25, 1976 (P. 1983-1984)

The article deplores the game of numbers relating to bonded labourers, which continues to underestimate the problem. After the Bonded Labour System (Abolition) Act was passed by both Houses of Parliament, twenty states and union territories had taken a stand that the problem is non-existent in their areas. By September, 1976 the problem had boiled down to only eight states namely Andhra Pradesh, Bihar, Madhya Pradesh, Karnataka, Orissa, Rajasthan, Tamilnadu and Uttar Pradesh. The number of bonded labourers identified and reported to the Ministry of Labour by these eight states was put at 74,095 and the number of those released was put at 56,000. The figures, however, keep on getting revised and move downwards and the revised figures are 62,300, identified and 55,583 released. The number of bonded labourers rehabilitated by the concerned states comes to 3,039.

These figures hide the reality, i.e. the actual dimension of the problem. This rests on the following premises: (a) it is a common practice in many parts of the country for artisans and craftsmen to depend on the middlemen for marketing channels, (b) they depend on the middlemen for their subsistence during lean periods when demand is low and raw materials are scarce. The money advanced at this stage is supposed to pay for articles produced by the artisans in the following year and the terms on which such deals are transacted are plainly exploitative, (c) given the imbalance between the demand and supply of labour in the rural labour market and also the scarcity of institutional credit, debt bondage should be more of a rule than an exception, (d) the incidence of debt bondage is likely to have risen sharply with monetisation of the rural economy, (e) surveys conducted by the National Labour Institute (NLI) and by officials of the Ministry of Labour go to prove accentuation of the bonded labour system.

The author deplores that circular letters, instructions and guidelines issued by the Ministry of Labour to the state governments/urban administrations to assess the real dimension of the problem of debt bondage through periodic surveys have fallen on deaf ears. The Tribal Research Institutes have not been involved in most of the states to undertake the survey and it has been a one time exercise in most of the states.

The other important area which seems to have been mostly lost sight of is the problem of interstate migration. There is plenty of evidence to show that labourers from one state are recruited by recruiting agents on payment of advance and other allurements. But no sooner have they crossed the borders of the originating state and landed at the work site in the destination state all promises made to them earlier are belied, and they are subjected to a chain of ruthless exploitation. Neither the originating state and far less the destination state is prepared to survey their status and prepared to release them, even if surveys have found that they are in the status of bonded labourers.

Pais, Dr. H.

→ Rehabilitate Quickly After Freeing Them
Yojana, Vol. 31, No. 8, May 1-15, 1987 (P. 22-25)

The article underpins the importance of bridging the time gap between release and rehabilitation without which there is every possibility of a freed bonded labourer lapsing back to debt bondage. Woven around this main theme there are a few other redeeming features central to identification, estimation and reporting on bonded labour systems, and the urgent need for coordination between agencies for eradication of poverty and bondage, which are reported:

- There are wide variations between the number of bonded labourers estimated by the joint survey undertaken by the National Labour Institute(NLI) and Gandhi Peace Foundation (GPF), survey by the National Sample Survey Organization (NSSO) and the state governments. The variations are on account of difference in perception and definition adopted by NSSO and NLI/GPF while in case of state governments the process of identification is sporadic and intermittent, the number rising and falling at intervals. Besides, several regions/states/union territories of the country were left out from the purview of joint survey of NLI/GPF.
- Bonded labourers represent the poorest of the poor and yet there is no coordination between the agencies responsible for eradication of poverty, i.e. District Rural Development Agency (DRDA) and those responsible for elimination of debt bondage, such as vigilance committees at the district and sub-divisional level, even though both these units are headed by the Collector, District Magistrate, Deputy Commissioner.
- There is substantial time gap between release and rehabilitation of bonded labourers which contributes substantially to their misery and suffering. The time lag as reported by the Program Evaluation Organisation (PEO) is sometimes as high as 92.7 per cent.
- Land-based schemes occupy the centre of rehabilitation schemes, but the land allotted is of poor quality, un-irrigated and unsuitable for cultivation.
- Selection of productive assets is made by implementation agencies, and beneficiaries have no choice.
- In non-land based schemes where cattle are provided there is no land for raising of fodder either on individual or community basis.
- The main problem is the inability or disinterestedness of state governments to take up identification, release and rehabilitation as a time bound programmes.

- Good results have invariably followed where there is a sincere attempt to integrate different programmes after taking into account preferences, felt needs and interests of beneficiaries.
- Voluntary agencies can play an important role in identification and rehabilitation of bonded labourers, if the state governments create a proper climate for the purpose. Therefore, the primary responsibility rests on the shoulders of the state governments.

Pillai, P.P.

→ Indian Labour Organisation and Forced Labour
Indian Journal of Economics, Vol. IX, Part 4, April, 1929 (P. 653-662)

The article provides a precise definition of forced labour and also brings out clearly the distinction between slavery and forced labour. It outlines the conditions i.e. pursuit of rapid development and industrialisation of backward areas inhabited by underdeveloped populations, which precipitate emergence of forced labour. The article also traces the evolution of the anti-slavery convention adopted by the League of Nations Assembly on 25 September 1926 and the circumstances that paved the way for eventual adoption of a Convention on Forced Labour No. 29 by the International Labour Conference in June 1930.

The fundamental differences between the text of the Anti Slavery Convention of 1926 and the text of the proposed Convention on forced labour to be taken up for consideration in the ILC, 1930 is also spelt out. While the former permits forced labour for private employers, provided that progressive effort is made to put an end to it, the proposed text of the forced Labour Convention No. 29 of the ILO does not permit any forced labour except for essential public works and services. The article laments lack of clarity in both conventions. Vague attempts at definition and lack of definitional clarity may, therefore, lead to discrepancies between the intent of the legislation and the methods and effects of their application.

A positive finding in the article is that the quality of the work performed under compulsion is inferior to that rendered by free labour. Any measure of compulsion is, therefore, to be condemned not only as unjust but as economically unsound. It has outlined certain checks and safeguards, while taking recourse to forced labour in future. The pervasive practice of *begar* or forced labour in some of the more backward Indian states, (ex states), on the basis of newspaper reports are recounted, but definite conclusions are not obtained. In states, like Bihar and Orissa, compulsory work is being exacted by the Government in certain aboriginal areas. This is done for maintaining public roads and buildings. The author is hopeful and hopes that the civilised conscience will be roused by the intensity of the evil and speedy measures taken to put an end to the system.

Pirzada, Gurnihal Singh

→ Into the Bondage the Kodaikanal way
Yojana, Vol. 31, No. 8, May 1-15, 1987 (P. 18-21)

Under the Sirimavo-Sastri Pact of 1964 and Sirimavo-Indira Gandhi Pact of 1975 it was agreed by the Governments of Sri Lanka and India that out of 975,000 persons of Indian Origin in Sri Lanka 600,000 persons would be given citizenship of India. By mid 1984, 111,967 families consisting of 445,588 persons were repatriated to India. Of these, 107,177 families settled down in Tamilnadu.

The author tells in this article how these repatriates virtually became victims of the bonded labour system. Private firms and contractors overexploited this group simply because they were extremely poor and without any means of livelihood. The article gives a telling rending account of their suffering on account of hazardous working conditions, intervention of the apex court, appointment of a three member commission to enquire into the conditions of these repatriates and where the matter stands at present.

Highlights of some of the facts contained in the article are:

- About 82 per cent of the repatriates were plantation labourers.
- Technically ill-equipped they could not exercise their personal preference for various rehabilitation measures, and could not utilise the loans doled out by the Government for starting self-employment schemes.
- Over 2000 families in Kodaikanal provided hard manual and cheap labour for construction of roads and buildings.

- The major factor which pushed these repatriates to work as bonded labourers was that Tamil labour from the plains is reluctant to work at high altitude in areas like Kodaikanal, which is 8000 feet above sea level.
- About 600 families were employed with an average family size of 3.84 with a construction company. Most of the trees were leased by the construction company for extracting tanning agent and production of synthetic fibre.
- The Supreme Court on filing a writ petition by Bandhua Mukti Marcha constituted a three member Commission of Enquiry in April 1986.
- The Commission reported harrowing working conditions and found full evidence of debt bondage - of the repatriates and their family members under contractors, sub-contractors, shopkeepers and so on.
- The Commission found that the provisions of Maternity benefit Act, 1961, Workmen's Compensation Act, 1923, Payment of Gratuity Act, 1972, Plantation Labour Act, 1951 and Compensation Act were not observed.
- The Commission did not see any justification in continuing the system of contractors in respect of such operations, which should be managed either by the Forest Department or by a Plantation Corporation to be formed specifically for the purpose.

Prasad, Kiran Kamal

→ Some Reflections on Bonded Labour
Integral Liberation Vol. 5 No. 2, June 2001 (P. 113-120)

The article narrates the lives of five bonded labourers, quarry workers of Hangarhalli of Srirangapattanam taluk of Mandya district of Karnatak State.

The labourers aged between 30 to 55 had both their legs permanently soldered with thick chains weighing 15 to 20 kg. and measuring 2 to 3 ft. in length. The period for which they have been chained ranges between six months to six years. The most pathetic part is that 3 of the 5 bonded labourers were denied the pleasures of their conjugal life since they were chained. They had to drag their legs with the heavy chains for taking food.

The labourers were locked in a room, and their sanitary conditions were poor. Their day began at 6 a.m. and ended at 7 p.m. Full wages would never be paid, their wages were a portion of their entitlements, the amount of work done was discredited, and arbitrary fines were imposed for leaving the quarry without permission. These hapless victims of debt bondage, had been longing to put an end to their humiliation even through death. The activists of Karnatak Raitha Sangh (KRRS) were instrumental in releasing them, and if not they had conjured up a plan to get ripped off in the blast instead of running away from the explosion on 22.06.2000.

The article provides a rich historical insight into the phenomenon of slave bondage. The genesis of the problem is deeply rooted in the caste system of India. Yet the tendency of government and local administration to disown the existence of the problem, the system of false reporting where ground level realities do not surface is equally culpable. Therefore, the callousness and insensitivity of the system, which does not make elimination of the pernicious system possible - notwithstanding the interest shown and positive directions issued by the Supreme Court and the National Human Rights Commission – contributes to its persistence in India.

Prasad, Pradhan H.

→ Poverty and Bondage
Economic and Political Weekly, Special number, August 1976 (P. 1269-1272)

The article is an incisive analysis of the semi-feudal mode of production in Indian agriculture. Such a mode of production is characterised by (a) helpless dependence of the poor peasantry on the landlord-traders and rich peasantry, (b) exploitation of the poor peasantry under a system of semi-feudal bondage, and (c) the vested interest of the rural rich in perpetuating the waste and inefficiency of the pre-capitalist and semi-feudal mode of production.

The following are some of the other themes of the article:

- Consumption expenditure of the rural poor is invariably higher than their income - as high as fourteen times. This gap forces the rural poor to take consumption loan mainly from the rural rich.
- There is evidence of high indebtedness in all states/union territories except in Assam, Kerala and Orissa. This leads to debt bondage invariably.
- Leasing out land by the rural rich to economically weak households is yet another way of enforcing bondage. This practice is widely prevalent in rural areas of Kerala, Tamilnadu and Bihar.
- Even though such a practice reduces the direct gain to the landowner it leads to indirect benefits in terms of enforcing an informal bondage on the poor peasants.
- Pre-capitalist or semi-feudal mode of production has remained inefficient compared to the higher historical stages of production relations. This has a strong bearing on poverty.
- The vast majority of poor peasantry in rural India remains in perpetual deficit. This results in a system of unequal exchange, which provides the big landowning class enormous economic benefits such as:
 - cheap and assured labour
 - better terms for leasing out land
 - acquiring lands of the poor peasant for nothing
 - distress sales
- Enormous economic benefits lead to concentration of political power in the hands of the rural rich.
- Loans advanced to poor peasants are invariably like doles.
- It is often beyond the means of 'deficit' households to repay either the loan or the interest in full even in the long run.
- Part of the dole, which is mere subsistence, is paid in cash or kind or both. The rest is paid as a loan so as to enforce a debt bondage on the poor peasantry with a view to appropriating almost the entire surplus value.
- In a semi-feudal set up, loans repaid invariably remain less than loans taken and loans outstanding exceed the total value of assets of the debtors.
- While Punjab and Hayana present one extreme of ownership of land vis-à-vis consumption level, Bihar presents another extreme.
- In the latter, the consumption expenditure of those without land is 28 per cent higher than those without land.
- A poor peasant in Bihar who is saddled with debt and semi-feudal exploitation would always prefer to work for others to work on his own land as the yield from self-cultivation is much less.

The article concludes that the dominant mode of production in Indian agriculture by and large is semi-feudal. Thus the semi-feudal bondage, defined broadly in terms of economic and consequent political dependence of the vast majority of the poor peasantry on the land of the rich peasantry, comes in handy to keep the system of exploitation alive.

Reddy, K.V. Raghunath

→ The Bill on Bonded Labour
National Labour Institute Bulletin Vol. 2, No. 1, 1976 (P. 7-8)

This is an extract of the speech delivered in the Rajya Sabha on 12.01.76 by (late) K.V. Raghunath Reddy, the then Labour Minister, Government of India. This was reproduced from the debate which took place in the Upper House of Indian Parliament on 12.01.76 and published in the above bulletin.

The statement refers to the bonded labour system as the most anomalous remnant of feudalism vitiating our society. It proceeds to explain the mechanics of the system and how the system based on usury and feudal exploitation perpetuates unequal exchange for ages and how it dehumanises the bonded person and reduces him to an appendage of feudal property, a sub-man, an exile of the civilisation, a thing.

Based on the information contained in the report of the Commissioner for Scheduled Castes and Scheduled Tribes it gives details of the form in which the system existed and still exists in the states of Andhra Pradesh, Bihar, Gujrat, Karnatak, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamilnadu and Uttar Pradesh. It introduces the salient features of the Bill to abolish the system, such as the role of vigilance committees at the

district and sub-divisional level, the penal provisions and how eradication of the bonded labour system would require the concerted efforts of the development machinery of government, nationalised banks, rural banks and social workers working in the agrarian sector. It concludes by stating that exploitation is immoral and immorality leads to decay. Rehabilitation of bonded labourers would enhance the durability of human civilisation.

Rehman, M.M.

→ Bonded Labour System in India: an Overview
Labour and Development, Vol. 12, No. 1, 1996 (P. 119-140)

The article seeks to provide a comprehensive picture of the bonded labour system in a historical perspective. It laments that despite efforts made by the government and other civil institutions the system still persists rather unobtrusively. Therefore, due to legal and definitional problems the perpetrators of the crime continue with the obnoxious practice and yet escape with impunity. The following are some of the highlights of the article:

- Bonded labour system implies taming, subjugating and exploiting human beings. This is done by coercion, regimentation, use of brute force and depriving them of their dignity, decency and means of survival.
- The system is deeply embedded in hierarchical stratification of the social system into caste categories.
- Series of bold but fragmented efforts made in the past at the national and international level have resulted in formulation and adoption of a number of legal instruments. These, however, have not resulted in the abolition of the system.
- This is on account of the fact that the depriver and the deprived have joined hands to perpetuate exploitation.
- The severance of the link on releasing the bonded labourers results in their social exclusion, which is detrimental to their development.
- Since the means of production remains in the hands of exploiters, the freed bonded labourer once again turns to the erstwhile master. Dependence and vulnerability in such a situation make both the processes of release and rehabilitation illusory.
- The process is also closely linked to political will and determination. The process gathered momentum in 1975-76 when it was part of the old twenty-point programme. It lost its momentum in 1977 only to get it back in 1982-83 when rehabilitation of bonded labourers was once again included as a part of the twenty-point programme.
- The vested interests are adversely affected by the process of release and rehabilitation has not taken to the twenty point programme kindly. The overall social and political milieu continues to be hostile to the process.

Saldhanha, Indra Munshi

→ Attached Labour in Thane – A Historical Overview.
Economic and Political Weekly, May 20, 1989 (P. 1121-1127)

The article provides a historical insight into the nature of the bonded labour system during the British period, and the different forms of attachment that have developed to characterise the labour-employer relation in Thane at present. The author on the basis of his study of bonded labour in Thane is inclined to suggest that government interventions from above, in the form of legislations and as popular pressure from below, are not likely to succeed in making the labourer independent. Structural conditions that enforce dependence also need to be removed, and this does not seem to have happened. The following are a few highlights of the study:

- The bonded labour/attached labour system in Thane is a pre-colonial phenomenon.
- The system originates because of the need to incur loans by the debtor for meeting marriage expenses. Mortgaging his/her own labour and that of the family, to the creditor enables the latter to have total control over time and labour of the former.
- The debtor serves his/her master until the debt is repaid which, through the creditor's craftiness and debtor's guile had a tendency to swell.

- It is passed on from one generation to the next.
- The nature of work involving husband, wife and children is arduous.
- This form of outright bondage is gradually on the decline.
- Majority of agricultural labourers in Thane are not, however, free wage labourers. They fall between the two extremes of bonded labour and free wage labour, attached to the landlord in a variety of ways.
- The loan amount ranges between Rs. 50.00 to 1500.00 the purpose of borrowing remaining the same as before - paying for marriage expenses.
- Different types of wage labour who are employed are, (a) daily, (b) seasonal, and (c) permanent.
- There is yet another practice of acquiring control over the grasslands of the *adivasis* by the landlord, trader against small loans.
- The *adivasi* agricultural labourers and poor peasants cannot afford the inputs in agriculture. They allow their cultivable lands to be used for growing grass. These are leased out during difficult summer months for a small amount.
- Following independence, government of Maharashtra has been trying to provide relief to both the poor peasants and landless agricultural labourers by provision of consumption loan (1965) and introduction of Employment Guarantee Scheme (EGS) (1974). The first popularly known as Pale Mode Eradication Scheme was to undermine the power of the landlord as usurious moneylender, while EGS allows the labourer to survive locally at an average wage.
- NGOs like Sramajeevi Sangathan and Samarthan and political organisations such as Kisan Sabha, Bhoomi Sena, Kashtakari Sangathan, Sramik Mukti Sangathan and Lal Nisan party have been trying to break the vicious circle of exploitation and dependence. These organisations have been demanding and enforcing effective implementation of legislation and creating alternative institutions to protect *adivasis* from falling into the circle.
- These NGOs have promoted and encouraged the concept of group marriages with the purpose of reducing marriage expenses and thereby minimise the scope of indebtedness and bondage.
- Despite all these initiatives, a large number of *adivasis*, poor peasants and labourers are inextricably bonded to the landlord trader and rich peasant within the network of credit relations. Credit constitutes the basis for control over land, labour and produce.
- Deprivation results from factors like ownership of small uneconomic holdings, lack of necessary implements and inputs, low wages and lack of institutional credit facilities for the majority.
- The landlord trader takes advantage of this deprivation and binds the labour through credit that is also the produce of the poor peasants.
- Any strategy of delivering poor peasants and agricultural labourers from this situation of deprivation must create an alternative and effective mechanism. This way the cycle of dependence and exploitation is fully broken.

Shah, Dr. S.M.

→ Is their Rehabilitation Realistic?
Yojana Vol. 31, No. 8, May 1-15 1987 (P. 26-28)

This is a study of the bonded labour system in the Kota district of Rajasthan. The incidence of bonded labour system continues despite the fact that Bonded Labour System (Abolition) Act is on the statute book for more than 10 years. According to the author, the apathy of the officials, lack of interest on the part of the NGOs and the bureaucratic approach in rehabilitating freed bonded labourers are responsible for the regrettable situation characterised by a large number of bonded labourers sliding back to debt bondage.

The following issues emerge from the study, which is based on interviews with the *halis* of *Kisengarh tahasil* of Kota district of Rajasthan.

- The *sahariya* tribes of Kota district, most of who were in the status of bonded labourers, live in an unenviable situation of landlessness, poverty and destitution. Their condition is worse even ten years after statutory abolition of bonded labour system.
- Several disquieting features emerge out of the findings of the evaluation study conducted by the Programme Evaluation Organisation of the Planning Commission (1979-84) beginning with Kota district. These are:
- 310 out of 782 freed bonded labourers 40 per cent had availed of rehabilitation assistance.

- * Disbursement of such assistance was irregular.
- * The beneficiaries had no choice in selecting of units of assistance. These were thrust on them.
- * 93 per cent of beneficiaries reported time lag between release and rehabilitation.
- * The condition of 74 such beneficiaries, out of 310, is reported to be pathetic.
- * Members of scheduled caste and tribe communities account for 83 per cent of the total number of beneficiaries.
- * 43 per cent of the beneficiaries were bonded when they were less than 15 years old.
- * 38 per cent of beneficiaries were between 15 and 25 years and remaining 19 per cent between 25 and 55 years.
- 72 per cent of the beneficiaries had remained in bondage for 5 years and above while about 25 per cent remained in bondage for 20 years and above.
 - * Vigilance Committees, though in existence on paper, did not do justice to their mandate.
 - * Statutory registers were not maintained.
 - * Identification of bonded labour system was done only at one point in time a hurried and half-hearted manner.
- In Kota district, 700 bonded labourers were given paper benefits in terms of share certificates of Rs. 4000.00 each in the name of the bonded labour industrial cooperative society.
- No efforts were made to integrate the bonded labour rehabilitation scheme with other ongoing beneficiary oriented schemes.
 - The time frame for rehabilitation itself was long - two to four years.
 - Even rehabilitated bonded labourers were found to be borrowing from landlords/moneylenders to supplement their meagre income.

Sankar, Kripa

→ Bonded Agricultural Labour in India of 1996 – Case of Hallia Block in Uttar Pradesh (UP) Economic and Political Weekly, Vol. 31, No. 33, 1996 (P. 2215-2217)

This is a painstaking survey of the plight and predicament of bonded agricultural labourers of five villages of Hallia Block of Mirzapur district of UP. The following findings emerge from the survey:

- Conducting a survey in an area rife with powerful feudal elements with the help of an outside investigator is fraught with challenges.
- Survey was conducted primarily on the basis of contact with local tribals, *ko/s*, and their services were used in collecting necessary information.
- There were in all 29 bonded labourers in the five villages surveyed.
- The bonded relationship begins on the basis of loans incurred for social purpose, marriage or death ceremony (69 per cent), personal consumption (7 per cent) and purchase of miscellaneous expenses account for the rest.
- The transaction which is not in black and white is advantageous to the landlord and detrimental to the bonded person.
- The bonded person's services are in lieu of interest on the loan.
- The wages are paid in kind, 4 kilograms of grain per couple, in shape of *kodo*, which is an inferior grain, and is much less than minimum wages.
- The bonded persons work for all the 365 days without a break.
- The practice of purchasing a bonded labourer by paying the amount due to the old master is also appearing.
- Of the twenty-nine bonded labourers, twenty-one were bonded from childhood without any idea of the size of the loan taken by their forefathers, and the amounts repaid and outstanding.
- The amount of loan on an average may be around Rs. 485.00, and the amount of grain borrowed may be around 32 kg.
- The living condition of all the 29 bonded labourers was pathetic.
- Any attempt on the part of a bonded person to leave is met with severe physical assault and humiliation.

Sharma, GB

→ Law as an Instrument for Abolition of Bonded Labour: The case of Rajasthan
Indian Journal of Public Administration Vol. 23, No. 3, 1977 (P. 735-52)

The article deplores the fact that despite enactment of laws at the Central and State level and successive reports - between 1956-57 to 1973-74 brought out by the Commissioner for Scheduled Castes and Scheduled Tribes, state governments and union territories denied the existence of the system year after year. Even in Rajasthan, despite the *Sagri* system Abolition Act, 1961 being on the statute book for over 15 years, 1961-76 not a single case was ever registered under the Act. Against this backdrop, the following picture broadly emanates from the study:

- Regardless of some changes in the social and economic life of tribes, heavy indebtedness to the moneylenders continues to be a distinctive feature of their life.
- With wide variations in the extent of indebtedness - ranging between Rs. 200.00 to Rs. 600.00 there are genuine problems in accurately assessing the magnitude of the amount involved.
- Enactment of Bonded Labour System (Abolition) Act at the central level has been followed by strengthening the state administrative set up. Constitution of a State Level Implementation and Evaluation Committee, committees at the regional level, vigilance committees at the district and sub-divisional level and opening up of a special cell on bonded labour are some of the new initiatives taken by the state government.
- All these notwithstanding three districts reported nil bonded labour between October 1975 to February 1977, while a total of 5523 bonded labourers only could be found in the remaining 23 districts. Of these, 3350 bonded labourers, 60 per cent – 65 per cent were released voluntarily by the moneylenders, the accused were acquitted in 40 cases and the remaining 576 cases are pending in Courts of Law.
- On a comparative plane, Rajasthan identified the least number of bonded labourers, compared to Uttar Pradesh and Karnatak.
- The performance of the state with 46 per cent of the persons of the number identified, being rehabilitated does not also appear to be very encouraging.
- Rehabilitation, which is mostly land-based, cannot be on a permanent basis as the land allotted is mostly waste land, which is not cultivable without sizeable investment. In a few cases, physical possession of land allotted is yet to be given.
- A dole-based rehabilitation plan should be thoroughly discouraged.

The study concludes that permanent rehabilitation is possible by (a) preventing the freed bonded labourer from turning to the moneylender for credit, (b) formulating a liberal credit policy for providing productive and non-productive credit, both short term and long term, (c) building up a network of government, corporate and cooperative credit institutions with in-built simplified organisational structures and procedures of work. Simultaneously, it lays stress on (a) caution to be exercised to make sure that fake voluntary releases do not take place merely to avoid punishment under Bonded Labour Abolition Act, (b) to ascertain and prevent instances of lapse back to bondage. In regard to expenses for meeting the social obligations the study suggests the institutionalisation of the tribal custom mutual help - *narota* as it is known among the *adivasis* of Rajasthan should be revived.

Singh, Manjit

→ Bonded Migrant Labour in Punjab Agriculture
Economic and political weekly, Vol. 32, No. 11, 1997 (P. 518-519)

The article is an interesting account of a field study carried out in two phases, i.e. 1980-81 and 1990-91 in two districts of Punjab, namely Ludhiana and Hoshiarpur. The study was done to assess the working and living conditions of migrant labour recruited from the districts of Monghyr, Saharsa, Darbhanga, Muzaffarpur and Samastipur in North Bihar and Chotnagpur belt of that state.

According to the author there is nothing wrong in migration. Migration according becomes objectionable only when it is associated with use of coercion and accompanied by violation of various labour entitlements on wages, hours of work, social security and so on. Following are some of the highlights of the study.

- The total number of persons who are recruited from Bihar would be around 5 lakh - 0.5 million.

- It is social groups a little above the lowest rungs of the socio-economic classes that are inclined to migrate.
- 14 per cent belonged to scheduled caste, 84 per cent to backward caste and only 2 per cent to upper castes.
- They worked mainly for three agricultural operations, namely wheat harvesting, paddy transplantation and harvesting.
- The average daily earning of a seasonal migrant labour ranges between Rs. 4.00 to Rs. 5.00, which was 35 per cent less than the minimum wages fixed by the state labour department.
- They were being brought by recruiting agents from Bihar to Punjab. On arrival in Punjab they were handed over to different farmers individually in an auction against advance payment.
- Sometimes they would be locked up by the farmers along with the cattle in their cattle shed and would be physically assaulted by the employer to make them submit to the latter.
- Ironically enough, they were visiting Punjab for the second or third time, despite such treatment.
- This was for the simple reason that back home they would not have even enough food for survival.

The visit by the author in the second phase to the very same villages in 1990-91 revealed the following:

- The gap between the local and the migrant labour in respect of rates of wages was bridged.
- The flux of migrant labour remained unabated despite militant violence in Punjab, and despite massacre of many migrant workers.
- The triangular competition between local labour, migrant labour and machinery became more intense.
- The migrant labour replaced the local labour and started working as attached labour; they were also being replaced by combine harvesting in paddy harvesting-cum-threshing.
- Enquiries conducted by a fact-finding committee constituted by the Ministry of Labour during this period unearthed several distressing facts:
 - Labour recruiting contractors take huge amount of cash advances from rich farmers of Punjab and lure labourers from various parts of Bihar with that money.
 - In a few cases of need loans are advanced to labour at the rate of 192 per cent interest per annum.
 - On arrival in Punjab labourers are handed over to farmers and are subjected to ruthless exploitation.
 - Instances of bondage spread over 10 to 15 years came to surface.
 - 'Siri' or local attached labour is being progressively replaced by alien migrants, which suites the interests of the farmer.
 - The whole process of this recruitment and replacement of local attached labour has been a marriage of mutual convenience between the farmer and the labour contractor.
 - The sub-human conditions of labour obtaining in Bihar have been responsible for this phenomenon.

Srivastav A.K.

→ Identify Bonded Labour – A Knotty Problem
Yojana, 1-15 May 1987, Vol. 31, No. 8 (P. 13-17)

The article highlights a few gaps and omissions since enactment of the law which according to the author have not produced the desired results. These are (a) suitable methodology for identification of bonded labour system has not yet been evolved, (b) the implementing agencies are at a loss as to whether short term and seasonal bondage should also be covered by the definition, and (c) NGOs are yet to be fully involved in the task of identification, release and rehabilitation as envisaged in the 7th plan document and twenty point programme. The main themes of this article are:

- A reason for the slow progress in identification of bonded labour system is the reservation on the part of state governments that seasonal labourers, who have taken loan or advance from their employers, are not bonded labourers. Their number is very large, it will be difficult to enforce the law, and such enforcement would upset the equilibrium in agricultural operations.

- The system is not confined to agriculture alone but may be found in other sectors, like handloom, weaving, leather tanning, but hardly any bonded labourers have been identified from these sectors.
- All doubts as to whether contract workers or interstate migrant workers are and can be called bonded labourers or not have been settled at rest with amendment of the Bonded Labour System (Abolition) Act in 1985, but doubts persist even after the amendment.

The article refers to the debate on abolition versus regulation in the Bastar state in an occasional paper on tribal development entitled, 'Bonded Labour in Tribal areas - A Historical Perspective with special reference to Bastar issued by the Government of India, Ministry of Home Affairs, New Delhi. The debate remained inconclusive for many years.

Srivastav, Umesh Prasad

→ Bonded Labour: Myth or Reality
Yojana, 1-15 July 1990 (P. 23-25)

The author analyses the root causes of bondage and examines in detail the four stages which call for urgent action for eradication of the system. The following broadly emanate from the article:

- Bonded labourers come from a low strata of the society mostly comprising of landless agricultural labourers – 30 per cent to 35 per cent of the total rural population, 90 per cent of whom belong to scheduled caste and tribe and the remaining 10 per cent belonging to backward castes.
- The problem does not surface for many reasons. The unwillingness of state governments to acknowledge existence of the system and the reluctance on the part of the bonded labourer himself to cooperate are some reasons for this. The latter is largely on account of helplessness and fear of repression for giving evidence against the landlord.
- The system of voluntary release of bonded labourers undertaken by a few landlords is more with a view to avoiding legal proceedings and allowing the system to operate through backdoor, than any other altruistic intention.
- Schemes of rehabilitation do not provide a viable source of livelihood and continuing source of income round the year because:
 - land allotted to released bonded labourers is barren and cash assistance too meagre for land development for making the land cultivable.
 - no public credit agency is prepared to extend consumption credit for meeting urgent social needs, food requirements in lean season, or for medical treatment.
- In such a situation the bonded labour keepers find it easy to entice the released bonded labourers to give up the life of miserable freedom and return to the earlier life of security, even if the same was a life of bondage.

The few suggestions offered by the author in the article are:

- Enforcement of minimum wage would lead to loss of access to cheap labour and would reduce the temptation on part of the landlords to take recourse to debt bondage.
- Adequate earnings through enforcement of minimum wages ensure a better quality of life, if the same was accompanied by rationalisation and restraint of expenditure. A strong social education programme needs to be launched to make this possible.
- All cases of land transfer and grabbing from scheduled and tribe people to non-scheduled caste and tribe people should be stringently handled.
- Mass mobilisation and organisation of all bonded labourers, free as well as serving is the ultimate response to the problem. This will generate political consciousness and would frustrate the efforts bonded labour keepers to perpetuate an unjust, unequal and unfair system of debt bondage.

→ In defence of bonded Labour
(by a correspondent)
The Economic and Political Weekly, 21 October 1978 (P. 1750-1751)

The article brings to sharp focus how (a) important social and economic changes are frustrated by vested interests, (b) a rare breed of bureaucrats known for their character, integrity and commitment to social action, suffer discomfiture in the hands of these vested interests, and (c) how such demoralisation of an honest and committed civil servant can be at the cost of security and wellbeing of the bonded labourers themselves.

The bonded labour system or locally known as '*Vettichakri*' is widely prevalent in Andhra Pradesh (AP). The bonded labourers are mostly agricultural labourers belonging to scheduled caste and tribe communities who get themselves bonded as long as twenty years for a paltry loan of Rs. 200.

With enactment of the Bonded Labour System (Abolition) Act a good beginning was made to identify and release bonded labourers and rehabilitate the freed bonded labourers. By July, 1978 about 10,000 bonded labourers had been identified and released by the State government.

Simultaneously, the state was divided into three zones and new wage rates were fixed at Rs. 900.00 Rs. 1,100.00 and Rs. 1,400.00 per annum, respectively. This meant revision of about 100per cent in the wage rates. The released labourers organised themselves to demand implementation of new wage rates.

In July 1978, the rich landlords of Hyderabad district submitted a petition to the then Chief Minister claiming that millions of *ryots* of the Telengana region had been oppressed as a result of implementation of Bonded Labour System (Abolition) Act and Debt Relief Act. The petition claimed that money lenders had given loans to labourers at great risk to themselves and out of concern for the welfare of labour. The petition prayed that the implementation of both the Acts be stayed forthwith.

The Secretary in charge of the Department of Social Welfare when consulted took a stand and argued that a legislation enacted by the Centre could not be made a negotiable issue. Against this advice the political executive took a position that there was no such thing as bonded labour in AP and that it was perfectly in order to expect labourers to repay any loans taken by them.

The article brings out clearly the hollowness of the petition submitted to the then Chief Magistrate in the following manner:

- The Bonded Labour Act provides for severe punishment of the violators of the act, though the number of actual prosecutions in AP has been very few.
- Only one landlord in Warrangal district was convicted and sentenced to six months imprisonment by a lower court. Even he was released by the Sessions Court after being in jail for fifteen days.
- When a person had taken an advance of Rs. 270.00 at a rate of assumed interest of 25per cent he/she would have had to pay back Rs. 405.00 at the end of two years. But bonded labourers continue to be exploited and bonded for years.

Part III – Monographs and Reports (Arranged in Chronological Order)

- Report of the Congress Agrarian Reforms Committee
Published by the All India Congress Committee, 7 Jantar Mantar Road, New Delhi, 9th July 1949 (Pages: 204), Printed at Madras Publishing House

The Agrarian Reforms Committee was appointed by the President of the All India Congress Committee on the unanimous suggestion of the Revenue Minister's Conference that met in Delhi in December 1947. The Committee had in all eight members with Sri J.C. Kumarappa as the Chairman. The Committee was to examine and make recommendations about agrarian reforms arising out of the abolition of the *zamindari* system.

The committee was to consider and report on cooperative farming, methods of agricultural production, position of small holdings, subtenants, landless labourers and generally on improving conditions of agricultural rural population. Of the eleven chapters in the report, chapter five and six are devoted to agricultural indebtedness, finance and marketing and agricultural labour that are relevant to forced/bonded labour in India. Some of the highlights of the recommendations contained in these two chapters which will have some bearing on the elimination of forced/bonded labour in India are:

- The condition of agricultural labourers varies from absolute to mitigated slavery.
- Agrarian serfdom is most prevalent in those parts of India where the lower and depressed classes are numerous.
- The *dublas* and *kolis* of Bombay, the *izhavas*, *cherumas* and *pulayas* of Madras, the *Kamias* of Bihar, the *chakar* in Orissa, the *shalkari* in central provinces, the *harwahas* in central India, the *halis* of Gujrat, the *kattunaikens* of Kerala are the various forms in which agrarian serfdom existed.
- *Begar* or forced labour also existed in different forms in different provinces in northern Indian such as
 - *Beth begar*
 - *Chakran begar*
 - *Parjanta begar*
 - *Buha begar*
 - *Dubri begar*
- *Begar* is a form of service which is rendered under force/compulsion either in the shape of agricultural operations or services rendered for staying in landlord's land/premises in lieu of rent or services required to be rendered in times of emergency or nine days free labour by the borrower to the lender.
- They and their family members are virtually bought and sold as commodities in the market, where they have to bind themselves along with family members to serve the master practically for their whole life.
- A deserter would never be employed by another master.
- The transmission of serfdom from father to son is inter-generational.
- There was underpayment of wages to the extent of 10 per cent to 25 per cent. In addition to daily wages, the serf may receive meals once or twice a day, tea or tobacco, clothes, pair of shoes - on festival days and marriage.
- Women members of the serf's family work in the landlord's house look after the cattle shed, grind grain, clean utensils, draw water from the wells, and their wages are almost as much as the male serf.
- The huts in which the serfs live are made of inferior material providing little protection from sun and rain.
- Sometimes the serf is given a small strip of land to grow his own crops.
- They are coerced to work in the farm of the landlord 70 hours a week. They neither receive reasonable living wage for the working months nor do they have freedom to move about.
- Sometimes the landless servants who had unhindered occupation of the house sites and agricultural lands owned by their forefathers are mercilessly evicted by the mercenary landlords.

- Any demand for higher wages is met with a severe reprisal by way of setting the hut in fire and razing it to the ground and also destruction of standing crops.
- The two factors depleting the peasant's income are the exploitation by the money lender in his dual capacity, i.e. as the credit and marketing agency of the village.
- The exploitation works like a double edged sword, i.e. high rate of interest on the loans to the already impoverished agriculturists and low rates for their products. This gives birth to a vicious circle.
- Bondage can be eliminated if the peasant can be freed from the clutches of the money lender and such freedom is possible by subjecting the money lending operation to a ruthless regulation, simultaneous organisation of cheap and prompt institutional credit - short term as well as long term and marketing through cooperative societies.

Indian School of Social Sciences, Calcutta (1976)

→ Bonded Labour in India (Pages: 178)
 With an introduction by Dr. M.K. Pandhe
 Published by Roma Basu Mazumdar (Mrs.) on behalf of Indian Book Exchange, 38 Russa Road, East First Lane, Calcutta 7000 33

This is a compilation of papers which were presented in a Seminar on 'Cultural Action for Social Change' organised by the National Labour Institute in New Delhi on 22 and 23 November 1974. These papers are based on the actual surveys conducted through official agencies and they serve as useful background material for further research on the subject.

The first chapter traces, the origin of the system by relating it to caste hierarchy and economic backwardness. It proceeds to present the system prevalent in Jaunsar-Bawar area in Dehradun district and Fateh-Parvat area of Purola Block of Uttar Kashi district in Uttar Pradesh - now Uttaranchal State. *Koltas* belonging to the scheduled caste are generally the victims of the system. An agreement is entered into between the creditors, higher caste, and the debtors, lower caste where, (a) the latter will work for the former in lieu of interest, (b) if the debtor is unable to repay, his son will work in his place (after his death) till the loan is repaid, and (c) if he leaves the village, his belongings are auctioned. Consequently, the debt is carried on from one generation to another and the system of debt bondage is perpetuated. The paper gives graphic details of the plight of bonded labourers. Apart from loss of freedom and drudgery of work for long hours they become victims of atrocities and the modesty of their women is outraged. It depicts the callous and insensitive attitude of government officials and representatives of people towards bonded labourers and outlines a few possible solutions to the problem, such as land reforms and spread of education for arresting conspicuous consumption.

The second chapter entitled 'Socio-religious Practices in a Polyandrous and Backward Area' establishes a clear co-relation between the backwardness of an area and communities with fads, taboos, superstitions and obscurantist practices - polyandry, polygamy, child marriage, etc. A co-relation between social stratification and discrimination and social disabilities is also established. It graphically describes how these practices lead to degradation of the lower caste people who are the victims of the bonded labour system. Ironically enough, they suffer discrimination and social disabilities in the hands of the *panchayat*, which is their own creation.

The origin and spread of the *gujjar* community is explored in the next chapter. There are two kinds of *gujjars*, i.e. those who are still nomadic and those who have settled down. Both, however, are steeped in illiteracy, traditionalism and backwardness. The paper deals with the working and living conditions of the nomads, means of their livelihood and gives a number of suggestions for sedentarisation of the *gujjars*.

Chapter four gives a vivid description of exploitation in Fateh Parvat village in Purola Block of Uttar Kashi district. It traces and attributes the origin and growth of the system to the stagnant and secluded character of rural society, where the burden of backwardness falls mostly on the downtrodden sections. The difficult landscape in a high altitude area is not conducive for agriculture, and this compels the people belonging to lower castes and sub-castes to approach the moneylenders, belonging to higher castes, to get loans at usurious rates of interest. The low rates of wages - much lower than what is notified under the Minimum Wages Act - which get adjusted towards interest and manipulation of accounts leave the principal intact for as long as 17-18 years. Years of servitude and oppression associated with it leave their mark on their attitude and approach towards life.

Social and economic inequality provides and reinforces sources of extra-economic coercion by the dominant landowning class. One such source is the caste system under which the lower castes are discriminated against in the most blatant manner. Religious beliefs are also used as an instrument of extra-economic coercion followed by political power. The local administration therefore, aligns itself all too easily with the local elite.

'From the green hills of Purola to the brothels of Delhi and Meerut' is the focus of chapter five. It presents irrefutable facts regarding trafficking of women from the Purola block of Uttarkashi district in Uttar Pradesh, now Uttaranchal state, involving mostly women of lower castes – nearly 96 per cent. The paper has thoroughly analysed the root causes of the problem of prostitution that arise from the acute poverty of the families. The near destitution of these people compels them to sell their wives to brothels with a view to repaying the debt incurred in the past. Such an abominable practice is going on for a long time, nearly 60 years despite enactment of a law in 1935 to put an end to it and is deeply rooted in indebtedness. Girls/women are pledged to work under the landlord or for commercial sex on account of debt incurred by their parents or husbands. Practices like polyandry have also been responsible for the origin and growth of this practice.

The study has brought out two striking contrast situations. On the one hand poverty disallows a male belonging to the scheduled caste from marrying and maintaining one wife exclusively for himself. In sharp contrast to this upper caste villagers indulge in the system of polygamy that permits them to have one wife working on the fields while another wife keeps hearth and home. The solution to the problem is given in the paper in the form of a statement by one of the former prostitutes: 'Buy freedom for our men, give them land and only land. It is this land, these green fields which will contain these girls. Nothing else can'. The study has, however, not thrown adequate light on how formidable is the problem of rehabilitation and reintegration of these women in society.

Chapter six is a study on the ill effects of the system of child marriage in rural areas, where brides are sold at a given price despite legal provisions against it. The study relates to a few selected villages of Jaunpur, but the abominable practice of infant betrothals and pre-puberty marriages exist in large parts of central and northern India. The factual material based on a survey highlights the utter callousness shown towards women. The study also reveals how anti-social elements have taken advantage of the situation of permissiveness and licentiousness obtaining in the villages of Jaunpur and how their immoral activities have gone on unchecked. The backwardness of the rural structure, grinding poverty and guileless character of the rural people and particularly people of the lower castes, is largely responsible for these trends to persist.

The heart-rending story of bonded labour in Bhandaria Block in south Bihar is the theme of chapter seven. It vividly brings out the knitty-gritty of the way the system operates, and the enormous political and economic clout which the moneylenders enjoy in villages is emphasised. The modus operandi of the moneylenders is only a statement of facts, and highlights the helpless dependence of the poor peasants on them. These narratives underscore the nexus between the lower echelons of the village level bureaucracy and the moneylenders to perpetuate this highly unethical and usurious practice for generations.

Lal, Rash Bahari

→ Bonded Labour in Gujrat: Does it Exist in Gujrat? (1977)
Tribal Research and Training Institute
Gujrat Vidyapeeth: Ahmedabad – 380014

This study was undertaken by the Tribal Research and Training Institute, Gujrat Vidyapeeth, Ahmedabad at the instance of the Commissioner, Scheduled Castes and Scheduled Tribes, Ministry of Home Affairs. The report is based on the interviews of various types of informants from sixteen selected villages from south Gujrat through an anthropological field work technique in December 1976 by senior research personnel of the Institute. Altogether 250 households of the *halpatis*, landless agricultural labourers, were interviewed in an unstructured and rather informal manner to ascertain as to whether they were bonded to any particular landlord or not. The following broad facts and conclusions emerge from the report:

- *Halpatis* who are landless agricultural labourers constitute 10.4 per cent of the total tribal population in the state. They numbered 388,589 according to 1971 census. They are found in Surat, Valsad and Bharuch districts.
- For a pretty long time the *halpatis* have been compelled to serve as serfs to the land-owning non-tribal peasantry of South Gujrat.
- The '*halpratha*', which is the Gujrati equivalent of bonded labour system refers to a contractual relationship between the landlords of south Gujarat, belonging to *anavil*, *patidar* and *parsi* communities, and *halis*, agricultural labourers, which has been of a definite pattern.
- The system meant agricultural serfdom in which a *halapati* was bound to the chain of servitude for life without any scope to free himself off the master.
- Such were the pervasive social and economic powers of the landlords and their sway over village life and economy that it was virtually impossible for a *hali* or *halpati* to seek protection of the law of the land - which was in existence for long - for securing his/her freedom.

- The system of debt-slavery in Gujarat widespread in Surat district goes back to 19th century. The debt slaves are essentially landless agricultural labourers to whom landholders advance loans, which they repay by lifelong service. The landholders provide them food and clothing but they are liable to be transferred from one master to another like commodities.
- All the 250 households interviewed were found to be primarily dependent on the income from working as agricultural labourers. The women and young girls from these households were engaged as domestic servants in the households of *patidars* and *anavils*.
- Majority members of the households were dependent for their livelihood on the income of *halis*. Regular employment during the whole of the agricultural season was difficult to get and the *halpatis* had to sit idle for more than a fortnight in a month.
- The produce and income from the land was too low, ranging between Rs. 600.00 to Rs. 700.00 annually, to sustain a household - which owned the land for more than a month or two in a year. Farm labour, therefore, remained the chief source of livelihood. Migration from south Gujarat became inevitable for this reason.
- The redeeming feature of the survey was that there was no element of force to compel the debtor to sell his/her labour to the creditor. Therefore, the debtor did not have to forfeit the freedom of his/her employment and there was no interest charged by the creditor.
- Change of employers was quite common even where loan/debt had been obtained.
- Hours of work did not exceed 8 per day - including recess ranging from ½ to 1 hour.
- The exploitation of *halpatis* in other forms has not ended but the survey comes to the conclusion that bonded labour system is not in existence any more.
- Of late, the relationship between land owning community and *halpatis* has deteriorated and become strained. There were instances of large scale refusal of work by the masters; while the *halpatis* became more and more restive in a bid to secure adequate remunerative employment.

Sharma, Dr. B.D.

→ Bonded Labour – The Problem and The Prospect (Pages: 31)
 Government of India, Ministry of Home Affairs, New Delhi
 Printed by the Manager, Government of India Press, Faridabad, 1978

The article based is a probing study of the bonded labour system in the Bastar area. It examines the causes and consequences, the current situation, what has been done at the international and national level and makes some suggestions for eliminating the system. The following issues are emphasised:

- The bonded labour system is the worst manifestation of existing socio-economic inequalities, including caste differences.
- The following are some of the factors that go deep into the roots of the problem:
 - arbitrary valuation of services rendered by members of organised groups has had the benefit of education.
 - heavy subsidies built in favour of the urban economy, middlemen and general services.
 - large scale transfer of resources from the rural sector to the urban sector by giving command over land to those wanting a foothold in urban areas.
 - inequalities in favour of regions where capital is formed results in deprivation of the rural/unorganised/uneducated sections of the population.
- It is unfortunate that the problem has been overlooked from time to time. Refusing to take account of the problem does not mean that it does not exist.
- Those areas with high incidence of bonded labour should be identified, and the provisions of the law should be well publicised.
- Programmes of rehabilitation of freed bonded labourers should be linked to developmental and employment programmes.
- Once the affected people know their rights it will create its own forces, which will be instrumental in the final solution of the problem.
- The tendency to provide substantial subsidies for rehabilitation should be thoroughly discouraged, as it is liable to be misused.
- It will be useful if the concept of converting the available labour into capital assets - which provides lasting economic base to the individual - is tried out for meaningful and effective

rehabilitation. This would operationally mean that freed bonded labourers should be helped to create assets through their labour while their current expenditure should be met by advances to be repaid by them.

→ Bonded Labour in Tribal Areas

- A Historical Perspective with special reference to Bastar (Pages: 41)
Government of India, Ministry of Home Affairs, New Delhi
Printed by the Manager, Government of India Press, Faridabad, 1978

Tribal societies are autonomous, catholic and equalitarian in character, free from the perversion of the caste system. And yet, ironically enough, these groups have been victims of the bonded labour system, though a comparatively recent phenomenon. This article based on a study of the system in Bastar district in 1971 underscores the factors responsible for the origin of the system in tribal society. Some of the important highlights of the paper are:

- The advent of the colonial rule and introduction of new forms of management of land and forests imparted new dimension to the autonomous character of tribal societies. This also gave birth to the system of forced labour, which was threefold in character:
 - Forced Labour by *ryots*, tenant-cultivators, to *malguzars*, revenue collection agents;
 - Forced Labour in public works, roads, buildings, construction and repair;
 - Forced Labour to visiting officials.
- Even though scales were fixed in the service there was an element of compulsion without any remuneration.
- The bonded labour system, *kabadi* arose on account of the necessity of raising money for weddings, tribal fines on the part of the labourer and the need for obtaining a regular supply of cheap labour on the part of the employer. This led the labourer to mortgage his/her services for a specified or unspecified period in consideration of an advance in cash or in kind.
- Between 1927-31 attempts were made to regulate the *kabadi* system. It was done first by fixing a minimum remuneration, a maximum advance of Rs. 60.00 and a maximum period of five years for discharging the advance.
- There were divergent views that *kabadi* system could not be categorised as slavery or forced labour. Some administrators of Bastar state held the view that the *kabadi* system is not bad but is abused.
- The new regulation of 1943 provided for monthly remuneration in cash, which amounted to Rs. 36.00 per annum besides setoff of Rs. 18.00 per annum in lieu of the loan advanced.
- The study of bonded labour system in Bastar conducted in 1971 revealed the following features of debt bondage:
 - The contracts of labour were for an indefinite period.
 - The effective period of debt was much longer than the period of contract.
 - Of the 46 cases studied, one was more than 25 years.
- The amount of oldest loan was Rs. 1000.00 + 40 Khandies of paddy, Rs. 400.00 at current prices.
- In 60 per cent of the cases the wage is paid only in kind, in the remaining 40 per cent it was mixed.
- The minimum wage recorded is equivalent to Rs. 110.00 per annum, which was paid in kind - as against the wage rate of Rs. 400.00.
- The wage rate was at pre-1930 level.
- Social purposes, like marriage and death rites, continue to be the main reason of debt bondage.
- Much of the debt continued every year without any setoff.

→ Reports of Mr. L. Mishra, Director General (Labour Welfare) and ex-officio Joint Secretary, Ministry of Labour and Rehabilitation (Department of Labour)

Published by Government of India, Ministry of Labour and Rehabilitation (Department of Labour), New Delhi (1984) (Pages: 122)

As Director General (Labour Welfare) (1982-85), Ministry of Labour, Government of India, Mr. Mishra was the principal officer, directly responsible for coordinating with state governments (25) union territories (7) and district administrations (466) the formulation of policy, and programmes and implementation on identifying, releasing and rehabilitating bonded labourers. Soon after assuming responsibilities he had undertaken on the spot studies on the subject in Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Karnatak, Orissa, Bihar, Rajasthan, Tamilnadu and Kerala. Apart from meeting the concerned officials at the state, district, sub-divisional and block levels, he had also interacted with a large of bonded labourers to have a first hand assessment of the content, quality and impact of rehabilitation of them. The publication is an account of these field visits and the impressions emanating there from.

- Readings on Bonded Labour and Minimum Wages
Indian Administrative Service Professional Course (Phase II) (1985 batch)
8th June – 14 August 1987
Published by Lal Bahadur Shastri National Academy of Administration, Mussoorie

The publication is a compilation of articles on policy, law and programmes of identification, release and rehabilitation of bonded labourers as well as policy, law and programmes of minimum wages and the close co-relation between the two. Some articles deal with the various forms of forced/bonded labour and the problems, constraints and challenges in identification, release and rehabilitation while others deal with the procedure for fixation, review and revision of minimum wage, the various gaps and omissions in the law and the problems and constraints in enforcement of minimum wage.

The publication gives a complete picture of the rates of minimum wages fixed and notified in respect of various scheduled employments at the central and state sphere, judicial pronouncements, and guidelines issued by the Ministry of Labour on the subject from time to time.

- Study Report on Bonded Labour Vol. I (November 1990) (Pages: 295)
Incidence of Bonded Labour in India – Area, Nature and Extent
Published by Lal Bahadur Shastri National Academy of Administration, Mussoorie, Uttaranchal, India

The publication deals with findings of various surveys with a view to determining the area, nature and extent of bonded labour problems in India. There is a focus on special problems of migrant bonded labour, women in bondage and child bondage, and an in-depth state and district-wise analysis of the incidence of bonded labour system in India in twenty-four states.

It provides a historical insight into the nature and character of the problem in each state, causative factors contributing to origin and perpetuation of bonded labour systems, demographic composition of bonded labourers identified each state, wide variations in estimation of the number of bonded labourers - as assessed by different bodies and surveys undertaken by them - a summary of various case studies undertaken so far with a gist of their findings etc. It also contains a reference to all important publications on the subject of bonded labour system in India.

- Study report on Bonded Labour Vol. II (November, 1990) (Pages: 250)
Release and Rehabilitation
Published by Lal Bahadur Shastri National Academy of Administration, Mussoorie

The publication deals with programmes of rehabilitation of freed bonded labourers undertaken in 18 states of India both under the centrally sponsored scheme - land based, non-land based and art/craft/skill based programmes – and under Integrated Rural Development Program. The study deals with the status of rehabilitation as of 31.03.89, targets and achievements, comments on the content, quality and impact of rehabilitation obtained from the evaluation studies undertaken by the Programme Evaluation Organisation of the Planning Commission and Indian Institute of Public Administration. The time lag between release and rehabilitation, involvement of voluntary agencies in identification and rehabilitation of bonded labourers and a few suggestions to improve the quality of implementation with a view to making rehabilitation effective and permanent is explored. The volume contains a reference to all important publications on the subject of rehabilitation.

→ Study report on Bonded Labour, Vol. III
November 1990 (Pages: 72)
Published by Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie

The report is a summary of a number of recommendations emanating from a study of the present situation - in terms of nature and incidence of bonded labour system. It also notes the efforts made by the central and state governments in the areas of identification, release and rehabilitation of bonded labourers, problems encountered in implementation of the law, new forms of bondage occurring in some of the non-traditional areas - and special nature of bondage involving women and children. The following are some of the highlights of the study:

- No precise and scientific estimation has been made about the nature and extent of prevalence of the system in different parts of the country.
- The estimates made by the joint survey of National Labour Institute (NLI) and Gandhi Peace Foundation (GPF) in 1978-79 and those of National Sample Survey Organization (NSSO) (1978-79) widely vary. They also differ substantially from the number of bonded labourers identified by the state governments as on 31.03.89.
- A number of micro-studies conducted by institutions like LBSNAA, Mussoorie also throw a 'good light on the nature and incidence of the problem'.
- Rural labour training camps undertaken by the NLI have helped in identification of bonded labourers apart from promoting their consciousness about the social evil.
- The final report of the Rural Labour Enquiry (1977-78) throws a lot of light on the extent of indebtedness among rural households, which is an important contributing factor to bondage.
- On the definition of bonded labour system as contained in section 2(g) of the act, the study comes to the conclusion that the manner in which the term has been defined and the linkages between sub-clauses of this sub-section are so formulated that they are capable of being interpreted in more than one way. This leads to confusion.
- The two judgements of the apex court in *Asiad Workers' case* (1982) and *Bandhua Mukti Marcha Case* (1983) added a new dimension to the definition.
- The conclusion in the study is that if bonded debt is to be the foundation of all bondage, the sub-clauses (ii) to (v) and (2) to (4) of sub-clause (g) of Section 2 need not be there at all.
- There could be forms of bondage other than 'debt bondage'.
- The study suggests that it would be necessary to modify the statement of objectives appended to the Act to make it abundantly clear that the Act seeks to abolish and prohibit all forms of forced labour as contemplated in Article 23 of the Constitution.
- With regard to release of bonded labourers, the study while suggesting continuance of the existing administrative arrangement of issues in the formal release certificate recommends that the arrangement be reinforced by incorporating provisions in the rules framed under the act.
- It further suggests to add penal provisions to the act to punish fake bonded labourers and officials.
- The study regrets the lackadaisical and half-hearted approach adopted towards rehabilitation in the past.
- While acknowledging that rehabilitation cannot follow a uniform pattern regardless of its nature and location, the need to enforce minimum wages and decent working conditions is emphasized.
- Uprooting bonding should take place where it is primarily due to disabilities attached to certain classes of society and due to perpetuation of class and caste prejudices.
- The objective of an effective and permanent rehabilitation cannot be achieved by the implementing agency simply by distributing doles in cash or kind.
- The process needs to be carefully evolved and implemented with due regard to the requirements of the specific environment in which the bonded labourer is placed.
- Any programme of rehabilitation should include protection to the freed bonded labourer against legal action for recovery of any bonded debt, and restoration of his property.
- The study suggests that guarantee of employment to every released bonded labourer must form the basis of rehabilitation.
- The study regrets that most of the district administrations fight shy of the problem of debt bondage and have adopted a confrontationist attitude even where voluntary agencies identified bonded labourers.

- The study recommends setting up of a central agency at the national as well as the state level to supervise, monitor and coordinate all the three stages, i.e. identification, release and rehabilitation of bonded labourers.

→ Study report on Bonded Labour, Vol. IV, November 1990 (Pages: 64)
Bibliography and directory
Published by Lal Bahadur Shastri National Academy of Administration, Mussoorie

This is a professional compilation of books, articles, monographs, survey reports, project reports, reports of the Commissioner for Scheduled Caste and Scheduled Tribes. Proceedings of the national seminars and workshops held at the national and state level, evaluation study reports on rehabilitation, tour notes of Director General (Labour Welfare), reports prepared by Indian Administrative Service, Probationers, circular letters, instructions and guidelines issued by Government of India, Ministry of Labour, letters issued by Union Labour Ministers and Union Labour Secretaries are also included. It also contains a directory of activists, voluntary agencies, experts, academicians and others concerned with the problem of bonded labour in the country.

→ Study Report on Bonded Labour, Vol. V, November 1990 (Pages: 183)
Anthology of Act and Rules
Published by Lal Bahadur Shastri National Academy of Administration, Mussoorie

The publication is a professional compilation of the following:

- All relevant constitutional provisions.
- All the labour and social welfare legislations enacted by the Central Government relevant to elimination of forced/bonded labour.
- Central Rules framed under the central enactments as above.
- Comments on the various legal provisions.

→ Report of the Study Group on Bonded Labour (Pages: 44)
Conducted by Lal Bahadur Shastri National Academy of Administration, Mussoorie
For and on behalf of National Commission on Rural Labour (April 1991)

The Government of India, Ministry of Labour Constituted a National Commission on Rural Labour under chairmanship of Dr. C.H. Hanumanth Rao in 1987. The said commission set up a number of study groups to study various aspects of rural labour. The study group on bonded labour under the chairmanship of B.N. Yugandhar with the help of the Lal Bahadur Shastri National Academy of Administration conducted a thorough study of the various dimensions of bonded labour system and submitted its report to the National Commission in April 1991. Some of the highlights of the report are:

- There are wide variations in estimation of number of bonded labourers in the joint survey conducted by National Labour Institute (NLI) and Gandhi Peace Foundation (GPF) surveys conducted by National Sample Survey Organization (NSSO) and the state governments concerned. There is methodological lacuna in all the three surveys.
- While in a state like Karnataka which at one point of time, 1975-78, identified the single largest number of bonded labourers, 62,689, there has been no initiative to conduct a fresh survey after 1982. A number of other states and union territories have consistently denied the existence of bonded labourers in them.
- There are various types of bondage, such as (a) intergenerational bondage, (b) child bondage, (c) loyalty bondage, (d) bondage through land allotment, and (e) widow bondage.
- Indebtedness of the rural population is the leading cause for bondage 52.3 per cent of the agricultural households were reported to be under debt during 1977-78 at the all India level. The average amount of debt ranged between Rs. 690.00, for all classes, Rs. 633.00, for scheduled caste households, and Rs. 477.00, for scheduled tribe households.

- Agricultural labourers mainly from Bihar and Uttar Pradesh migrate to Punjab and get into bondage as there are no avenues of stable and durable employment in their native areas. The average wage employment available for agricultural labourers in the country was only 215 days.
- Some of the other sectors - in addition to agriculture - in which there is an incidence of migrant bonded labour are the sugarcane plantation, stone and slate quarries and mines, plantations, seaports etc.
- Amongst the women in bondage are the *joginis* of Andhra Pradesh and *devadasis* in Karnatak, who are bonded socially for their whole life.
- Amongst a number of industries, occupations and processes, where child labour is prohibited by law, children in large numbers work in conditions akin to bondage in the carpet weaving industry of Mirzapur and Varanasi, footwear tanneries of Agra and *beedi* rolling units of Vellore.
- In addition to the central enactment, i.e. Bonded Labour System (Abolition) Act, different state governments have taken legislative initiatives after independence. Notable amongst them are:
 - Bihar Scheduled Caste, Tribe and Backward Caste and De-notified Tribes Debt Relief Act.
 - Bihar Moneylenders' Act.
 - Rajasthan Debt Relief Act.
 - Rajasthan Sagri System Abolition Act.
 - Uttar Pradesh Scheduled Caste, Tribe, Backward Caste, and De-notified Tribes Debt Relief Act.

Despite these initiatives, bonded labour system persists in these states as the root cause contributing to bondage, i.e. poverty and indebtedness, has not been tackled.

- There is a time gap between identification and release of bonded labourers and their release and rehabilitation.
- Regardless of the reasons for gaps to exist, this results in lapsing back to bondage.
- The apex court had to repeatedly intervene to secure simultaneous release and rehabilitation of bonded labourers, as the state government responsible did not show the desired interest and initiative.
- A special drive needs to be launched to bring about this simultaneity in the process of identification, release and rehabilitation.
- A number of agencies outside government, such as legislators, NGO activists and *panchayatiraj* institutions, need to be involved to bring about qualitative change and improvement in the process of identification, release and rehabilitation.
- All instances of fudging need to be thoroughly discouraged.
- Vigilance committees at the district and sub-divisional level need to be constituted, reconstituted, wherever due and activated.
- All bonded labour keepers must be brought to book by launching prosecutions under the law and ensuring their timely disposal. This should go hand in hand with identification.
- There are a number of positive and innovative features in rehabilitation schemes of a number of states, such as the scheme of purchase of land for the freed bonded labourers, developing it for agricultural purposes and providing all inputs and facilities, the agricultural estate rehabilitation project, Karnatak, Priyadanshini tea estate project of Wynad district, Kerala, the integrated approach to rehabilitation in Bihar, 'Yogi' Yojana of Madhya Pradesh (MP), awareness camps organised in Uttar Pradesh (UP) and rural labour training camps organised by NLI in Bihar, MP, UP, Orissa, etc.
- The amount available under the centrally sponsored scheme, Rs. 6250.00, being insufficient, it should be integrated with other welfare/anti-poverty schemes Integrated Rural Development Program, National Rural Employment Program, and Rural Housing, Adult Literacy Schemes.
- Neither land-based nor non-land based nor art/craft/skill based programmes have produced the desired impact of a permanent rehabilitation on account of (a) insufficient planning, (b) willingness and interest, preferences and felt needs of beneficiaries not being taken to account, (c) non provision of backward and forward linkages, (d) lack of inputs and infrastructure, (e) absence of a holistic and integrated approach, and (f) lack of transparency in the operations.
- There is need for a massive countrywide survey with full involvement of central and state governments, NGOs, activists, research institutions, like Indian Statistics Institute, National Institute of Rural Development, and NLI working in the area to arrive at a precise assessment of

the magnitude of the problem at the national level. The proposed survey should be planned by a committee of experts to be constituted for the purpose.

- The approach, strategy and methodology adopted for conducting rural labour training camps, being very sound and sensible should be replicated on a countrywide scale for spreading awareness and for imparting psychological strength to potential and released bonded labourers.

→ Report of the Central Committee to draw up a Workable Definition of Bonded Labourers and the Modalities or Procedures for Identification of Bonded Labourers
Published by Government of India, Ministry of Labour, New
Delhi, 1994

'Bonded Labour', 'bonded labourer' and 'bonded labour system' have been clearly defined in section 2(e), 2(f) and 2(g) of Bonded Labour System (Abolition) Act, 1976. The Supreme Court while disposing of the writ petition No. 2135 of February 1982, in its judgement dated 16.12.83 did not change the definition but gave a broad, liberal and expansive interpretation of the definition. The Minister of Labour, Government of India, however, decided in one of periodical review meetings on the subject on 15.04.93 that a committee of labour secretaries of some states could examine further with a view to drawing up a workable definition.

The committee under the Chairmanship of Sri A.K. Chakrabarty, the then Additional Chief Secretary to Government of Gujarat after consultation with the Government of India, Ministry of Labour, state governments/union territories and after perusal of various reports, recommendations, administrative instructions and judgement of the Supreme Court submitted its report to the Ministry, the main issues are:

- The element of forced labour may be given high priority to decide the cases of bonded labour.
- The definition of 'bonded labour' and 'bonded labour system' could be broadened by incorporating the element of 'forced labour'.
- All cases of less payment of minimum wages cannot be straightaway brought under the provisions of the bonded labour system.
- A compulsory task force may be formed at each block level a representative manner to continuously undertake surveys.
- The district magistrate should ensure that active vigilance committees are duly formed at the district, sub-divisional and *taluka* level.
- All registers required to be maintained under Rule 7 of Bonded Labour System (Abolition) Rules should be strictly maintained in respect of all freed bonded labourers.
- All programmes of bonded labour should be taken up in an integrated manner, pooling resources from different sources for ensuring permanent rehabilitation of freed bonded labourers.
- A programme for sensitisation of functionaries at the district, *taluka* and village level should be taken up for proper implementation of the provisions of the act.
- Identification, release and rehabilitation should be declared as a priority programme of the country.

→ Action Plan for Eradication of Bonded Labour in Tamilnadu
Convened by CARIBOLA (Campaign for Abolition and Rehabilitation of
Bonded Labour)
Sponsored by UNICEF
Adopted at the National Consultation on Bonded Labour and Human Rights, held at Madras (Chennai) on
14 and 15 June 1996

The Supreme Court of India appointed on 6 March 1995 a two-member commission to verify the contents of the affidavit filed by the Government of Tamilnadu, which claimed that 'only stray cases of bonded labour' are noted, to find out if bonded labour system has in fact been eradicated. The commission had to also review the implementation of measures to deal with the issue of bonded labour.

After a six-month field investigation based on government records and 1500 case studies the commission submitted its report to the Supreme Court on 31.10.95. It found that over one million bonded labourers are spread over 23 districts and over 20 occupations in Tamilnadu, of which 10 per cent were bonded child labourers. The Commission found that rehabilitation measures were not being implemented effectively.

The Supreme Court of India took the three volume report and the video evidence prepared by the commission on record on 06.02.96 and directed the state government to take action on the report of the commission. The report made 37 recommendations, which required compliance within 8 weeks.

A workshop was organised, where on the basis of the recommendations an action plan for eradicating the bonded labour system in Tamilnadu was drafted and submitted to the state government for consideration. The measures recommended in the action plan for implementation by the State government include (a) a survey to be undertaken by the State government in each district on similar lines as the Child Labour Survey, (b) the methodology for the survey to be suited to local conditions, (c) the survey to be accompanied by a general awareness campaign on the issue and empowerment of bonded labourers, (d) the state level screening committee on bonded labour to be revived and reconstituted, (e) vigilance committees to be constituted in each district and subdivision, (f) the release and rehabilitation of bonded labourers to be viewed as a single composite measure, (g) the primary concern is to reintegrate released persons into the mainstream of social development, re-establish their rights and protect them until they can independently sustain themselves.

The action plan elaborately laid down the duties and responsibilities of the *Adi Dravidar* Welfare Department, the functions of vigilance committees and the role of the District Special Officer. It contained detailed guidelines, checks and safeguards to be followed by the administration at the time of release, on immediate release, release from within the district and release outside the state/district. It also provided detailed guidelines for rehabilitation of freed bonded labourers, the content of rehabilitation package, prevention of relapse into bondage, prevention of abuse of rehabilitation, special measures for rehabilitation of women and children affected by bondage, legal aid, minimum wages, enforcement of provisions of labour legislations, prosecution of employers, involvement of representatives of the people, NGOs, voluntary action groups, social service organisations, educational/research institutions representatives industry/trade/commerce, consumer federations, political parties, trade unions, prominent personalities, etc.

Human Rights Watch
Children's Rights Project
Human Rights Watch/Asia

→ The Small Hands of Slavery - Bonded Child Labour in India (Pages: 176)
Printed in the United States of America (September 1996)
ISBN 1 - 56432 - 172 - X
Library of Congress Catalogue Card Number 96-77536

This report is the result of an investigation conducted by two Human Rights Watch researchers during the November 1995 to January 1996 period. The publication was prepared after interviewing more than 100 bonded child bonded labourers in a climate of freedom, where children could speak freely to the researchers. Discretion and care had been taken to avoid the possibility of reprisal. Additionally, more than fifty government officials, employers, social workers, community activists, attorneys and religious leaders were interviewed, some under conditions of anonymity. The investigations took place in the states of Tamilnadu, Karnataka, Rajasthan, Maharashtra and Uttar Pradesh. The gist of the findings and recommendations made to Government of India, United Nations (UN) Agencies, to the World Bank and other international lending institutions and to the international community is given below:

Findings contained in the report:

- 'Bonded Child Labour' refers to the situation of children working in conditions of servitude in order to pay off a debt.
- The debt that binds the children to their employer is incurred either by the parents or relatives or guardians.
- The debt ranges on an average from Rs. 500.00 to Rs. 7,500.00.
- The debt is incurred and services of the children are pledged to the creditor-cum-employer, notwithstanding the fact that this stands prohibited under Children (Pledging of Labour) Act, 1933 which is still on the statute book.
- The debt is needed for discharging consumption or ceremonial or medical needs of the family.
- The children work for long hours over many years. Due, however, to low wages - sometimes no wages are paid - and usurious rates of interest the debt cannot be repaid.
- The children start working by the age of four or five. As they cross the threshold of childhood and reach adulthood, they are physically drained and they are old by the age of forty.

- With credible estimates ranging from 60 to 115 million children, India has the largest number of working children in the world.
- By a random estimate, at least 15 million of them are working under conditions of bondage.
- They work in a variety of occupations – agriculture, brick kilns, stone quarries, carpet weaving, *beedi* rolling, rearing of silk cocoons, production of silk saris, silver jewellery, synthetic gemstones, precious gem cutting, diamond cutting, leather products etc.
- There is no blanket prohibition in the existing law in India on the use of child labour nor any universal minimum age set for working children.
- The Bonded Labour System (Abolition) Act, 1976 outlaws all forms of debt bondage and forced labour but its implementation remains half-hearted.
- While India leads the world in terms of number of bonded working children, debt bondage is a significant problem in Pakistan and Nepal as well.

Recommendations to Government of India:

- A multi-pronged strategy comprising of fulfilment of the Constitutional Obligation contained in Art 45, which speaks of free and compulsory education to all children up to 14 years of age, and stringent enforcement of legal provisions should be adopted.
- Vigilance Committees under section 13 of Bonded Labour System (Abolition) Act must be constituted in all districts and sub-divisions and they should be broad-based by including sufficient number of investigators. Their proper functioning must be overseen.
- The investigators should be from NGOs, lawyers, social workers, teachers, civil servants and others having something to do with bonded labourers and their families.
- An independent monitoring agency statutorily empowered to receive and address complaints involving violations of law and official misconduct should be set up at the national and state level to oversee the enforcement of Bonded Labour System (Abolition) Act.
- Similar monitoring agency to oversee the enforcement of Child Labour (Prohibition and Regulation) Act, 1986 should be set up.
- Enlist the involvement of the National Commission for scheduled caste and scheduled tribe in the process of identification, release and rehabilitation of all bonded children.
- Establish and make public a national register of children released from bondage and how they were rehabilitated.
- A national register of people prosecuted under the Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition and Regulation) Act, 1986 including the nature of sentences to the guilty parties, should also be made public.
- Accurate and up-to-date information regarding the incidence and distribution of bonded working children and the industries in which such children work should be documented.
- Investigate the abuse and exploitation of children by agents and employers and prosecute such agents and employers under the relevant provisions of national laws - Juvenile Justice Act, Indian Penal Code etc.
- Ensure that only such industries which comply with the provisions of Bonded Labour System (Abolition) Act and other relevant laws are entitled to subsidies, special tax allowances and other concessions.
- Launch a nation wide public awareness campaign for legal prohibition of bonded child labour.
- Amend relevant legislations to bring them in conformity with the requirements of Indian Constitution.
- Amend the Bonded Labour System (Abolition) Act and Child Labour (Prevention and Regulation) Act to include additional punishments including forfeiture of operating licence, seizure of manufacturing equipment etc. The fines under Bonded Labour System (Abolition) Act should be increased and fines should be allowed to be paid as compensation to freed bonded labourers.
- All employers should on demand furnish proof of age of all children working in their premises.
- In the event of a dispute about the age of a child, the burden of proof should be on the employer to prove that the child is above the age of 14 years.
- Amend the Child Labour (Prevention and Regulation) Act so that household enterprises, government schools and training centres are no longer exempted from prohibition on employment of children.
- Amend the Children (Pledging of Labour) Act so that fines to employers, agents and creditors are increased, and the funds so collected are utilised for rehabilitation of children.

- Amend the Factories Act to cover all factories or workshops employing child labour, regardless of the employment contribution.
- The norm of one Inspector for every 150 factories and establishments should be adhered to.
- Children should be given the right to form trade unions and participate in their activities as an interim measure pending the elimination of bonded child labour.

Recommendations to UN Agencies:

They include (a) deputation of a technical mission to India to facilitate development of an Action Plan, (b) elimination of bonded child labour should be a matter of high priority for UNICEF, (c) WHO should publish adverse health consequences for bonded working children and promote measure, to eliminate the exposure of children to hazardous conditions and labour practices.

Recommendations to World Bank and other lending institutions:

They include (a) conditional receipt of loans and other subsidies on verified compliance with all domestic legal prohibition on use of bonded child labour, (b) suspend the flow of aid to sericulture industry until steps have been taken to identify, release and rehabilitate children on bondage, and (c) provide funding for a programme with NGOs and Government of India to effectively implement Bonded Labour System (Abolition) Act and to assist in timely identification, release and rehabilitation of bonded working children.

Recommendations to retailers, suppliers and consumers:

They include (a) international consumers to appeal to their governments to press Government of India to abide by its own law, (b) Indian consumers should appeal to their representatives in Parliament and Assemblies and officials to ensure strict enforcement of the provisions of Bonded Labour System (Abolition) Act, (c) Corporations should incorporate a monitoring process for elimination of bonded child labour into their quality control procedure and in setting standards for selecting suppliers and products, and (d) a strong co-relation between measures for identification, release and rehabilitation of bonded child labour and purchase of goods and commodities from silk, carpet, *beedi*, silver, leather and agri-sectors should be established. Such a connection will discourage supply of goods from industries employing bonded child labour.

Jain, Mahaveer

→ Bonded Labour – Justice through Judiciary (1997)
By Manak Publications (P) Ltd., ISBN 81 – 86562 – 09 – 5

This is the summary of a report submitted by Dr. Mahaveer Jain, Fellow and Head of the National Resource Centre on Child Labour at the V.V. Giri National Labour Institute, India to the Supreme Court of India. The Supreme Court had appointed him as a socio-legal investigating commissioner in 1988 to enquire into and report on the extent to which the twenty-one directives issued by the apex court *vide* their order dated 16.12.83 had been implemented. This was an outcome of a writ petition No. 2135 filed by Bandhua Mukti Marcha, an NGO, in February 1982 against the Government of India and others stating cases of bonded labour in Kattan, Anangpur and Lakkarpur areas of Faridabad district of Hayana.

The publication brings out how the author met these workers who are essentially interstate migrant workers, who have been recruited from the States of Bihar, Uttar Pradesh, Rajasthan by the agents of quarry contractors of Faridabad. However, for no fault they have been caged and confined in narrow, dark and lifeless hovels inside the stone quarries of Faridabad.

The investigation is carried out in a very informal and yet in-depth manner with rare grit, courage and determination amidst heavy odds to unravel the truth. The publication brings out lucidly and forcefully stark realities on the ground related to the harrowing working and living conditions of the quarry workers such as absence of clean potable water of sufficient quantity, personal protective safety equipments, first-aid, freedom and security in the day-to-day lives, facilities for education of children, non-payment of workmen's compensation in the event of accidents causing injury, and medical aid to workers suffering from pulmonary diseases etc.

Some of the observations of the author are quite revealing and these are:

- There is a creditor and debtor relationship in case of quarry workers;
- The quarry workers were working for the benefit of contractors on account of the loan/debt/advance secured by them from the former;

- The wages received by workers per truckload of stones after deducting the cost of drilling, explosives, fuse-wires, detonators etc. were not commensurate with the efforts put in by the labourers;
- they had forfeited the right to claim remunerative wages for their labour on account of being tied to the contractor for the advance secured from the latter;
- they had no freedom of movement and employment as long as the advance remained unpaid.

The report submitted to the apex court has recorded in a clear and forthright manner the status of compliance of each one of the twenty-one directives meant for the Government of India and Government of Hayana. Essentially, the status is one of non-compliance or half-hearted and limited compliance.

Mishra, Lakshmidhar

- Burden of Bondage – An Enquiry into the Affairs of the Bonded Quarry Mine Workers of Faridabad (Pages: 478)
 Manak Publications (P) LTD. (1997)
 G-19, Vijay Chowk, Laxminagar, New Delhi 110092
 In association with V.V. Giri National Labour Institute, Sector-24, NOIDA (UP) India
 ISBN - 81 - 86562 - 11 - 7

The author was appointed as a socio-legal investigating commissioner by the Supreme Court of India in an order dated 16.12.83 passed by their Lordships, Justice Sri P.N. Bhagwati, Justice Sri. R.S. Pathak and Justice Sri Amarendranath Sen in writ petition No. 2135 of 1982 of Bandhua Mukti Marcha (Bonded Liberation Front). He was required to visit the stone quarries and stone crushers in Faridabad district, ascertain by enquiring from the labourers in each stone quarry or stone crusher whether any of them are being forced to provide labour and are bonded labourers and submit a report to the Court on the finding of his inquiry incorporating this and a host of other issues, as directed by the Court, within a period of three months.

This is a condensed version of the report submitted by the author to the Court on 15.03.84 is in three parts. The first part introduces the directions of the Supreme Court, the Bonded Labour System (Abolition) Act, 1976 and its salient features as interpreted by order of the Supreme Court dated 16.12.83. This section also discusses the methodology adopted conducting the inquiry, the socio-economic background of the quarry workers, who are mostly interstate migrant workers, and the circumstances under which they migrated and were brought to work in the quarries. By evaluating the hours and nature of work, occupational risks and hazards, average earnings the conclusion derived on the basis of interrogating 325 workers that 295 of them were working and living in conditions akin to bonded Labour System as defined in S. 2(g) of the Bonded Labour System (Abolition) Act. It also deals with the extent of compliance by the stone quarry lessees and crusher owners with the Provisions of Minimum Wages Act, Contract Labour (Regulation and Abolition) Act and Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act.

The next section of the report deals with the extent of compliance of the twenty-one directions of the Supreme Court by the central and the State Government. A dispassionate assessment of the situation on the ground is provided based on this analysis.

The final part of the report is a narration of how the quarry workers unfold themselves and an altogether new, unorthodox and non-conventional approach is adopted in conducting socio-legal investigations. The process of approaching workmen, the type of questions, the language used and the manner of interrogation can make a difference in establishing a rapport between the investigator and those who are being interrogated. This approach can, therefore, eventually help in arriving at the truth. It has recorded a gist of the questions and the responses received and the overall assessment of the investigator. A number of specific suggestions as to how through nationalisation of the quarries and establishment of effective state control over their operations are also contained. This may ensure better enforcement of labour laws as applied to quarries, with the latter ending the hardships of quarry workers.

- Bonded Labour in India
 A Manual on Identification, Release and Rehabilitation (February 1997) (Pages: 215)
 Published by the VV Giri National Labour Institute

This is a compilation of circular letters, instructions and guidelines issued by the Ministry of Labour, Government of India (1982-91) and proceedings of a national seminar on bonded labour (February 1983) on methodology for identification of bonded labourers in Telengana region of Andhra Pradesh (AP). These were formulated by Mr. S.R. Sankaran in 1976-77 when he was Principal Secretary, Social Welfare, Government of AP, with a blue print for rehabilitation of freed bonded labourers formulated by Mr. L. Mishra. It also includes meetings to review the pace and progress of rehabilitation of freed bonded labourers from time to time, etc.

List of Declaration Working Papers

- No. 1 Bonded labour in Pakistan, by Aly Erceawn and Muhammad Nauman, June 2001.
- No. 2 A perspective plan to eliminate forced labour in India, by L. Mishra, July 2001.
- No. 3 Défis et opportunités pour la Déclaration au Bénin, by Bertin C. Amoussou, August 2001.
- No. 4 Identification des obstacles à la mise en œuvre des principes et droits fondamentaux au travail et propositions et solutions au Niger, by Moussa Oumanou, August 2001.
- No. 5 Égalité de rémunération au Mali, by Dominique Meurs, August 2001.
- No. 6 Défis et opportunités pour la Déclaration au Burkina Faso, by Seydou Konate, September 2001.
- No. 7 Child labour in the Russian Federation, by Svetlana Stephenson, June 2002.
- No. 8 Intersecting risks: HIV/AIDS and Child Labour, by Bill Rau, June 2002.
- No. 9 Los principios y derechos fundamentales en el trabajo: su valor, su viabilidad, su incidencia y su importancia como elementos de progreso económico y de justicia social, de María Luz Vega Ruiz y Daniel Martínez, Julio 2002.
- No. 10 Collective bargaining and equality : theorizing the links between Fundamental Principles and Rights at Work, by Adelle Blackett and Colleen Sheppard, September 2002.