Chapter 1
Bonded Labour: Conceptual Framework
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BONDED LABOUR: CONCEPTUAL FRAMEWORK

Bonded labour system is a vast, pernicious and longstanding social evil. It is a generic term which applies to virtually all contemporary forms of slavery. It was prevalent in ancient time in the name of slavery. Slavery still in existence in the name of bonded labour, forced labour, begar, unlawful compulsory labour, serfdom, debt bondage, contract bondage and so on. Nomenclature may be different but the ways of exploitation are by and large the same.

Bonded labour is a form of forced labour under which the debtor or his descendents have to render service to the creditor in order to pay off loan till the loan is repaid, without reasonable wages or no wages. The loan amount is manipulated in such a manner that it becomes very difficult for the debtor to repay the same. The end result is the continuous exploitation of the loan taker and his succeeding generations. After his death his successors and heirs have to repay his / her debtor for generations. There are some cases where the people have been found of slaving to pay off debt eight generations old.

Often without land or education, the need for cash just for daily survival forces people to sell their labour in exchange for a lump sum of money or loan. Bonded labour is the most widely used method of enslaving people. In which work is done in slave like conditions in order to pay off a debt.

Bonded labourers are subjected to physical and sexual violence. They are kept under various form of surveillance. Factors which are responsible for bonded labour are grinding poverty, natural calamity, illiteracy, accident, cheating and loan design by money lender, crisis and death in the family, unemployment, sudden loss of employment, non-sustainable expenses on wedding, other social functions and so on.

Once a person becomes a bonded labourer, he or she is the bonded labour forever and he/she has to work up to last breath for his / her master. It is a system of exploitation of man by man. In this system a person is fully under the grip of his/her master. He is at the beck and call of his master and has to work only for the satisfaction of his master. He can not take rest and leisure, bonded labourers work like machine irrespective of their age, health or sex. They are considered as the
property of their masters and they can not dare to say no to anything of their masters which they are ordered. If they disobey their masters, they are bound to face dire consequences and they are given third degree treatment.

The women of bonded labourers are also misused and molested, not only that in some cases they are raped at gunpoint. They or their family members can not raise voice against atrocities committed on them, because masters are influential people of society and have say in society. Moreover, they have hobnobbing with higher authorities. If bonded labourer desire to leave his master, he would have to face many difficulties. Neither he would get job elsewhere nor would he be accepted as bonded labourer by others. So out of fear of that he can not do so, thus he is forced to stick at one place till his death as he will not be able to pay off debt during his life time. Due to miserable economic social conditions he finds himself fully helpless to do any thing for the release from the clutches of his master and finally resigns himself to his fate. In this way he leads the life worst than animals. System of bonded labour is an affront to human dignity and violation of basic human Rights. There are various forms of bonded labour and new emerging form of bondage is sumangali system in India.

1. Bonded Labour: Concept and Definition:

Bonded labour is a service for which the labourer does not offer himself or herself voluntarily. He or she has to render service willingly or unwillingly under certain compulsions. Man is born free and equal in dignity and wants to live with dignity. But certain circumstances or compulsions force him to leave himself at the disposal of others and accept it as his destiny, because he has no alternative other than the above.

According to the Concise Oxford Dictionary of Current English, bond means, uniting force, thing restraining bodily freedom, a deed by which a person is bound to make payment to another. Bonded means placed in bond, a debt secured by bonds. Thus bonded labour means labour under which a labourer is bound by uniting force or a deed to make payment to his master.

As per New Oxford American Dictionary, Bonded- (of a person or company) bound by a legal agreement-(of a worker or work force) obliged to work for a particular employer, often in a condition close to slavery.
According to *Chambers 21st Century Dictionary* Bond means something used for tying, binding or holding, bond means something which restrains or imprisons someone, something that unites or joins people together, a written agreement to pay money or carry out the terms of a contract. Bonded means to joins, secure or tie together. Thus bonded labour means labour under which employee enter into written agreement to pay money or carry out the terms of a contract for employer.

*As per Mitra's Legal and Commercial Dictionary* Force labour means labour or service that one is compelled to give with or without remuneration.

According to *Webster's Encyclopedic Unabridged Dictionary of the English Language* forced means enforced or compulsory, thus forced labour means enforced or compulsory labour.

As per *Encyclopedia of Human Rights* forced or compulsory labour is a practice which produces effects similar to slavery or develops into conditions analogous to slavery, debt bondage a practice giving rise to effects similar to those of slavery or the slave trade.

*Bloomsbury English Dictionary* defines forced labour-work that somebody is made to do against his or her will, often as a punishment or to repay a debt.

*The American Heritage Dictionary of English Language* defines forced, imposed by forced, Involuntary, was condemned to a life of forced labour, thus forced labour means labour imposed by forced involuntary labour.

*Advanced Dictionary* defines forced labour as enforced or compulsory labour. Another such definition described labour under bondage as a legal deed by which a person engages himself and his representative to fulfill specific conditions or pay money.

In the light of meaning given in above mentioned dictionaries it can be said that bonded labourers are pupet in the hands of their masters and dance on the tune of them. As a result they earn their bread by the sweat of their brow. According to *the Royal Commission on Labour in India* “the labourer borrows money from the landlord under a contract to work until the debt is repaid. The debt tends to increase rather than to diminish and the man and sometimes his family is bound for life” Thus a labourer becomes a life-long employee of money lender meeting
thereby his need for cheap and constant supply of labour. His poverty compels him to consent to perpetual bondage. Since bonded labour ensures the supply of cheap labour, the rich farmers have a vested interest in the perpetuation of the system.\textsuperscript{12}

Bonded labour can be best described in terms of debt bondage fixed for a time or a life time or hereditarily descending from father to son in some cases,\textsuperscript{13} thus it represents an ugly form of social and economic exploitation. When a landless labour desperately needs money and does not have any security to offer, he sells the service of his whole life and thus pledges himself to the creditor for the sum of money he receive as a debtor and the system grew out of actuate indigence and helplessness of tribal and the semi tribal communities in grip of a precarious subsistence economy.\textsuperscript{14}

\textit{The Report of the Commission for Schedule Caste and Schedule Tribes 1971-72} describes debt bondage in the following words:

The predominant feature of the system is that a man pledges his person or sometime a member of his family against the loan. The pledger or his nominee is released only on its discharge, until then, the man himself or the member of his family is required to work for his creditor against his daily meals. Since he gets no wage, he has to depend upon someone in the family to procure the sum required for his release. This of course rarely happens, the relationship last for months and some times years, occasionally for entire life time.\textsuperscript{15}

\textit{The Report of Commissioner for Scheduled Castes and Scheduled Tribes 1975-76} says that bonded labour system, \textit{inter-alia}, means that if persons belonging to any particular caste or community are forced or partly forced to work for a creditor under an agreement either without wages or for nominal wages which are less than the prescribed minimum wages, they would come under the definition of bonded labour system.\textsuperscript{16}

\textit{Dhebar Committee and the V.E. Committee} reports that in several blocks the tribes were landless and the rich landlord did not only take the possession of their land but also threw them into perpetual bondage. After losing the land to sustain themselves they have to borrow money from landlords at high rate of interest. The rate of interest payable on those loans is at a compound rate that is the only reason that the poor debtors are not able to repay the debts. Once borrowed, it
is very difficult to get out of this vicious circle. The harsh slogan of the money lender is “pay or work”.

Bonded labour means service arising out of loan/debt / advance. The bonded labour system essentially represents the relationship between a creditor and a debtor. When such a relationship exists and the debtor undertakes to mortgage his service or the service of any of his family members to the creditor for a specified or unspecified period with no wages or without reasonable wages accompanied by denial of choice of alternative avenues of employment, or to denial of freedom of movement, then the person would normally be covered under the definition of bonded labour.

As per National Human Rights Commission Annual Report 2006-2007, labour implies service. Bonded labour is service rendered under bonded or forced conditions. The person who renders such service is a bonded labourer. The totality of the system under which bonded service is rendered may be termed as bonded labour system. The system as visualized in the Bonded Labour System (Abolition) Act, 1976 represents the relationship between a creditor and debtor. When a debtor incurs loan / debit / advance from a creditor and undertakes to mortgage his services or services of his family members to the creditor for a specified or for an unspecified period with any one of the following consequences. It comes within the definition of bonded labour system:

- Denial of the freedom of movement from one part of the territory of India to another.
- Denial of the right to receive minimum wages or market wages, wherever minimum wages have not been fixed.
- Denial of the freedom of choice of employment or other means of livelihood.
- Denial of the right to sell one’s labour or the product of one’s labour at market value.

Existence of the creditor- debtor relationship with one of the consequences as above is enough to determine the existence of bonded labour system.

In practice, bonded labour in India, is the culmination of the debtor-creditor relation into slave and master relation. The form of forced labour is termed as
bonded labour in which a person pledges his body or the body of a member of his family for a loan and he renders services to the loan provider till the loan is repaid.

It is an exploitative system whereby generations of bonded labourer do all kind of work reluctantly to repay an undocumented debt of a parent or a grandparent or even a great grandparent. Most of the bonded labour is found in the agricultural sector or in construction work in exchange for two spare meals and an undignified shelter for living. It is a vicious and a ruthless cycle that leaves the vulnerable section of our society with little choice.

In its typical manifestation, bonded labour occurs when credit is advanced to an impoverished person and then he and his family work until they repay the debt. But, with bonded labourer it never happens. Since the employer pays below minimum wages and issues new advances for “expenses” and “interest” underpaid and over credited, these employees are locked into years of involuntary servitude.

Debt bondage is often a form of disguised slavery in which the subject is not legally owned, but is instead bound by a contract to perform labour to work off a debt under terms that make it impossible to completely retire the debt and thereby escape from the contract. It is possible for a bonded labourer to get free from the shackles of bondage by paying back the amount borrowed. But in reality his poverty and the exorbitant rate of interests do not allow him to free from the bondage.

The bonded labourer is not allowed to do other employment or other means of livelihood during the period of bondage. Thus his freedom is forcibly curtailed in so far as he can not move freely in search of livelihood and is not allowed to go out to sell his labour in the job market. In India, the most vulnerable segment of the rural society, the agricultural migrants and tribal labourers usually to take up the forced labour due to economic necessities and social compulsions. They work in hazardous conditions. There is no limitation of the working hours. They are not given time for rest. Among the other consequences the land alienation and acquisition by the creditor, restriction of freedom of movement, restriction to other employments, selling of their wives, sisters, daughters for ending the debt bondage are common factors. The naked poverty, helplessness, illiteracy and the lowest wages are the root causes of bondage. Food and shelter which are the basic needs.
of the human being if not fulfilled may compel one to enter into the inhuman bondage of labour.

The meaning under the constitution of India, Article 23 where a person provides labour or service to another for remuneration which is less than the minimum wages, the labour or service provided by him clearly falls within the meaning of words ‘forced labour’ and attract the provision of Art. 23 of the constitution, the expression forced labour in Article 23 of the constitution is of widest amplitude and in its interpretation covers every possible form of forced labour, begar or otherwise, and it makes no difference whether the person forced to give his labour or service to another is remunerated or not.

In legal sense ‘bonded labour’ means any labour or service rendered under the bonded labour system, ‘bonded labourer’ means a labour who incurs, or has, or is presumed to have insured a bonded debt and a ‘bonded debt’ means an advance obtained, or presumed to have been obtained by a bonded labourer under, or in pursuance of the bonded labour system.

To understand it in legal context, two leading cases decided by the Apex Court are discussed here.

In Asiad Workers case, Supreme Court Observed: “We are, therefore, of the view that when a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words “forced labour” under Article 23 (of the Constitution of India).”

In Bandhua Mukti Morcha Case, The Supreme Court held, “therefore, whenever it is shown that the labourer is made to provide forced labour, the Court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is, therefore, a bonded labour. This presumption may be rebutted by the employer and also by the State Government if it so chooses but unless and until satisfactory material is provided for rebutting this presumption. The Court must proceed on the basis that the labourer is a bonded labour entitled to the benefit of provisions of the Act. The State Government can not be permitted to repudiate its obligation to identify, release and rehabilitate the bonded labourers on the plea that though the concerned
labourers may be providing forced labour. The State Government does not owe any obligation to them unless and until they show in an appropriate legal proceeding conducted according to the rules of adversary system of justice, that they are bonded labourers”.

The above two judgments of the Supreme Court of India lay down the following principles:

(a) Where a person gets a remuneration which is less than the current notified minimum wage under the Minimum Wages Act, 1984 for the particular scheduled employment, the labour or service provided by that person clearly falls within the ambit of the term forced labour under Article 23 of the constitution, and

(b) Where a labourer is made to provide forced labour, he is presumed to be a bonded labourer in terms of the Bonded Labour System (Abolition) Act 1976.

Thus bonded labourers are those labourers who are bound to provide service to their master. A person becomes a bonded labourer when his or her labour is demanded as a means of repayment for a loan. Bonded labourers are routinely threatened with and subjected to physical and sexual violence. They are kept under various forms of surveillance, in some cases by armed guards. There are very few cases where chains are actually used (although it does occur) but these constraints on the bonded labourers are every bit as real and as restricting.

Bonded labourers are known by different names in different States and Regions in India e.g. Sevak and Hari’s in Uttar Pradesh, Hali in Gujarat, Halias and Muliyas or Naga Muliya in Orissa, Jeeta in Himachal Pradesh, Komia, Baramsyas and Janaou in Bihar, Padival, Punyal, Charmas and Pannyals in Tamil Nadu, Adiammars, Cherumas, Anchilla, Kurichious, Mapila, Paniyans, Kattunaickans Adyas, Wynand Pulayans in Kerala. Jeetha in Karnataka. Sepi in Punjab, Veta, Begar and Salkari, in Maharashtra, Sagari in Rajasthan and so on.

Sectors which are prone to bonded labour in India are agriculture, carpet industry, match and firework Industry, silk weaving, flowers growing, construction projects, silver work, beedi rolling, rice mill, footwear, bangles, brick kilns, domestic work, stone quarries, lock industry, tanneries, diamond cutting and
polishing unit agarabtti, handicraft, repair shop, pottery, sericulture processing Industry and so on.

2. International Concern:

There are various UN conventions and ILO conventions on force labour which define and prohibit various type of forced labour, slavery servitude, debt bondage, compulsory labour. Some relevant provisions have been briefly referred for the purpose.

The League of Nations adopted the Slavery Convention in 1926. Article 1 (1) of Slavery Convention 1926 defines slavery as “...The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”.

Article 1.2 of the Convention defines slave trade as, “All acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery: all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and in general, every act of trade or transport in slaves by whatever means of conveyance.”

The 1926 Convention’s definition of slave was broadened to include forced or compulsory labour in 1930 in the ILO Forced Labour Convention (No. 29). Article 2 (1) of the Forced Labour Convention defines forced labour as, “...All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Though Convention 29 on forced labour did not specifically refer to debt bondage, over time the ILO’s Committee of Experts on the Application of Conventions and Recommendations has stated repeatedly that ‘debt bondage’ is one form of forced labour and is covered by the convention’s definition. ILO convention states that member countries are to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 4 of the United Nations Universal Declaration of Human Rights 1948 states that, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all forms.”
The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institution and Practices Similar to Slavery 1956 Article (1) (a) defines debt bondage as “The status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited or defined”.

The supplementary convention on the abolition of slavery requires states parties to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of...debt bondage...(and) any institution or practice whereby a child or young person under the age of 18 years, whether for reward or not with a view to the exploitation of the child or young person or of his labour.

Article 8 of the Covenant on Civil and Political Rights 1966 states that:

(1) No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited,

(2) No one shall be held in servitude,

(3) (a) No one shall be required to perform forced or compulsory labour,

(b) Paragraph 3(a) shall not be held to preclude in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent Court;

(c) For the purpose of this paragraph the term “forced or compulsory labour” shall not include.

(i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a Court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
(iv) Any work or service which forms part of normal civil obligations.

The ILO's Worst Forms of Child Labour Convention, 1999 (No. 182) specifically includes forced labour, debt bondage and serfdom of children in its purview.

In the ILO Report on Stopping Forced Labour (2001), the term bonded labour refers to a worker who rendered service under condition of bondage arising from economic consideration, notably indebtedness through a loan or an advance. Where debt is the root cause of bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid.

A new study by the International labour organization has said bonded labourers often lose their freedom to choose employment due to lack of transparency in wage system and continue to work for unlimited period. In its last report on 'cost of coercion' the International Labour Organization said bonded labour prevails in a range of sectors, including those which face extreme competitive pressure.  

A report by Anti-Slavery International in 2008, revealed that dalit bonded labourers are employed to carry out the most physically straining and menial types of work in industries such as silk farms, rice mill, salt pans, fisheries, quarries, mines, tea and spice farming, brick kiln textile and domestic work.

3. Forms of Bonded Labour:

There are various forms of bondage which were evolved over a long period of history in Indian societies. These different kinds of bondage can be identified all over the country in different forms. These may coexist in one region at the same time, although these belong to different historical stage of the development of agricultural and other Industry. The forms of bonded labour are categorized as under:
(i) Inter-generational bondage:

In this form of bondage the descendents of the debtor have to work for creditor in order to repay the outstanding debt of the debtor. The essence of this form of bondage is that the son of bonded labourer renders service for the master in lieu of physically weak father. Due to physical weakness father ceases to work for the master and his son replaces him as successor in bondage. In this way generations of bonded labourer keep working for the master as bonded labourer.

The debtor is generally the father and grandfather of bonded labourer who take the loan in time of need while he is physically fit. But due to certain compulsions he is unable to repay the loan. When he becomes old in such a situation master demands young sons of bonded labourers for his service in place of the father, grandfather and great grandfather.

The young son of bonded labourer in tender age is introduced in this brutal system. In beginning he has to graze cattle, as he advances in age, his work is multiplied and he is assigned more and more work in agriculture fields. If unfortunately bonded labourer becomes ill or stop working due to physical weakness or dies without leaving male issue then the wife of bonded labourer has to render service for master, for this service she does not get any salary except two bare meals and lost her identity in this process and lives in the cattle shed of the master or under open sky. She leads life as per direction of her master for survival.

Inter-generational and child bondage are closely interlinked. In most of the cases it is generally seen that, the young bonded labourers are the sons of bonded labourers who have been working since long time. It is not only the master who demands younger bonded labourer to replace the father. But impoverished conditions force the other sons of bonded labourer to become the bonded labourer. In the beginning, the young bonded labourer does not receive the same payment as his father used to get. He is given only two bare meals. Later his work is increased and his wages are also enhanced. Mostly master finances new loan to young bonded labourer in time of need, for this loan and his father’s loan the young bonded labourer will has to render service till he is unable to work either due to physical weakness, illness or his death. If debt remains unpaid till death, then his other family members are forced to provide service for creditor. In this way this
trend keeps continue and unfortunate, innocent and illiterate generation of debtor keep working as cattle.

(ii). Share cropping- cum-bondage:

The main feature of this form of bondage is that the labourer has to work for master as bonded labourer and simultaneously he has to cultivate the piece of land as share cropper which the master allotted to him. The master is wealthy land owner, who owns huge land which he cannot cultivate himself. For this purpose he is in dire need of permanent labourer on his field, keeping this thing in mind he keeps bonded labourer on his fields. Giving him a piece of land for cultivation he seeks 50 percent of the production in return.

The poor and landless labourer who is in desperate search for a plot of land for satisfying his bare necessities of life, accept the offer with condition that he would work for the land lord as Bandhua Mazdoor and becomes a bonded share cropper.

Being poor he has no money to buy seeds and implements. For this purpose he has to take loan from landlord and work for the land lord as per his instruction.

In this form of bondage master has no monetary relations with the bonded labourer. He does not pay wages to him in cash. But the 50% of the production of share cropped fields is delivered to the master and remaining 50% of the production is deemed as the nominal wages for the share-cropped-cum-bonded labourer. Thus bonded labourer earns his livelihood by cultivating the piece of land which is allotted to him.

(iii). Multiplicative bondage:

The chief characteristic of this type of bondage is that the impoverished conditions and lack of employment of family member force them to take loan again and again.

Due to the poverty the loan is taken frequently to fulfill the basic requirements of family. This repeated incurrence of debts makes the bonded labourer totally dependent on the master. In the process of repeated incurrence of debts more and more members of the family trapped in the bondage.
Total absence or the loss of assets and shortage of jobs in the rural labour market lead to an increasing impoverishment of the bonded labour family which ultimately ends up in its being under the total control of the master.27

(iv). Loyalty bondage:

In this form of bondage the coming generations of bonded labourer serve the master faithfully. If the master is little kindly toward them, then they feel happy and think that they are very fortunate. Such labourer work for master day in day out, in return he gets his daily food.

As soon as he becomes the bonded labourer, he is deprived of all the rights. He can not seek alternative employment or to leave the village without the permission of the master. Whenever he is in need of money and food, he demands some amount from his masters which is continuously adjusted against his labour. He has all faith in his master and does not want to betray his master faith and keep working for master without any fuss.

(v). Customary (Traditional) bondage:

The chief characteristic of this form of bondage labour is that the relationship between master and labourer is maintained by the social control of the master over the life of the bonded labourer. Master exploits bonded labourer to live at the level of the unequal relation. He does all sort of work for his master from domestic errand to agricultural work. He makes himself available round the clock for the service of the master and compelled to live in a place allotted to him.

Bonded labourer takes loan due to domestic pressures and social obligations. Rich landlord who is self-serviant does not want to improve his agricultural operation but he prefers to engage in money lending. Because it is a best way of making a worker a bonded labourer and takes work from him as much as possible.

In its ‘decadent’ form traditional bondage means land grabbing from the bonded labour, depriving him of any form of freedom, complete dependence on the landlord, extortion of all assets which the bonded labourer family owns and subjugation under strict working rules. The interaction between patron and client is designed to perpetuate the unequal relationship between the two sides.28
(vi). Widow bondage:

In this form of bondage the master cares the widow of bonded labourer after his death. The master gives loan to the widow to perform last rites and make the widow bondage. Bondage on account of social customs where members of a community have to serve members of another community in bond as a social custom. She works in the master’s household or does some agricultural work. Master gives a hut or farmyard to the agricultural labourer and this is treated as a loan causing the bond. The bonded widow has to do maximum work and she makes herself available round the clock. She does not receive even nominal wages. In return she gets minimal food for survival and leads her whole life as bonded labourer.

(vii). Modern bondage:

The chief characteristic of this form of bondage is that the relationship between debtor and creditor is very strange, inhuman and more technical. The creditor (land lord) is a very cruel man he has no humanity. He want to extract as much work as possible without caring for the consequences. He is self-serviant and always looks after his own interest and never thinks about the well-being of bonded labourer, he treats him as cattle. Mostly the relationship between debtor and creditor is very long term relationship. In most of the cases bonded labourers are forced to work till last breath. Actually the master is a wealthy landlord who owns enough land, and can employ a number of agricultural labourers.

However, he is more interested in extracting labour from labourers than in usury. The need for cheap agricultural labour may result from the attempt to increase the production with limited capital investment. The landowner tries to increase productivity through intensification of labourer and not through intensification of capital, either due to lack of inventible capital, or unsuitable fields and cropping pattern.²⁹

In general, the debtor incurs the debt for physical survival. His relationship with employer- master being impersonal, devoid of any opportunity of getting work in the competitive labourer market due to surplus labour; struggling for bare survival, he is driven towards the most vulnerable and the weakest layer of the agrarian hierarchy. Deprived of any bargaining power he remains among the
poorest sections of the agricultural labourers. The type of work he has to do, however, has a tendency more towards the specialized modern agricultural sector like operating diesel or electric pumping sets. In this form of bondage, labourer do more technical work than physical work he work as per modern technology using technical and modern implements.

(viii). Sumangali system:

Sumangali system is a worst form of bondage labour. The owners of textiles units in coimbatore introduced Sumangali scheme a decade ago. In appearance the scheme looks attractive and simple. In this scheme jobs are given to young unmarried girls, mainly between 16 and 20 years of age, for a period of three years. On completion of three years the girls are promised Rs. 30,000 to 50,000 in bulk, ostensibly for their marriage. The poor parents who can not offered their families send their daughters for these jobs, as a viable option for getting the girls married or for settings old loan.

In this system the employer of textile units prefer to employ young girls not only because of their ‘nimble fingers’ but also because they are vulnerable and less troublesome. They think that the girls are obedient and will not create any problem. They are dedicated to their work, and docile. They are more concern about the problems which are faced by their families. In order to help their families they work day in, day out and even sacrifices their sleep to work over time so that they save more money. Many of the girls who come for work are dropout of school because their family can not offered to send them to school, some of them are illiterate.

In sumangali system the company appoint agent to bring girls to the units. The agents play a dual role. He frequently visits the villages in order to identifies those household who have girls children and are in need of financial assistant. agent convince the parents and bring them unit. He always plays a role of well wisher of poverty stricken families in the village.

For bringing a girl to the unit, an agent gets Rs. 500/- per person. This amount is given after the girls put in 15 days of service. Because in some cases if the girl leaves the company, the agent will has to pay. He pays Rs. 1000/- to the management. Many time the agents becomes the guardian of the girls. The agents
do not allow the girls to work after 6-7 months. They try their level best to forcefully take them out. If the girls leave before completing six month, the agent has to pay the fine. But once they complete six month, he can take them out and place them in another unit and again gets Rs. 500/-.

The sumangali scheme, which claims to be a boon for getting a girl married, is one of the worst forms of bonded labour. The wages pay to the girls is another form of exploitation. The wages vary from company to company. However, generally the salary starts at Rs. 34 per day during the first six months, with an increment of Rs. 2 every 6 months, this means, in the last 6 months of the three years period, girls will be drawing Rs. 45 per day. In reality, girls do not get anything more than Rs. 30 per day. Even this Rs. 30 does not reach them because Rs. 15 is deducted daily towards their food and boarding charges. A few big companies offer Rs. 75 as daily wages on paper. The maximum amount the girls may get at the end of the this year is around Rs. 50 per day.31

The bulk amount offered is varying from company to company some companies offer Rs. 35,000 whereas some offer Rs. 50,000. It is clearly mention in the contract that bulk amount will be given only after the completion of 6 months of training and 3 years of work. But it does not happen generally, because workers services are terminated on some petty issue when they complete 2 years 9 months or 2 years and 11 months. So then they are not entitled to any compensation. The employers prefer migrant labour from other Districts because they know that no one will come forward if atrocities are committed on these girls. But a problem with local labour may become a major issue. The nitty-gritties of the scheme reveal that the extent of exploitation knows no bounds.

(ix). Lagangadi:

In this form of bondage loan is taken for marriage purpose. The same loan is repaid by labour which is valued much below the market rate.

(x). Palemod system:

The chief characteristic of this form of bondage is that, to overcome starvation, labourer obtains loan from landlords and repays in terms of grains or labour, repayment is three-four times the principal.
(xi). Avani system:

In Avani system labourer repays petty amounts to the landlord in the form of bonded labour during sowing and harvesting season leaving aside his own work for 8-10 hours a day for 25-30 days in a month.

(xii). Contract System:

In this form of bondage labourer repays petty loan, owing to debtors ignorance, the loan is scarcely repaid in total and so they live in semi-slavery constantly.

In the long run it can be said that bonded labour is a form of laboring class which is always subjected to exploitation by ruthless masters. It is the most widespread form of slavery to day. Many people are trapped into bonded labour when their wages are too low to cover the debt interest and principal in addition to living expenses.

The phenomenon of bonded labour is a vicious circle where each factor is responsible for further subjugation and apathy of the bonded labourers. The so-called higher classes then commit all sorts of atrocities upon the considered lower classes. The perpetual and unabated exploitation of these labourers affects their psychology and they start considering it as their acceptable destiny. These labourers are illiterate it is why they do not get suitable jobs. The lack of jobs coupled with their social and economic poverty further makes them vulnerable to the system of bonded labour.

Generally bonded labour are threatened and subjected to physical and sexual violence. They are kept under various form of surveillance.

There are various forms of bondage. Which were evolved over a period of history in Indian society and various attempts were made to stamp out this social evil but this pernicious system is still in existence and new forms of bonded are emerging.
CHAPTER-1

Notes & References:

7. *ld.*, at 519.
19. *Id.*, s 2(f).
20. *Id.*, s 2(d).
26. *Id.*, at 136.
27. *Ibid*.
29. *Supra* note 25 at 133.
30. *Id.*, at 134.