CHAPTER – 2

HISTORICAL RETROSPECT OF BEGAR SYSTEM : AN ANALYSIS ON THE CAUSES OF ITS CONTINUANCE

Through the history, we get a clear picture of the evolution of the bonded labour. From the pages of history, we can easily draw a clear-cut idea about the past position of the practice of this social. The practice of bonded-labour has a long history since from the origin of human being, upto the beginning of twenty first century. At any phase of time or in any type of society, it existed, may be in the various forms. Bonded labour system is not new it has a long history of its existence. It was available even in ancient times.

2.1 What was the slave Revolution?

Over 2000 years ago a great revolution shook the ancient Roman Empire. At the height of its powers, Rome controlled colonies from Spain to Turkey, from the Alps to the Sahara. The backbone of Rome's prosperity was the slaves, who were fought and sold like cattle and were treated like cattle too. The slaves revolted against the cruelty of their masters, under the leadership of slaves called Spartacus. Though the Roman army crushed the rebellion, the heroism of spartacus and his band of slaves who fought unsuccessfully for their freedom inspires us to this day.
Due to the historical reasons, India remained a caste ridden and economically an imbalance society. Work or labour is economic necessity and man works or does labour in order to survive. The history of man to a considerable degree is the history of forms of works and means of production and of associations and relationships created by the work process. In India bonded labour system can be traced since time immemorial. Bonded labour is a kind of evil system of exploitation of the weak and poor by the rich and strong persons or well off persons in the society. It normally exists in such a society where the powerful and wise gains benefit by abusing the fatuuous down trodden by means of bonded labour system. When the urban life of India is witnessing growth of large-scale industries, feudal mode of production still dominates the country side. The primitive type of social organizations are prevalent, though they are gradually of the Wave Bonded labour is one of the variegated from of abuse. Today, the plight of bonded labourers is blood curdling, such as molestation of woman and pledges the child in the mother's womb. India has unequal society since ancient times. As in unequal society, exploitation is inevitable. Bonded labour system is existed in the Indian society from time to time in various forms. Such as Slavery, serfdom, debt bondage, contract bondage, peonage and forced labour etc. The evil of bonded labour thrives in an unequal society where there is a possibility of exploitation to the weaker communities. With the idea it is indeed difficult to find a society or state that had equality as a uniform practice. From the

1. Meakin, David, "Man and Work" (Literature and Culture on Industrial Society”), P.1, 1976 Ed.
past to the present the practice of bonded labour exist in the Indian society and depict itself in various forms and customary practices.

The doctrine of "Karma" and "Rebirth" profoundly influenced the thinking of Indians and when the problem of bonded labour is studied with these doctrines, one can get an answer for the mute submission of agricultural labourers to the landlord in bondage. The acceptance of their submission is believed to have been ordained by God and flourishing from the good and bad deeds of their previous lives. There is no murmur, no revolt except cursing their lot to do such acts and awaiting death, which would relieve theirs from the shackles of bondage. Historical evidences show that bonded labour existed in myriad forms in India.

In the primitive society relationship depends on the geographical conditions where man was affected with natural calamities. Today, picture has been changed, relationships are influenced by the socio-economic and political conditions prevailing in the society of common practice have developed to exploit labours if possible, especially in the present competitive world where exploitation of men by men is inevitable. In all societies a class of exploiters and a class of exploited have always existed in one form or the other. Whenever social and economic inequalities exist, exploitation obviously will have its way. Exploitation and bonded labour are twins. Where exploitation exists forced labour will flourish in one form or the other. Justice Krishna Iyer rightly calls bonded labour a quasi slavery.

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2. Vyas N.N, Bondage and Exploitation in Tribal in India, P. 1
2.2. What is Communist Revolution?

A Communist Revolution is one that is inspired by the writing of Karl Marx or Marxists, believe that the workers of the world must unite and free themselves from oppressions by the upper classes, to create a world run by and for the working, classes. So, a communist revolution aims at over throwing a govt. run by the upper classes and replacing it by one run by the workers themselves.

Bonded labour is a civilized form of slavery. Karl Marx states in his 'Das Capital' that the usurer knows no other barrier but the capacity of those who need money to pay or resist...... Those with surplus invest unproductively to create conditions in which others are disabled to invest.

According to some Indian historians, slavery which is the mother of bonded labour is not absolutely new to our country. Its origin can be traced from the caste hierarchy and feudal structure. During those days the people at large were divided into four categories that are Brahmin, Kshatriya, Vaisya and Sudra. Later Sudra sub-divided with Panchama. Mahatma Gandhi called them Harijans. Officially they are called as scheduled castes and scheduled tribes. "Slaves" mostly belonged to this category. History states that in course of time some sudras also were emperors, Zomindars and landlords but Harijans were never. In India caste played and still plays an important role in the social economic and political life of the human being. Maximum bonded labours came from the under privilege sections of the society. Out of total bonded labours maximums

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were Harijan and Adivasis. The maximum group has been systematically denied equal opportunities and facilities with other well of segments of socio. No wonder that the scheduled caste and scheduled tribes constantly victims of the continuous historical process of exploitation that enjoys the social sanction. 4 Bonded labour was not within only in Sudra, if expanded at times to other communities such as Brahmins who were sent to mines as slave labour. 5 Slavery even though is caused much suffering was considered necessary at certain stage of social development and as legitimate institution. Aristotle justified slavery as a divine and beneficent human institution, not only sanctioned by nature but justified by the circumstances of social existence. 6 In India, people employed as slaves were mostly served in domestic service and agriculture. Due to economic factor slavery existed. They are debt slavery, slavery due to famine or other natural calamity, slavery due to war and slavery due to raid was no longer tolerated. Most of the bonded labourers happens to be untouchables and from poorest social strata, where they are compelled to abandon all sense of individual dignity and self respect morally to keep their body and soul together. Their circumstances forced to live in bondage instead of dying of starvation because there is no alternative for them. Due to high degree of exploitation in the social system the masters principally considered them as their property and regulate their activity in life. The superior's wishes caused inferior's bondage. These poorest social strata had to surrender

before their compulsion-economic, social, religious, mental, cultural, educational, physical and political etc. They remained the victim of all inequalities and exploitation as unprivileged class with no justification. They never had the courage to raise voice against the hunger, molestation of their wives daughters or any other cruelty of the master.

2.3 Different types of bondage, which were existed over a long period of history:

a) Traditional Bondage

During ancient period, the relationship of the master and servant is maintained and nurtured by the social customs and traditions prevailing in the custom. Traditional bondage and customary bondage means land grabbing from the bonded labour and were depriving him of any form of freedom, liberty. Absolutely depended on the landlord, extortion in all assets which the bonded labour family own and subjugation under strict working rule. The master limits his exploitation of the bonded labourer to an extent, which allows the bonded labourer to survive at the level of unequal relation. The superiority of the master is justified by ideology of social milieu and socially oppressed bonded labourer is compelled to accept the place allotted to him in the corresponding system of coercion.

b) Inter-generational bondage

If the debt remains unpaid till the death of debtor then of the latter's descendants would have to work for the creditor. The chief

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8. Ibid.
9. Ibid.
characteristic of this type of bondage is that the physically weak father stops working as a bonded labourer and his son replaces him as a successor in bondage, thus guaranteeing inter-generational continuity of bondage. Inter-generational and child bondage are interlinked. If the bonded labourer died or becomes physically weak without leaving male issue then the wife of the bonded labourer comes into the field. Due to these circumstances, women bonded labour comes into existence in the society.

c) **Loyalty bondage**

In this bondage, labour serving for generation with a feeling that they are very fortunate to serve especially if the master is a little kindly towards them. They work for the master in lieu for daily food. Loyalty bondage is available at any time for their services to the master/principal and they don't have the right to seek alternative employment to leave the village without the permission of masters. In shortage of food and money they approached their master and borrows some amount, which is continuously adjusted against their labour.

d) **Sharing-cropping cum bondage**

This form of bondage labourer works for the master as a bonded labourer and at the same time he cultivates a small plot of land for him as share cropper. For some permanent labour of his field wealthy master could allot some field under agreement to labourers with subject to seek in return 50 percent of the production. Wealthy landlords did so because his production is not only market oriented and his fields are not entirely used
by themselves. The poor landless labourers accepted it without consideration upon it. For the proper cultivation in the little land, labourer may take a loan from the master (it takes to buy seeds and other implements) and works for the landlord according to his requirements.

After returning 50 percent of the production to the landlord the remaining portion is retreated as wages to the share cropper-cum-bonded labourer by the master. There are no hard and fast rules for the agreement. According to the agreement between debtor and a creditor the former has to work in the field of the creditor for the whole day. He has to do all agricultural work like ploughing the field, sowing and harvesting the crops, transporting agricultural products of his back from fields, cattle rearing etc. He also works as a messenger for his master to convey messages to the villages of his master's relatives and friends, some times he has to act as a bodyguard of his master. What not he has to do each and everything whatever his master asks him to do. In return master gives him the bare necessaries which are not adequate to him and his family, inspite of a nominal wage which is very low. The serf has to work with his consent. The real sanction of enforcement lies outside the law in bullying and beating which sometimes is done with the helps of roughs and connivance of local officers and the pressure exercised through local caste Panchayts which are not to oblige the local landlords more than help their victims.
e) Modern Bondage

In this form of bondage, relation between the debtor and creditor is technical and impersonal, Wealthy landowner used to employ a number of agricultural labour during the whole year. The landowner tries to increase productivity through intensification of labour and not through intensification of capital either due to lack of invisible capital or unsuitable fields and cropping patterns. The landlords lands to extract as much work as possible without caring for the consequences to the life and health of the bonded labours. Generally, the debtor incurs debt for his physical survival. His relationship with the master being impersonal devoid of any opportunity of getting work in the competitive labour market due to surplus labour; struggling for bare survival he is driven towards most vulnerable and weakest layer of the agrarian hierarchy. This type of work he has to do however, has a tendency to move towards the specialized modern agricultural sector like operating diesel or electric, pump sets.

Bonded labour is a variegated forms of abuse resulted of an agreement between a debtor and a creditor under which the debtor pledges his own property i.e. his physic in the form of personal services to the creditor without or for a nominal remuneration in lieu of satisfaction of the debt with interest over a specified period, where the powerful and wise gained benefit by abusing the weak and the foolish.

11. Ibid.
12. Ibid.
13. Ibid.
2.4 Origin of Bonded Labour System:

2.4.1 Before Independence:

According to some Indian historians, slavery was deep rooted in Harappa civilization, where slave labour existed both in the countryside and the towns. Its mention is available even in ancient times. On the advent of Aryans in India, the society was stratified (arranged) into four varnas of Brahmin, Kshatriya, Vaishya and Sudra and those who were defeated (i.e. could be local and original inhabitants) by the Aryans used Sudra varna in the descending order. Sudra were deprived from all sort of genuine rights i.e. right to property, education and right to have of its own choice of occupation. According to Dharmashastra Sudra were the neglected class and rigorous laws detrimental to the interest of Sudra were framed by the Aryans.

The institution of slavery existed in the Buddhist period as the basis of economic and social life, which can be revealed from Jataks. The presence of das and dasi can be realized from our great epic Mahabharata and Ramayana or Ram Charait Manas. In Mahabharata and Ramayana, in various illustrations we can trace the existence of institution of das and dasi. In Mahabharata, when Pandavas were defeated in gamble, all five brothers became das and dasi. Also in Ramayana, Maharaja Dasaratha or Ram had have various forms of das and dasi for discharging the services to the Raja and Rani, The practice of slavery flourished under the Mauryan period as well, Kautilya states in the Arthashastra, that a man could be a slave either by birth or by voluntarily selling himself or by captured in war
or as a result of judicial punishment. On the other hand the Manu states in
the Manusmriti that the sudras are created by God for serving the Brahmin
a *das* and *dasi* and they could be sold and bought and even if his master
frees him from slavery the sudras have to remain to servile and perform
duties. Service was known as the natural duty of sudras.

From the literary and epigraphic evidences by the first century A.D.
the labourers employed by the state, became forced labour, continued
during 3rd and 4th century A.D. From Gupta to Harsha's rule further
expansion of the practice was seen. The free peasantry and domestic slaves
existed side by side in the whole of the feudal period and it was quite
widely spread. During the days of Harsha's rule coercive labour was used
in carrying load for the army, hunting and procuring guides for the King's
march. The practice of forced labour was continued even in the period of
sixth, seventh, eighths and ninth centuries. A.D. In south India and Chola
period, "Vetti" (forced labour) was in practice. The institution of Devadasis
were commonly found in most of the temples of Chola period. Practice of
forced labour can also be traced with all its venom during eleventh and the
twelfth centuries A.D. Bonded labour practice was also prevalent during
Muslim reign and it rose up to the height to form slave dynasty. Slavery
increased in the Mughal period. No concrete measures seem to have been
taken by the riders to weed-out this practice from the society. There is,
however, evidence to the affect that slavery was sought to be abolished by
a decree of Emperor Akbar in the 16th century A.D. but he was unable to
abolish it completely. Its facets—agrestic slave system, slavery, forced
labour (beggar and other similar forms of forced labour) are slur on the
name of our society because of social constraints like extensive poverty and resourcelessness along with ignorance and unawareness in them.

In medieval period agrestic slavery, was prevalent widely, when East India Company assumed power in the eighteenth century. Before the advent to English power, Portuguese carried on slave trade in Bengal due to the effect of natural calamities, the failure of rains, the death of their cattle due to disease. The bondage of agrestic slaves in Bengal originated during the great famine of 1770. Agrestic slaves also prevailed to a considerable extent in Bihar. Agrestic slaves were bought and sold, leased, mortgaged and even transferred but usually along with the land and not separately.

Agrestic slaves were often bought or disposed of like chattels in Bengal-presidency. Agrestic slaves sale deed were executed. Some of which were registered in the court. Agrestic slaves were usually fed, clothed and housed by their masters. They lived in separate huts, either by the house of near the field which they cultivated. Slaves used as a marketable article both in the home as well as the foreign trade of eighteen century in Bengal. They were usually imported into Bengal and were also exported from Bengal to foreign countries. The human trafficking were rampant during 18th century. Slave trade was permitted everywhere in British India and was justified as an incident belonging to that species of property. The East India Company itself engineered traffic in slaves as a highly profitable concern, in all the three early settlements of Calcutta, Bombay and Madras, East India Company's early policy was to avoid any dangerous
interference in the social and religious life of its subject. Slavery was accorded legal recognition by the company for the purpose of administrative expediency specially from 1774 to 1797.

*Warren Hastings* and *Lord Cornwall* had formulated positive policy towards the eradication of slavery system but failed. In 1798, henceforth Hindu and Muslim slaves were to be governed in accordance with the principles of Hindu law and Muslim law, respectively. When Warren Hasting took oath second time in 1813, as Governor general of Calcutta, he enunciated judicial reforms and among those reforms was regarding slavery. In 1820, new sanction principles were laid down to prevent and punish began. But in spite of, all the efforts made by Warren Hastings and Lord Cornwallis the slavery could not be wiped out completely because its root were deeply embedded in the social and economic life of the country. But the various administrative and judicial actions regarding slavery culminated into Slavery Abolition Act. 1843. In spite of being legally abolished, the system prevailed. In Indian Penal code, 1860. sec. 374 prohibiting forced labour which is also a form of slavery. On the abolition of slavery the vested interests gave it another nomenclature to evade the provisions of the Act. The same system came to be perpetuated in the name of bonded labour system and bonded labourers came to be known by different names in different regions of the country.

2.4.2 After Freedom :

Only after independence our government realized the gravity of the problem and absolutely abolished the Zamindari System from the country,
and this resulted in dispossession of several thousands of traditional tenants and became the major reason of the origin of the bonded labour system as the axis of Indian economy. The poor peasants and cultivators had to work according to the dictates of his landlords who were the possessors of the bulk of the land in the villages. Bonded labourer's livelihood was uncertain and they had to work free or paltry wages. With the bonded labour their family members were also made to work for the landlords. Harsh exploitation of workers was also invisible in industrial sector. Sub-human standard of work and life and the restriction of their democratic rights reduced labours to the position of virtual serfs. Existence of forced labour was also witnessed in the coal mines where maximum labourers were from the aboriginal tribes. Through the contractors, they (unskilled labourer) were recruited. Basically, it existed in Bengal, Bihar, Uttar Pradesh and Madhya Pradesh. For the labour in mines, there was a practice of Gorakhpuri labourers, were recruited mostly from eastern Uttar Pradesh from the coalfield. Recruiting organization was in Gorakhpur and sent to various coalmines who, indent them. Even petty sums like Rs.10 and 90 became responsible for bondage for several years. At present both the child and adult bonded labourers are found in various industrial units and sectors in spite of strong legislations and discouragement as for i.e. in industries like plantation, mining, quarrying, weaving, packaging, tanneries, hotels, certain manufacturing units, fire work units, match factories and domestic services etc. The existence of bonded labour system is one form or the other has been reported from fourteen states very recently viz. Andhra Pradesh. Bihar. Gujarat, Rajasthan. Karnataka.
Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Uttar Pradesh and certain parts of West Bengal, Assam and Manipur: and out of the total number of Bonded labourers, 83.2% belong to scheduled castes and scheduled tribes. The system is barbarous and violative of human dignity.

In 1978 a random survey took place under the aegis of the Gandhi Peace foundation. From the survey it came into knowledge that all the bondage agreements made between wealthy land owning masters with the scheduled castes and scheduled tribes. During 1978 the subject of bondage agreements were all in the favour of wealthy masters and terms and conditions were also against of the interest of SCs and STs. From the first annual report of the commission for scheduled castes and scheduled tribes, there were 22 lakhs bonded labourers in the country.14 During 1978, the Gandhi Peace Foundation and National Labour Institute had conducted surveys, concluded that nearly 22.4 lakhs persons were working as bonded labourers. On 1984, the National Survey Organization of the Department of the Statistics, Government of India number of identified and freed bonded labourers in the country was 1,63,245.15 From the report of the district level officers and by academics and institutions, indicate that the system though curved in many respect, still continues to be practiced in many form. Interim report of National Labour Institute and Gandhi Peace foundation's Study on bonded labourers the following picture emerged on an all India level, domestic expenditure figures as most important of the

reasons for taking a long that is 47.5%. Marriage rituals and social necessities account for 33.7%.

In Karnataka 79.8% of the Jeethas (local name of bonded labourer) utilize the loan for domestic expenditure. Vattinagulapallis is a village near Hyderabad, capital of Andhra Pradesh. The village is flourishing with feudal landlordism, illiteracy and atrocities by the landlords on the bonded labourers. The President of Andhra Pradesh Dalit Maha Sabha. Sri Bojja Tarakam revealed in his report that landlords by caste Rajputs and Reddies are enforcing bonded labourers system in their fields and all the bonded labourers belong to the Scheduled Castes. These ill fated bonded laborers have taken debts of Rs.1,000 to 3,000 and the interest is so high that these denizens never get an opportunity to repay the debt with their nominal remuneration of Rs.50 or Rs.100 p.m. These denizens were held in bondage since 15 years. On May, 1986, 37 of the bonded labourers had given a memorandum to the Mandal Revenue officer to liberate them from the shackers of bondage. The Mandal Revenue Officer conducted an enquiring on May 12th, and all the bonded labourers begged for at least minimum wages. This added fuel to the fire of the anger of landlords and they began to harass bonded labourers for repayment of the debt and refused to allow the man and woman into normal work. In the enquiry it came to know that those landlords, had the favour of Minister who had came into power on the slogans of "Serving the people is our duty".16 Parma (24) was working on the hydel project laying electricity lines from chakrota to Lakhmandal villages situated near Dehradun. In due course

they reached gatta village where they camped for that night. This was sometime in August 1985. In the village he casually asked one Kundan Singh if he would like to work in the project and earn some money. Kundan revealed that he alone with his sister Bijma were under bondage for Roop Ram and they had neither time nor permission to work elsewhere. They fell in bondage due to a loan of Rs.3,000 from Roop Ram. Their work is compensated for interest which meant they were bonded for life on hearing this, Parma decided to pool his resources and set free the brother and sister from bondage. Then word spread that Parma was marrying Bijma and that was the reason he had freed her from bondage. When rumours passed he married Bijma on November 5, 1985, as a result of this Bijma would not he allowed to enter into the Brahmin household because she was a Harijan. Further, the young Brahmin lost his job by being removed from muster roll of the hydel department and was ostracized by his family. Now, he is living in a small shanty with his wife's brother in Gatta village, eaking out a living on a daily labourer and as and when work is available.17

There are the few woeful tales of contemporary bonded laborers which have been focused to the civilized society. Definitely there will be many more bonded labourers in every nook and corner of India, whose voices have not yet reached the fourth estate for publicity to attract the attention of government and the people of India. At the cost of repetition it is submitted that as long as socio-economic inequalities exist, bondage will persist in Indian society in one form or the other.

Parliamentary, consultative committee and Union Labour Ministry, submitted a report about the phenomenon of the bonded labour. It is also highlighted in report that the obnoxious system of bonded labour prevailed extensively in Bihar and Madhya Pradesh even after the enactment of a law to do away as well as absence of credible anti-poverty programme as a major cause for a problem of a bonded labour.

Exact estimate vary very widely from time to time. In 1980. National Sample Survey (Garg, R.B.I. "Bonded Labaour". Looking for a fair deal’, Eastern Economics) put the report of figure at 3,40,000. After four years, programmed Evaluation organization of Natural Sample Survey reported 4.5lakhs bonded labourers, in 1986, government estimated number of bonded labourers were 2,14,842, Gandhi Peace Foundation identified the number to be 2,61,700. In 1987 Labour Ministry issued a report on the number of bonded labourers is 3,45,000. In 1988. Indian Express by report based on National Sample Survey Organization states that the number of bonded labourer is 4.5 lakhs. On the other hand, in the same year. Gandhi Peace foundation has put the figure at 26 lakhs, official and unofficial organizations has estimated the number of bonded labourers but the exact picture is far away from all of the estimation. Though officials estimation about the numbers of Bonded labours shouldn’t he presumed to be near to the truth.

In 1989, Labour Ministry informed the house that a total number of 24,220 bonded labourers had been identified and freed by February 1989. In 8th Feb, 1991 Hindustan Times reported about 3000 bonded labourer
languishing in conditions of abject exploitation and provided less than minimum wages. In 1993, Labour Minister Sangama informed the Parliament about the identification of as many as 2,50,289 bonded labourers.

The first systematic and scientific survey or large scale surveys of bonded labour was carried out by the Gandhi Peace foundation and the National Labour Institute during May to December 1978 and placed the total number of bonded labourers at 2.62 million (Sarma 1981). The estimate was based on a survey of 100 Villages in 10 states. In the survey, 61.5% of the bonded labourers were members of Scheduled Castes (SC) and 25.1% were members of Scheduled Tribes (ST). Among the employers, 89% were agriculturalists. The large scale survey categorized bondage into inter-generational bondage: child bondage, loyalty bondage, bondage through land allotment: and widow bondage. The 32nd Round of the National Sample Survey organization gave an estimate at 3,43,000 bonded labourers in 16 major states.

The National Commission on Rural Labour (NCRL), 1991,\(^\text{18}\) basing itself on the study group on Bonded Labour, chaired by B.N. Yugandhar,\(^\text{19}\) presented the first comprehensive picture of the nature and incidence of Bonded Labour, its causes and strategies for its abolition. It also made recommendations for amendments to the 1976 legislation. The Nation Commission on Rural Labour (NcRL) found practically that the bondage of agricultural labourers as still being the main form of bondage in India. The

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19. Minister of Labour, b.
Commission concluded that agricultural labour bondage was higher in states and districts characterized by a high percentage of rural labourers, low irrigation and agricultural productivity and poor infrastructure. However, there were bonded labourers also in the plantation sector: for example bonded labourers from Orissa and Bihar were employed in the plantation section in Assam and Tripura.

The National Commission on Rural Labour (NCRL) specifically mentioned of the following non-agricultural sectors as having a high incidence of bonded labour (although it is conceded that they have not been adequately surveyed); stone quarries: migrant labour; brick kilns; system of joginis and devdasis, fishermen; forest labour; bidi workers: carpet weavers; pottery; weavers; head loaders: child labour in match and fireworks; carpet weaving etc.

The National Commission on Rural Labour (NCRL) has an evidence and found a high incidence of migrant bonded labour; Bihar Labour in the fields of Punjab, Harryana and Uttar Pradesh in Brick Kilns of these states; in sugarcane fields in Gujarat; in stone and slate quarries and mines: in plantations of Assam, and even in the separates of Gujarat. The commission highlighted bondage among women on account of social as well as economic factors and mentioned the joginis of the Andhra Pradesh and the devdasis of Karnataka. In the Jaunsar Babbar area the commission's report highlighted the indebtedness included prostitution of

20. Under those system, young woman are "wedded" to god, declared to be "saints" and become to the property of the local temple, and under the control of man who run it. They suffer from sexual exploitation and deprivations such as prohibit under taking other work, leaving the village and marrying in.
women and children. The commission mentioned a high incidence of child labour and child bondage in a number of sectors. The commission also highlighted the well entrenched system of tribal exploitation, expropriation and bondage in many parts of the country of the Santhal Parganas. In examining the regional spread of bonded labour, it found the practice widespread in all parts of the country.

The commission noted the interesting and significant phenomenon of the same region both supplying and imparting bonded migrant labour. Labourers from Andhra Pradesh migrated out for work in quarries and Kilns in Haryana, Punjab and Madhya Pradesh where as labourers from other states are in bondage in the quarries of Andhra. Similarly, a too-way traffic of migrant bonded labour existed from Chattisgarh and out of Singbhum and in the Sugarcane farms of Maharashtra and Gujarat.

The Supreme Court appointed on March 6, 1995, a two member commission comprising Mr Siraj Saith and Mr. Felix Sugirtharaj to verify the contents of the affidavit of the Government of Tamil Nadu in writ petition No. 3922 of 1985 that there were only stray cases of bonded labour in the state of Tamil Nadu. The commission submitted its report to the court on October 31, 1995 (Sugirtharaj and Sait, 1995, hereafter referred to as the Tamil Nadu Commissioners Report 1995). In an exhaustive report, based on a large survey, the commissioners concluded that there were over one million bonded labourers in Tamil Nadu, spread over 23 districts and 20 occupations, of which 10 percent were bonded child labourers (with a higher rate among girls), Scheduled caste (SC), scheduled Tribe (ST) and
most backward caste (MBS) bonded labourers formed 76% of the total. The concentration of the low castes was higher in the quarry industry. In almost all cases, the element of bondage was found to be debt. In the course of a deciding a writ petition filed by the People's Union for Civil Liberties (PUCL) in April 1985 on the engagement of bonded labour in Tamil Nadu and Madhya Pradesh. The Supreme Court issued a direction in May 1994 to all the State Governments inter alia to collect information on the prevalence of bonded labour, to identify bonded labourers and to rehabilitate them. The State Governments subsequently carried out surveys to ascertain the ground situation to bonded labour. However, in most cases the figures obtained and presented by the State Governments subsequently turned out to be significantly underestimated.

Table 1. Presents the number of bonded labourers

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FROM the 1996 survey the regional picture that emerges is a high concentration of bonded labourers in the three southern states of Andhra Pradesh, Tamil Nadu and Karnataka and in Uttar Pradesh. However, as we show throughout this paper although there is widespread evidence of bonded labour throughout the country, our information depends upon scattered evidence and we do not have a clear and systematic basis for inferring regional or sectoral trends.

In 2000, the NHRC constituted an Expert Group chaired by Mr. S.R. Sankaran, for identification of bonded labour prone districts industries and occupations and for various aspects relating to legislation implementation. The Expert Group, in its report submitted to the NHRC in 2001, concluded that although the Ministry of Labour had identified 13 states and 172 district as being bonded labour prone, the system is prevalent in almost all states (NHRC, 2001).

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(Source Director General Labour Welfare Ministry of Labour Government of India)
The Expert Group also concluded that bonded labour in agriculture has a high incidence in the states of Andhra Pradesh, Bihar, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab and Tamil Nadu. In the non-agricultural sector, it concluded that bonded labour is rampant in brick kilns, stone quarries, beedi manufacturing, carpet weaving and construction and child bonded labour in the silk industry. It further concluded that migrant bonded labour involving states such as Bihar, Jharkhand, Chattisgarh, Tamil Nadu, Madhya Pradesh, Orissa, Rajasthan, Punjab and Haryana represented an aggravated form of deprivation and exploitation (ibid).

The group felt that owing to the efforts made by the NHRC through its special Repporteur System, the process of identification release and rehabilitation of bonded labourer has received a fillip, for example, till 2001, 1,069 cases of bonded labour had been identified in Karnataka and another 1,212 were being investigated. In Tamil Nadu since the survey of 1996-97, 10,850 cases has been identified. An Andhra Pradesh 3,122 cases of bonded labour had been identified, mostly in 2001.

Although systematic non-official surveys of bonded labour are difficult to come by, there are several surveys in different parts of the country and different industries, which give an idea of the continued nature of the problem. Moreover, non governmental organizations which have taken up issues relating to bonded labourers and been leading the process of identification and release have compiled extensive documentation. The author refers to the survey and statistics in the
analysis below, although their findings often not accepted by State Governments or other official investigating agencies.

For example, in Punjab, where the State Government has till quite recently denied the existence of bonded labour the NHRC has assiduously been pursuing complaints regarding bonded labour in agriculture, brick-kilns and other sectors and has upheld those complaints in a few cases. The volunteers for social justice (VSJ) a non-governmental organization based in Punjab has fined over 2,000 cases on behalf of both local and migrant bonded labourers released from agriculture, brick kilns and other sectors mainly in Punjab (Singh. 2003). A majority of the cases referred to bonded labourers belong to the scheduled castes (59% of the Complaints made to the NHRC pertained to scheduled castes). Between 1998 and 2004, VSJ (The Volunteers for Social Justice) was able to secure the release of 4,832 bonded labourers through the intervention of the NHRC, the Punjab State Human Right Commission (PSHRC), Punjab and Haryana High Courts, the District Administration and the SC/ST Commissioner, but rehabilitation, had taken place in only four cases (Singh 2004). This is suggestive of the Chasm between civil society organizations and government on the issue of bonded labour, which has so far not been bridged despite the efforts of the Supreme Court and the NHRC. However, an analysis of the existing evidence suggests that the non-agricultural sector now has a very significant number of bonded labourers. Broadly, our analysis of the literature and the recent evidences suggests that the following types of bonded labour continue to be significant.
a) Bonded Labour that is a vestige of traditional social relations:

Traditional social relations have sanctioned a caste based division of labour in which servile castes are expected to perform low status functions in exchange for a guarantee of subsistence. Degrees of social exclusion ensure a low degree of social mobility and social cohesion despite a strong policy of positive discrimination pursued by the government. Moreover, personalized servile relationship based on the traditional social structure persist in some parts of the country, mostly in backward agriculture, but are also sometimes carried over into the non-agrarian sector, through for example, domestic service. These relationships have declined over the years. Their persistence today is probably less a matter of social custom and more due to other elements of force and compulsion, as brought out in recent enquiries into the Sullong tribe in the North-East. Labour bondage draws heavily upon traditional social relations and the caste system, even in the non-agricultural sector, but can be seen mostly directly in agriculture and in bonded labour relationship evolving tribals.

b) Bonded labour in agriculture:

The modernization of agriculture has created new demands for a stable and service labour force which in some cases is obtained through credit bondage and elements of force deceit and compulsion migrant labour situation seem to create a higher propensity for bondage. In the areas of origin, from where males one on the move, woman and children may find themselves in bondage. In destination areas, migrant labour may end up in bondage. Bonded labour relations have also been alleged in
commercial plantations. The author examines the evidence regarding bonded labour in transitional agriculture.

c) **Bonded labour in the rural and urban unorganized and informal sector:**

The incidence of bonded labour is perhaps the highest in the unorganized and informal sectors in India. And among the unorganized sectors the incidence of bondage is probably the highest in quarries and open mines. These industries are mainly characterized by the predominance of manual processes seasonality, remoteness and contract migrant labour. Brick kilns are another industry which reportedly continues to have a sizeable incidence of bonded labour. Among industries for which recent evidence has accumulated are power looms, handlooms, rice mills, sericulture and silk weaving, wooden carpets, fish processing and construction. Bonded Labour, including of children, has been identified in a number of other sectors including the circus industry and domestic work.

d **Child bonded labour:**

Several industries with a high incidence of child labour (wooden carpets, silk, gem cutting and polishing) still show an incidence of child bondage.

2.5 **Bonded – Labourers:**

The begar system is prevalent in India in various ways as agricultural, Tribals, Brick Kilns, Stone Quarries, Mines, Power looms,
handlooms and constructions etc. These require through analysis to explore the real problem behind the growth of the evil.

2.5.1 Bonded Labour in Agriculture:

The Bonded labour system Abolition Act, 1976 identified a large number of traditional labour systems which reproduce bondage with or without debt. The Gandhi Peace Foundation and National Labour Institute Survey of 1978 (Sarma, 1981) identified a large number of bonded agricultural labourers in the states surveyed. A study of farm servants in different areas of Uttar Pradesh by Srivastava (1989) showed that customary labour relations which could result in attachment without any debt done bondage were undergoing change in some parts with the hali labour system in Western Uttar Pradesh having become more contractual with wages reflecting individual and skill differentials. The decline of traditional labour systems which resulted in forced labour has been documented and analyzed in a number of studies. At the same time new forms of attachment have been arising in developed agriculture, leading Srivastava (1989, 1996) to assert that there was a "u" shaped relationship between the existence of labour attachment and agricultural development that is (i.e..) that it initially declines as agriculture develop but starts to increase again at a later stage of development. The nature attachment since the study by Bardhan and Rudra (1978), has been the subject of intense controversy in the theoretical literature. An analysis of recent evidence corroborates the conclusion reached by the NCRL, 1991 (Ministry of Labour 1991 @ a and b) and the NHRC Expert group that there is still a
sizeable incidence of bonded labour in agriculture in several parts of the country (NHRC 2001). These bonded labour relationships are embedded in socio-economic dominance of certain groups, but they also reflect the changing labour requirements of agricultural employees under the impact of capitalist development. They often reflect the articulation between developed and backward agriculture.

It is fact that Punjab's agriculture has been among the most developed in India. It has earlier been argued that the rise in literacy of SCs, their entry into services higher aspirations and wage demands led to a decline in attached labourers from the local SC community and their replacement by migrant labourers from Bihar initially from the tribal communities in Ranchi. The process of recruitment was managed by contractors who had their agents in Ranchi. The recruited tribal labourers were confined locally and sold to their employers. Once employed the labourers were kept in bondage (Singh. 1997). They were paid a pittance and had to pay interest on advances. Many, however, were compelled a second time to return to Hoshairpur through the contractors. The system of bondage is considered to have registered a decline by the mid 1990, due to a steady supply of immigrant labour and the role of voluntary organizations. But recent evidence has been accumulating before the NHRC in the form of complaints of bondage among both local and migrant labourers fitted by several organizations such as the Indian Social Institution and the volunteers for Social Justice.21

21. The problem of bondage among migrant labourers in Punjab has been highlighted in several report stand complaint field by Jai Singh of the VSJ. The NHRC has also taken cognizance of
The nature of bondage among local agricultural labour, mostly drawn from the low castes has been highlighted by the VSJ. According to the submissions made by the organization, the attached labourers in debt bondage in Punjab are known as Siri. They generally belong to the scheduled caste community and have to freedom to choose employment, to right of movement, to use village commons, etc; and endure long working house. The cattleshed cleaners are usually the wives of the Siris and are in indirect bondage the child assistant in agricultural work is known as Pali. Protests from the farm servants including attempts to release them from bondage, have been met physical violence and social boycotts in a number of cases. The organization estimates that there are about half a million agricultural bonded labourers and several hundred thousand people in bondage in brick kilns in Punjab of the nearly 2000 cases filed by the VSJ on behalf of bonded labourers, three quarters were from the Malwa region of Punjab, followed by the Doab region (Singh. 2003-04). Complaint of bondage are still received from Haryana where attached labour relationship based on debt have earlier been reported. A scheduled caste bonded labourer was rescued from Faridabad district by landlord and kept in chains (Rajalakshmi, 2001). His father had taken a loan from the landlord's family. Both the labourer and his wife worked long house for the landlord without receiving any regular wage. The

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*a complaint filed by the Indian Social Institution and other reports of sale and trafficking of labourers (and possible sexual exploitation of woman workers) in Punjab. Its own investigation revealed extensive trafficking in labour for the last 30 years in Punjab. It is accordingly directed the central and State governments to formulated schemes which can ameliorate the condition of migrant labourers in the state. Replies from the government are now under consideration of the commission (NHRC Annual Report. 2001 -02).
organization has also reported a number of cases of bonded labour from other villages and district of Haryana.

The problem of bondage among migrant labourers in Punjab has been highlighted in several reports and complaint filed by Jai Singh of the VSJ. The NHRC has also taken cognizance of a complaint filed by the Indian Social Institution and other reports of sale and trafficking of labourers (and possible sexual exploitation of women workers) in Punjab. Its own investigation revealed extensive trafficking in labour for the last 30 years in Punjab. It is accordingly directed the central and State governments to formulated schemes which can ameliorate the condition of migrant labourers in the state. Replies from the government are now under consideration of the commission (NHRC Annual Report. 2001-02).

In the case of western Uttar Pradesh, where the decline of traditional attached labour relationship had earlier been reported by Srivastava (1989) later studies have reported a system of recruitment of attached labour from Bihar and Nepal with worker being kept under bondage made to work for long hours and denied wages (Srivastava, 1999). The problem of Bondage among migrant labourers in Punjab has been highlighted in .several reports and complaints filed by Jai Singh of the VSJ. The NHRC has also taken cognizance of a complaint filed by the Indian Social Institution and other reports. Of sale and trafficking of labourers (and possible sexual exploitation of women workers) in Punjab. Its own investigation revealed extensive trafficking in labour for the last 30 years in Punjab. It is accordingly directed the Central and State Governments to
formulate schemes which can ameliorate the condition of migrant labourers in the state. Replies from the government are new under consideration of the commission (NHRC Annual Report, 2001–02). Tribals have long been subject to exploitative debt relationships in several parts of the country resulting in bondage. According to some views, these practices have declined somewhat but there is still a high incidence of bondage among tribals in agriculture. A study of kol tribals in Halia Block of Mirzapur district of Southern Uttar Pradesh found that a number of tribals were indebted to the landlord, in some cases for more than one generation. The initial loans (taken for marriage or for some other purpose) were relatively small but the tribals were unable to repay them because of their meager wages and because eventual "freedom" required repayment at high compound interest (60 percent annual). The bonded labourers could also be sold to other employer and the debt obligation was transferred. These labourers were paid a daily wage rate of about 2 kg of coarse grain and were given a tiny plot of land about one seventh of an acre to meet their subsistence requirements (Shankar. 1996). In the neighboring districts of Sonbhadra the NHRC investigated a complaint from the South Asian Coalition on Child Servitude (SACCS) that eight labourers belonging to the Kol Community had been kept in bondage by an upper caste landlord and for two years had not been paid wages, which were ostensibly adjusted against advances. One of the labourers, who could not attend work due to illness, was beaten badly by the employer. The district administration in its report to the commission, said that four of the labourers had left the

22. The Kols are given the status of Scheduled Castes in Uttar Pradesh whereas in neighbouring Madhya Pradesh, they are categorized as Scheduled Tribes.
landlord because they were paid meager wages and were beaten by him. The other four were still working with him but were paid a wage of only 2Kg. of grain per day. The commission directed that proceedings under Bonded Labour Act and SC/ST Atrocities Act is initiated against the employer and steps be taken to rehabilitate the labourers (NHRC Report 2001 02). The NHRC took suo-moto cognizance of a press report of a low caste bonded labourer in Palamau district of Bihar Jharkhand. The barson had been working as a bonded labourer for 20 years for supposed non-payment of a loan of RS.2,000, although he had in reality repaid the loan 15 years previously. The labourer had to work for over 16 hours a day and was paid a daily wage rate of RS.10, although the prevailing wage rate was Rs60.23 Several other cases of bonded labour in agriculture in some cases intergenerational bondage have been reported from Patna, Nalanda, Bettaih, Gaya and other districts of Bihar.24 Case studies collected by the National Labour Institute in Chattisgarh, Rajasthan revealed a number of cases of tribal (Bhil) labourers working for landlords in lieu of advances taken by them to cover expenses of marriage, illness etc. in all such cases the labourers were not paid any specified wage, but only given meals and some perquisites (Upadhyay, 2000).

The kamia-malik system of debt bondage is reported to be prevalent in the erstwhile districts of Raipur and Raigarh in Chhatisgarh State. The Kamia a male farm servant, along with his family members is liable to provide labour in the home and form of the malik (the master) till his debt

23. NHRC Case No. 136/34/2002 - 03.
is cleared. Although under decline now, the system continues to exist even today (CEC 2004. P.29: Sen 1995).

In the state of Madhya Pradesh, cases of bondage agricultural labour came to light in Harda (an area where agriculture is rapidly developing due in profitable oilseed cultivation) and adjoining districts, when a local NGO took the initiative (on the plea of relatives) to get the labourers released. The system again involves the repayment of a loan through labour but the wages are so meager that the labourer remains in bondage. Moreover, if freedom is desired, the employers change a high rate of interest. Although some labourers have been released under pressure from the NGO, their rehabilitation had not taken place (Noronha 2003: Menon. 2003). Cases of labour bondage in agriculture have been reported from Raisen and Ratlam districts in the State (CEC 2004. P.51).

_Lahir and Krishna_ (2000) have touched upon the system of Bhalua existing in parts of Midnapur district in West Bengal. The Bhalua remains in debt bondage because of low payment.

In a survey carried out between 1988–1995 in 48 of 174 sub-districts of Karnataka state an NGO JEEVIKA identified over 18,000 bonded labourers, and submitted individual petitions for rehabilitation for more than 16,000. JEEVIKA acknowledges that the government of Karnataka has been more active than any other state in identifying and rehabilitating
bonded labourers. It had identified only 2,866 bonded labourers in Karnataka between 1970 and 1992.\textsuperscript{25}

A rapid appraisal study carried out for the ILU Social finance Programme in four districts of Karnataka, found that bonded labour relationships existed because of caste-based dependence or because of the traditional loan-based practices of Jeetam or bitti chakri involving the pledging of labours of an adult and his spouse or a child against a loan taken from the landlord/employer. The repayment conditions were in conformity with market rates and minimum wage legislation in a very small number (if cases (ILO, 2002b).

The Tamil Nadu Commissioners Report (1995) concluded that the districts of South Arcot, undivided North Arcot, parts of Nagal as well as parts of Coimbatore and Dharmapuri account for a majority of bonded labourers in agriculture in the state. The study has used the Gandhi Peace Foundation estimates (6\% of agricultural labourers) to estimate that about 4,75,000 labourers could be bonded. A considerable proportion of the bonded labour force are children pledged against a loan at an age of 8 to 9 years. The Report notes that bondage in agriculture was a result of debt obligations arising in context of decreasing employment opportunities inside and outside agriculture.

A survey carried out by the Deecan Department Society in Medak district of Andhra Pradesh reported 533 children and 783 adults (both

\textsuperscript{25} Chamaraj, 2003; see also CEC, 2004, P. 42-15.
male and female) in bondage only 55 villages. This bondage was reported to be a new phenomenon arising from the economic vulnerability of households in a drought prone and ecologically fragile region. The labourers, who had taken advances from their landlords, earned wages which were 50 to 90% less than the statutory minimum and toiled from 12 to 14 hours a day. Children received a pittance for their work (Rao, 1997). A survey conducted in Rangareddy district for the ILO (ILO 2002a), among released bonded labourers and other categories of households, found that 3.6% of the households were attached farm servants (called Jeetam) of whom 82.5% were indebted to their employers. The Jeetam was required to work about 12 hours per day on average, was paid less than the minimum wage, and his wife was at the back and call of the employer and was paid half the minimum wage. The loans from the employer carried an annual interest of about 30 percent. Among the released bonded labourers 24% were intergenerational farm servants. There are other reports of a fairly high incidence of debt bondage among agricultural labourers in the drought prone districts of Telangana and Rayalseema.26

There is some evidence from Andhra Pradesh that male labour out migration, tightening of the labour market and issues of labour control were resulting in a greater feminization of bonded labour.27 On the basis of their study in chitter district of Andhra Pradesh corta and venkateswarlu

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26. CEC (2004) quotes a report in New Times of April 6,2001 regarding the identification and release of 33 bonded labourers in Mahboobnagar the Telangana and Rayalseema regions of Andhra Pradesh (see also CEC 2004 P.21). There are also reports of bondage of labourers mainly Scheduled Castes in the labour intensive cultivation Sugarcane, cotton and tobacco in the coastal areas and several thousand bonded labourers employed in lemon plantations in Nellore District (Ibid, P-20).

(1999) find that agrarian capitalists have reacted to labour market tightening through tightening control in credit land rental product (Commission buying) and labour (tying) markets. Under the tied labour arrangements, they extend credit and/or garden plots of irrigated land to labourers on condition that they provide labour at lower than market wages. During the period under study (1970 to 1995), tied labourers increased from 32 to 40 percent. Almost all capitalist farmers had one or two labourers tied either through loans or through leasing out of half-acre paddy plots under half sharecropping arrangement. In the case of loans, labourers were expected to repay their loans through work at low pre-determined wages, while also having to perform several unpaid tasks. In the case of sharecropping, the labourers had to work at wages, which were not pre-determined but were lower than market level. These tied labour arrangement involved more women than men which according to the authors, could be due to employers turning to a labour force which could be more easily disciplined.

The bonded labour system continues to persist in parts of Maharashtra. Nine bonded labourers were rescued in Thane district by an organization *Shramjeevi Sanghatana*, in April 1998. The *Shramjeevi Sanghatana* has estimated that there are still several thousands bonded labourers mostly from Scheduled Tribes, in that district alone (CEC 2004 P.53). However, it has been noted that the nature of bondage had changed, with inter generational bondage given way to bondage for limited periods—generally of 1 to 3 years.

A preliminary report to the supreme court on bonded labour in Maharashtra gave details of the use of migrant bonded labour to harvest sugarcane. It is estimated that 6,00,000 bonded labourers (of which over 70 percent are from Scheduled Tribe) are employed by approximately 130 factories from which they receive an advance through a labour contractor. The contractors provide loans at exorbitant rates of interest which keep the labourers in a perennial state of debt, forcing them to return to the sugarcane fields year after year usually with the same contractor.²⁹

From the evidence that is available from a large number of states it appears that agricultural bondage still has strong roots in the traditional and colonial systems of exploitation of tribal and low cast labour. But the nature of bondage has been undergoing changes with changes in the pattern of production and labour use in agriculture and with higher labour mobility. Large employers, in several parts of the country have tried to adopt and modify system of bondage to meet their new labour requirements. These changes have occurred in dry land agriculture, as well as in commercial, capitalist and modern agriculture.

2.5.2 Bonded Labour system among Tribals:

The Scheduled Tribes belonging to Orissa, Chhatisgarh, Haryana, Madhya Pradesh, Southern Uttar Pradesh, Uttarakhand, Andhra Pradesh, Maharashtra, Rajasthan and Gujarat, who have suffered a gradual erosion of access to traditional livelihood system, have long been subject to

²⁹ Reported in the submission of Anti Slavery International to 60th (July - August 1997) meeting of the Human Rights Committee which monitors the implementation of the United Nations International covenant.
exploitative debt relations leading to loss of long bondage to non-tribals. The National Commission on Rural Labour devoted some attention to this issue.

Prasad (2001) has reported that in Dakshin Kannada and Udupi districts in Karnataka, the Koraga tribal community of nearly 10,000 people suffer under a system of bondage called Ajalu. The Malekudiya tribal community in Belthangady Taluk of Dashin Kannada district has been held in the plantations of the masters called Hebbars. The community is denied mobility or the freedom to have their own gardens which could give them some economic independence.

In Orissa a survey by the NGO Action Aid and twenty other organizations in Malkagiri district carved of Koraput, identified 704 bonded tribal labourers. The organizations concluded that there were possible thousand of tribals from thirteen different tribals working as bonded labourers to landlords in the district (Mander, 2003). The tribals who had lost most of their land to non-tribals lived on the brink of subsistence and had no option but to take loans from landlords. In exchange they or their children were required to work for the landlords for little more than loud and some other more perquisites. Their low wages were adjusted against the interests on the loans they had taken.

The NHRC examined a number of complaints regarding the status of Kol tribals in the district of chitrakoot (Madhya Pradesh), Allahabad and Mirzapur (Uttar Pradesh). They have stated that due to dispossession from
land, loss of rights to forest produce, illegal quarrying and control of mafias over mining, the Kols were living in bondage and were denied minimum wages. Many of these complaints were upheld by the commission which also look the view that the existing system of auction of mining rights, which gave a virtual monopoly to dominant economic interest and prevented tribals from bidding through their self help groups (SHGs), was totally unjust and led to the exploitation of the tribals (NHRC Annual Report 1999 – 00).

The NHRC set up an Expert Group in 2000 to examine the problems of the Kol tribals and develop measures for their social and economic upliftment. According to their Report (NHRC, 2000), the system of bondage was widespread in the Shankargarh silica and sandstone mining region of Allahabad. The silica lease rights for 6 villages were place with one feuda landlord who mined the area both legally and illegally with the help of contractor. Although a large number of bonded labourers had been released after the promulgation of the Bonded Labour System Abolition Act, 1976, very few had received rehabilitation grants. The system of bondage still persisted in the area. In some villages SHGs formed by tribal had been given sandstone mining rights, leading to a tripling of their income (Roy, 2000; NHRC, 2000). A system of slavery was prevalent among main tribals of Arunachal but has disappeared from most of them. However, it has recently been reported that the system continued among the Bangni and Miji tribals of Last Kameng district. The Bangnis have slaves from their own community as well as from the Sullong (Pusoik) tribe (Mishra 2001, Thakur 2003). A comprehensive survey carried out
under the order of the supreme court in 1997 identified 3,542 bonded labourers mainly 'belonging to the Sullong tribe (Mishra. ibid), the Sullong are in a primitive state of development composed to other tribes in the district. Although settled dwellers practicing jhum (shifting.) cultivation, they spend considerable time in food gathering. Their staple foodstuff is obtained from the wild sago palm. The Sullongs are customary slaves who are not in debt to their masters but whose land and homestead are owned by the masters. They live in distant villages and remain at the back and call of the masters from whom they also perform domestic service. The masters pay a bride price for the marriage of the Sullong boys and this is used to justify the bondage.

As per the direction of the supreme court the state government appointed a High powered committee. Each of the Sullongs identified became entitled to a release certified and Rs.1,000 a subsistence allowance. However, because slavery is so woven into the cultural fabric of society and because the Sullong have no land or homestead, the committee felt that traditional rehabilitation schemes were not likely to succeed. The committee therefore, proposed alternative methods to the labour department. However, the NHRC received a complaint from the All Pusoik Welfare Society that the release of bonded Sullong existed only on paper and that most of them continued to work with their masters. It was

also pointed out that several public servant high officials and even a
Minister were keeping Sullong as bonded labourers. 31

2.5.3. Brick Kilns:

Brick Kilns operate in rural areas throughout the country for six to
eight month a year. There are varying estimates of the number of workers
in the industry. The National Commission on Rural Labour estimated that
there were about one million workers but according to the India Brick
Kiln Manufacturers & Association its membership extends to 22,000 units
with about 3 million workers. There could be as main as 50,000 brick Kilns
in all employing about 100 workers each as per the muster rolls (Ghosh
2004, Gupta, 2003, Ateeq and John. 2003). The estimated number of
workers would then conservatively be 5 million (since women and
children are not included on the muster rolls). In Punjab state alone there
were an estimated 1,30,000 workers in about 2,500 brick Kilns (Ateeq and
John, 2003). According to one study there could be 3 million workers in
Kilns around Delhi and in the adjoining state alone (Gupta, 2003).

The pattern of labour recruitment in the brick kilns and the
mechanism of deployment payment of advances and wages bear a striking
similarity across the country. Recruitment is almost entirely through
middleman (known as Jamadars or Sirdars in the brick kilns around Delhi),
based on a system of advances. There are district processes within the brick
kilns giving rise to a segmented workforce including moulders, loaders,
stackers, fires and removers. The wage payment system are different for

different processes and the labour contractors are usually paid commission through an informal deduction from the labourers wages (Ghosh 2004, Gupta 2003). Workers are paid a part of their wages during the employment period on a weekly basis, with the remainder being adjusted at end of the reason. This binds the worker (and her/his family) to the kiln during the reason, whereas the carry over of advances from one season to the next ensures this availability for the next season. This work usually entails long working hours and very low payment. In a number of cases a high degree of coercion is used to discipline the workers and to curb protests against breach of contract, which are very common.

A recent study of 499 households from 76 brick kiln units in the Gautam Buddha Nagar district of Uttar Pradesh near Delhi, brings out some of the features of labour relations in the brick kiln industry (Ghosh, 2004). The study reported that both recruitment of labour and its deployment were based on a system of advances, controlled by contractors who were paid on a commission basis deductible from the workers wages. In a significant proportion of cases, the debt were carried over from one season to the next with the contractors acting as informal guarantors of the loan. The workers were mostly migrants from Eastern Uttar Pradesh, Bihar and West Bengal. Women and children were not placed on the muster rolls wages were adjusted at the end of the season with the workers receiving a portion of their wages at the end of each week or fortnight workers exiting to other kilns could have their debt transferred to the new employer who redeemed the debt to the first employer working and living conditions in the brick kilns were poor and there was a near total absence
of any regulation with none of the labour, legislation being implemented. The brick kilns were heavily guarded and restrictions places on workers movement. Wages rate were very low, but never the less above the legal minimum which had not been revised for several years. An ILO study of two brick kilns around Delhi reaches similar conclusions. The system according to the author was akin to forced labour (Gupta, 2003).

Ateeq and Jhon (2003) report the findings of another survey of 6 medium sezed kilns, employing of 130-150 workers in three districts (Ludhiana, Sangrur and Moga) of Punjab varied out in 2000. Most of the workers were from Bihar and Uttar Pradesh and 85% bondage to the SC. Landlessness was a major cause of migration. Seventy one percent of the worker were in the 15-35 year age group. In many of the process the entire family worked in the kilns, and there was intense competition between owners to secure labour. Workers were recruited from their villages by the Jamadar under informal contracts. During the monsoon period when the kilns closed, the workers were unemployed and had to borrow from local money-lenders at high interest rates. The advances received from the Jamadars helped them repay these debt and brought them back to the Kilns each year. It was found that about 53% of the workers had accepted peshgi (advances). The brick moulders (pathers) mostly belonged to the SC, were landless and were the most vulnerable to debt. The workers were not covered by any of the Inter State Migrant workers (ISMW) Act provisions. They were not paid for the initial 15-20 day period when they

32. However, the study is silent on some crucial, aspects that is whether minimum wages are paid whether accounts of payment and deductions, are maintained. It does over that the advances do not carry interest (for a similar account of Haryana Kilns, see Rajalakshmi, 2004).
were required to clean the land nor for periods of sickness or for unanticipated work stoppages.

The 1995 surveys of bonded labour by the commissioners of the Supreme Court found a similar picture in the southern State of Tamil Nadu. In Pudukottal district alone the survey estimated that 80% of the 25,000 workers were bonded. The persistence of bonded labour in this industry in Tamil Nadu is shown by the fact that 47 bonded labourers were released from two brick kilns in Kancheepuram district of Tamil Nadu in 2003.

In the last several years a number of cases of bonded labour in brick kilns have been reported from the State of Punjab, Haryana, Delhi, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Tamil Nadu and Karnataka. Most of these labourers are from the Scheduled Tribes or Scheduled Castes and are migrants.

The NHRC gives details of a complaint related to unlawful confinement and exploitation of 58 SC labourers, 19 of whom were below 18 years of age. They were employed as bonded labourers in a kiln in

33. The Commissioners survey covered brick kilns in only two districts while the kilns are spread all over the state. The workers were usually brought after receiving advance of Rs.5000 to 10000. The initial preparatory work as unpaid. The wages paid were only about 60% of the initially-stated wages, the rest begin accounted for by the interest on the advances. The work has back-breaking and there was no fixed hours. If the family did not pay back the advance at the end of the season, the remaining amount was accounted for in the name of the family and signatures were taken from them under the condition that they would come back next year to clear the debt.

34. While the first group of 38 workers were able to get rehabilitation grant which were used to setup a cooperative brick kiln on a piece of land allotted by the collector and to buy a long to transport the bricks, the other nine labourers had still not been able to secure the grant were running from pillar to post (Kannan, 2003a).
Aligarh district of Uttar Pradesh. The contractor initially offered to pay a wage rate of Rs.130 per thousands bricks to the brick moulders and to took them to the kiln after paying them an advance. Later he decided to pay them only at the rate of Rs.100/- after deducting an unspecified amount account of the advance. When the workers protested, private guards restricted their movement and they were beaten and abused.35

In another incident, at a brick kiln in Gautam Buddha Nagar is Uttar Pradesh, near Delhi, 180 bonded labourers (53 men, 36 women, and 91 children) were rescued in February 2000.36 The condition of the workers came to light when one of the women workers was raped and her husband and a child were killed in gunfire by the employer and his henchman when they resisted. The workers were prevented from leaving through threat and intimidation. The employer retained more than half their wages and gave them only a small sum for subsistence.

The Bachpan Bachao Andolan activists, together with the district administration, rescued to workers from 39 families from a brick kiln in Moradabad district in Uttar Pradesh. The workers were scheduled castes from Chhatisgarh state who had been brought by middleman through advances and on promises of a good wage and good working conditions. The workers were paid Rs.100 per week plus a ration of 8 Kg of rice for the entire family and were beaten up and threatened if the raised their voice about their wages.37

35. NHRC Case No. 22507/24/1999 - 00.
36. NHRC Case No. 2.3327/24/1999 - 00.
37. SACC website.
In Ferozepur district of Punjab, 69 workers were released from a brick kiln on the initiative of an NGO *Dalit Dasta Virodhi Andolan*, and the district administration. The workers were paid only petty sums and no records of their employment wages or advances were kept by the employees who however insisted on repayment of debt when the labourers wanted to leave.\(^{38}\)

Forty-seven labourers were released by the police from the brick kiln in Baghapurana sub-division of Moga district in Punjab. All of them stated that they had not been paid their salaries for the last four months and were not allowed to leave the kiln. The raid was conducted following a writ petition in the Punjab and Haryana High Court by two labourers.\(^ {39}\)

One hundred and three bonded labourers belong to 21 families were released from the brick kilns of Dadri and Bhiwani (Haryana State) in 1997 (*Chamanlal 2003*). According to one report, bonded labour in the brick kilns of Haryana was mostly found in the districts of Sirsa, Karnal, Kurakhetra and Jajjhar, involving SC and other low caste migrants from Uttar Pradesh, Bihar and Rajasthan. Unionization in about 60% of the Kilns had brought down the incidence of bonded labour in Haryana (*CEC, 2004, P.33*).

In May 2001, the Himachal Pradesh High Court ordered the release of 35 bonded labourers from 8 families from Saharanpur in Uttar Pradesh

\(^{38}\) *Times of India* March 1, 2003.
\(^{39}\) *SIFY*, 11 February 2004 [http://sify.com].
working in a brick kiln in Sundarnagar district of Himachal. In February 2002, 15 bonded labourers were freed from a brick kiln in Jaipur, Rajasthan (NHRC Annual report 2002-03). Ninety nine men, women and children were rescued by district authorities from a brick kiln in Alwar district in January 1991 (CEC 2004, P.58).

The People's Union for Civil Liberties (PUCL) Bulletin of June 2002 reports the release of 46 bonded labourers, aged to 7 to 60 all local Musahars from a brick kiln owned by a powerful person in Phulpur Sub division of Varanasi district in Eastern Uttar Pradesh (People's vigilance committee for Human Rights 2002 a). According to another report in 2002, 33 labourers from Malda district from West Bengal were compelled to work in a brick kiln. In Varanasi district of Uttar Pradesh wages which were much lower than promised. Their women folk were allegedly raped by the musclemen and contractors of the kiln owner, and the workers were threatened with dire consequences if they protested. Thirteen of the workers fled to another brick kiln but were assaulted by the musclemen of their former employer. The workers were finally released by the administration as a result of the efforts of local people and an NGO, people's vigilance committee for Human Rights, were given release certificates and sent back to Malda by the district administration (People's vigilance committee for Human Rights, 2002b).

Bonded migrant labourers in brick kilns have been reported in Danapur and Kishanganj districts of Bihar (CEC, 2004 P.27). Migrant workers

from Kalahandi, Bolangir, Koraput, Gajapati and other districts in Western Orissa migrated through middlemen. From whom they take advances in work in brick kilns in other districts of Orissa or in Andhra Pradesh. Their advances are adjusted against a national wage rate, such that, when the workers return home (with small sums of cash), they are still in debt to the contractors or kiln owners whom they have to repay the next season (Chakravarty, 2004).

In almost all the regions for which evidence has been discussed have brick kilns rely primarily on recruitment of migrant labour through contractors based on a system of advances which matches the cash needs of labourers from the poor regions. It is not unusual for the labourers to use the cash advances to settle their debts at home. Once labourers are recruited, various devices such as the use of force, recurrent loans and one tunes settlement of payment are used to tie the workers to the kilns for the season. Wages rates are usually low given that in processes such as moulding and carrying bricks entire households are involved. The local influence of the brick kiln owners, the remoteness and rural location of the kilns and weak regulation lead to the non implementation of labour laws. These are nonetheless some state level variations in the situation. Existence of strong trade unions may have led to a decline of bondage in a few states. But overall there is inadequate information on the variation between states and its causes.
2.5.4. **Stone Quarries, Crushers and Mines**:

The study group on bonded labourer for the National Commission on Rural labour reported a high incidence of bonded labour in stone quarries and crushers, sandstone, marble and slate mines in a number of states including Haryana, Uttar Pradesh, Madhya Pradesh, Rajasthan, Karnataka and Tamil Nadu (*Ministry of Labour 1991 b*).

Bondage in stone quarries in the areas around Delhi became a matter of intense legislative scrutiny after the early 1980s, when the *Bandhu Mukti Morcha* filed its landmark case in the Supreme Court. The Supreme Court appointed two commissioners, *Dr. Mahaveer Jain* and *Dr. Lakshmi Dhar Mishra* to investigate the condition of bonded labour in the industry of Haryana and also gave a number of directives to eliminate the practice and to rehabilitate the labourers. However, bonded labour continues to be reported from the quarries around Delhi.

In 1999, the NHRC received a complaint from the *Bandhu Mukti Morcha* that 20 persons (men, women, and children) was kept as bonded labourers in a stone quarry in Gurgaon, Haryana. Although the district administration admitted that minimum wages had not been paid to them, it did not concede that it was a Case of bonded labour. The labourers had been given some wage arrears and were dispatched to Rajasthan. The commission's own enquiry showed that 29 persons including 10 children were living in the open near Jaipur city in Rajasthan. They belong to the Banjara nomadic tribe and had gone to Haryana in 1994 to market their produce. While they were there a contractor for a stone quarry offered
them attractive wages for work in the quarry. After a year they were denied wages and in lieu of wages, arrangements were made with a local merchant to supply them daily rations on credit, when they objected and demanded wages, they were kept confined to their dwellings. In 1999, they somehow made contact with the NGO, only after the NHRC pursued the matter the bonded labourers were given release certificates by the Haryana Government.41

The Bachpan Bachao Andolan reported rescuing 101 bonded labourers (man, woman and children) from the quarry in Charki Dabri in Haryana. Some of the bonded labourers had been working in the quarry for over the three decades.42

The state of Rajasthan is the second most mineral rich state in the country earning more than $190 million annually from the mining sector. Marble, limestone and sandstone are the highest revenue-earning minerals. Employment in mining in Rajasthan is second only to agriculture providing work to more than 3 million workers of whom 95% are from Scheduled Castes and Scheduled Tribes. Around 37% are women and 15% children (Mine Labour Protection Campaign, 2001).

The mines are operated on leases from government and are small-scale, localized enterprises worked entirely by manual labour; the mining practices are unscientific and primitive. Illegal mining is rampant with contractors operating on expired leases, leases in the names of the other

41. NHRC case No. 1938/2/2002-03.
42. SACCS web site.
persons (known as the benami system), and mining in areas not covered by their leases. In August 2000, the Mine Labour Protection Campaign (MLPC) carried out a random sample survey in the sandstone mining belt in the Jodhpur area in which approximately 70,000 workers were employed and which contributes approximately US$ 3.3 million to the state economy annually. A number of leases has been granted to low caste lease holder but are actually operated by dominated person from the area.

The leases are broken up into small parcels, each mined under the supervision of a piece-rated worker who has a group of family-based time rated labourers working under him. A small percentage of labourers come from village in the mining area, but the vast majority are migrants who retain links with their areas of origin, since the mine function for only about eight months in a year. The system of advances is widely prevalent, and both categories of workers borrow from the lease operator or the supervision. The daily wage workers are paid in pittance and female labourers are paid around half of what the men receive. There is also a significant incidence a child labour (Wazir. 2002: CEC 2001). The Mine Labour Protection Campaign Survey showed that 97% of sandstone mineworkers in Jodhpur are indebted a majority of them being in bondage. The debts are passed on from one family member to another, or from one generation to the next, and can cause the labourer to be sold to another contractor. (Mine Labour Protection Campaign 2001).

The National Commission on Rural Labour (1991) had identified state mines and stone quarries in Madhya Pradesh as having a high
incidence of bonded workers. Recently, a complaint regarding the existence of 400 bonded labourers in the chola mines (quarries) in Gwalior district Madhya Pradesh was made by Prof. Sheotaj Singh of Bandhu Mukti Morcha. The district administration initially denied the report but on the intervention of the NHRC, 44 bonded labourers were released from the mines in 2003 and sent to their homes in Guna and Shivpuri districts. The employer was prosecuted under the BLSA Act and SC/ST Atrocities Act and a rehabilitation package was given to the released labourers. The workers testimonies stated that they were denied wages; instead, the contractors issued them with paper coupons to purchase essential supplies from shop designated by the employers. The conditions of quarry workers in Karnataka came to light following the release of live workers from a quarry in Srirangaputtana Taluka in Madhya Pradesh, who were made to break stone with heavy chains around their legs. Most of the workers in this quarry were from other districts of Karnataka or from Andhra Pradesh. The included sixteen children who were paid wages of Rs.10/- per day. The labourers had taken paltry advances of Rs.500/- to 2,500 and were paid only about half the designated minimum wages. The labourers advances carried compound interest rates and there was hardly any prospect of repayment. Heavy lines were imposed for any kind of absenteeism and workers were subjected to corporal punishment. All the workers belonged to the Bhovi Community, a low caste community specializing in stone breaking, the majority of whom spent their lives in bondage in quarried. The chained workers were released through the

43. NHRC Case No. 1351/12/01 -02.
efforts of Karnataka State farmer organization (Karnataka Rajya Ryota Sangham or K.R.R.S). It is noteworthy that district officials had not reported the existence of any bonded labourers in the district and had overlooked the illegal quarrying of this mine (PUCL Bulletin June 13.2000; Sreedharan and Muniyappa, 2000; Chamaraj. 2000).

The Tamil Nadu Commissioners Report (1995) reported large scale bonded labour in quarries, both within and outside the state. The survey reported long-distance out migration from the districts of Salem, Dharmapuri, dry parts of Thiruvannamalai Samuvaryar, North Arcot and so on. Many labourers migrated to Gujarat, Madhya Pradesh, Andhra Pradesh and Karnataka to work in quarries while several thousand also out migrated from the districts to work elsewhere in Tamil Nadu. The survey estimated that 750,000 labourers worked in the quarries in Tamil Nadu, about two thirds of whom were bonded including entire families. The Commissions Report traces in assign of bondage in the quarries to the introduction of the public auction system in the 1970s, and the mechanization of stone crushing which forced the workers to work longer hours for lower wages. In the quarries, the contractor or the sub contractor advances money to the labourers and supervises the grave production. Apart from the element of debt. The workers were provided accommodation in the quarry and have limited mobility. They can only change employers if the new employer is prepared to meet their existing debt obligation. Constant watch is kept over them so that they cannot mix with other labourers.
Extensive granite, stone and other quarrying sites are found in the district of Guntur, Rangareddy Warrangal, Vishakapatnam and Nellore in Andhra Pradesh (CEC, 2004). A large number of workers, mostly migrants from Orissa, Tamil Nadu, Rajasthan or other districts in Andhra Pradesh works in stone and other quarries and mica mines under conditions of bondage. As studies from Orissa and from Mahboobnagar district in Andhra Pradesh testify these workers take advance from a traders and money lenders in their home villages in order to tide over lean periods or to meet financial emergencies. These are the squared off with advances from labour contractors who hire them to work in quarries and mines. There they are paid a fraction of their promised wages, the remainder being adjusted towards their advances or retained by the employer till the end of season. A vicious cycle of debt is created which obliges the workers to return to work in the mines year after year (Subhramanyam 1985).

Within the mining industry, women’s labour is marginalized being concentrated in small mines where the labour process is dominated by contractors bondage and exploitation are high. Women are forced to take up physically arduous and exploitative work as men to lose employment due to mine closure and mechanization. They are often subject to sexual exploitation turn to prostitution to make ends meet (Mines, Minerals and people 2003).
2.5.5. Power looms and cotton handlooms:

Labour bondage has been reported in handlooms and power looms in different parts of the country, especially from Tamil Nadu and Andhra Pradesh.

CEC (2004 P. 19) has reported on the basis of interviews that there are several thousands weavers who are bonded to the masters weavers in the districts of Prakasam, Guntur, Krishna, East Godavari, West Godavari, Vijayanagram, Srikakulam, Medak, Nalgonda, Warrangal and the South Telangana region districts of Nellore, Chittore, Kunnool, Anathpur and Cudappa of Andhra Pradesh, John (1996) has reported on the bonded labour system prevalent in Chirala in Prakasam district of the state.

The Tamil Nadu Commission Report (1995) noted that cotton handloom and power-loom labourers were spread all over the state. About one-third of the weavers were in the fold of the cooperative, the work was done by weavers who were bonded. The pattaria owners advanced money to the weavers who could not change employers unless they rapid the loan. Most of the workers were from the Scheduled Caste Community. The weavers wages were less than the prevailing wage rate. The report estimated that there were 3 million looms in Tamil Nadu and several thousand bonded weavers. On November 19th, 1997 acting on the petition of bonded worker, the Madras High Court directed the district authorities of Erode District to secure the release of 450 handloom workers. The
workers, whose movements were restricted were paid a paltry wage and were required to work 18 to 22 hours a day.\textsuperscript{44}

The powerlooms were concentrated in Periyar, Salem and Coimabatore district of Tamil Nadu. The weavers are bonded to the loom owner mainly due to their debt, in some cases, the weaver's children also work under bondage. Neve (1999) has studied labour relations in the town of Kumarpalayam in Tamil Nadu. The Vaiiar Gounder Community which entered the industry in the 1970s uses a system of hefty advances (\textit{baki}) - to secure labour both male and female, the labour is referred to by the labourers themselves as bonded. Although large advances sometimes carry an element of implicit interest, by and large wage rates are not influenced by the practice of advances and workers can sock to change employment on repayment of the debt. Neve notes two features that make this akin to a bonded labour system. First, the advances were typically large, so that labourers could not ordinarily repay them, Second, employers used often stratagems, including physical coercion, to ensure that labourers are disciplined and remain with them.

The issue of bondage in power looms has emerged very starkly in the interim report of the special Rapporteur. \textit{Mr. K.R. Venugopal} in NHRC case no. 3728/96-97. based on the complaint of a worker and her husband against two employers in their statement have confirmed that advances ware paid to each and every worker "to keep the workers bound to their powerlooms". There is also the practice of giving workers "loans" as

\textsuperscript{44} Business Line. 20th November, 1997.
distinct from advances which, the employers claim, are given without interest and can be repaid in two three years. However, in the Repporit's view, these employers had institutionalized a system of bonded labour based on advances to the needy workers a bondage that never ended for 90% of them since 90% of them had to exchange the bondage to the current employer for the bondage to the future employer. This is permanent, institutionalized slavery. Employers have admitted this in some of the cases.

2.5.6. Bonded labour in other Sectors:

a) Construction:

Labour in large public works and construction sites is often organized through middlemen and contractor leading to well entrenched systems of advances and resulting in bondage. The case of contract labour from areas around Mahboobnagar district in Andhra Pradesh (often called Palamuusu labour) has drawn the attention of a number of scholars. Olson and Murthy (2000) summarize that nearly 1,50,000 labourers seasonally migrate from this district of whom nearly 50,000 are bonded. In a survey of contract labour households in 1991 &. 1994. They find that these labourers who hail from landless or small farm households in an endemically draught prone and unirrigated region, increasingly rely on advances and loans from maistries (contractors) who procure their labour for construction companies on public works sites. The workers work for about 12 hours each day, and are paid a small wage which is adjusted against advances, and loans at the end of the 8 to 9 month contract period.
During this time they are provided for themselves and their dependents, a packet of bidis and hair oil (all adjusted against wages). Women labourers not only have to hand over the advances to the men folk, but are also sometimes subject to sexual exploitation at the sites. There have been sporadic report of bonded labour in the construction industry in several other places.  

b) Plantations:

There have been reports of bonded labour in commercial agricultural systems such as plantations and floriculture. The Tamil Nadu commissioner's Report (1995) found that migratory labour in Candamon plantations was often bonded. In some of other plantations, (rubber, pepper and nutmeg) the condition of bonded labour, numbering several thousand was found to be acute. The report also found that in the floriculture industry, a large number of children were engaged as bonded labour on payment of very low wages. There are also reference to bondage lack of rights and non-payment of minimum wages among tribal labour originating in Central India in the tea plantations in Assam (Lahiri-2000).

45. In Punjab to labourers were released from cold storage construction site in Jalandhar district after complaints were received that the workers were tortured and female workers had been molested. A district administration enquiry found that the workers were promised only Rs.600 per month but had not been paid wages for 4 months. The employers paid the wage arrears to the employees and the workers were released and sent to their homes however, NHRC found that no steps had been taken by the authorities to rehabilitate the released workers and instructions were issued accordingly by the commission (NHRC Case No. 663/19/1999 - 00 and NHRC Report 2001 - 02) A sixteen year old boy working as a bonded labourer in a construction company, was rescued by district official in Cuddapah district. A contractor of Mahboobnagar district in Andhra Pradesh has brought him about paying Rs.16000 to his parents. No wages had been paid to him for the last six months and the contractor had refused to divulge his whereabouts to his parents. (The Hindu, 12th May, 2001).
c) Gem Cutting:

According to the Tamil Nadu commissioners report (1995), around 1,00,000 workers are engaged in this industry in Tiruchi alone of a total around 1,60,000 workers an estimated 1,00,000 are thought to be bonded labour. These workers take advances from the producers or the middlemen and are paid 50-60% of the market wages. The bonded workers are not allowed to work for other employers.

d) Rice Mill:

More than 1000 families were reported to be working as bonded labourers in the rice mill in and around the Red Hills area near Palampur in Tamil Nadu (Kannan, 2001). These families were immigrants from other districts of Tamil Nadu, having been lured to work in the industry against advances of Rs.5,000 or more. Once the loan is taken, the debt burden increases as the interest accumulates. Successive generations of the family fall into the debt trap and remains within their cramped quarters in the courtyards of the "nerkalams" (rice drying units). In a number of cases, the labour of children is pledged against the debt (Meir 2001; Kannan 2001). The rice mills of Dhamtari district of Chhatisgarh mainly employ tribal from Bastar district. The labourers are paid a small w-age, work for 12 to 13 hours and are kept confined to the premises of the mill (CEC 2004, P.31).
e) **Bidi Workers:**

Bondage among bidi workers who are predominantly women and children has been reported from Andhra Pradesh and Tamil Nadu. According to the Tamil Nadu commissioners Report (1995) there are about 7,50,000 workers in the bidi rolling industry in that state, mainly women and children. The system of bondage is widely prevalent in North Arcot district. Children and women are in bondage so the bidi agents who advance money to them, in many cases the entire family is bonded. The workers are employed in small decentralized units, which are either their homes or small factories, through the agents. Pledging of children against loans is also common place in North Arcot in this industry. In Andhra women and children bidi workers in the district of Srikakulam, East Godavari, Guntur, Nellore, Udappa, Chittore, Warrangal, Karimnagar, Adilabad and Nizamabad work under conditions of bonded labour. They remain indebted to the contractors and are paid less than the minimum wages (CEC 2004, P.23). Bidi workers in the Dhamtari district of Chhattisgarh also remain in the grip of contractors, who pay them a small wage after arbitrarily making deductions in the name of wastage, commissions etc (CEC 2004, P.33).

f) **Fish Processing:**

Warier (1998) in her study of women workers in the sea-food industry, described their employment under captive and bonded conditions in the cities of Mumbai, Tuticorin, Calcutta, Varoval, Porbandar and Mangalore, Goa and the coastal towns of Orissa and
Andhra Pradesh (Warier 1998; CEC 2004, P.35). Twenty seven bonded "Tamil workers were rescued from a fish processing factory in Porbandar. Gujarat in 1997. 46 CKC (2004) cites a study report compiled by the on gole based Samundra Theara Matsya Karmikula Union (Sea Fish workers Union) stating that women migrant workers brought from Tamil Nadu, Kerala, and other districts in Andhra Pradesh have to work as bonded labourers in the sea-food processing industry. They are housed in the factory premises, and are paid a pittance after the deduction of the contractors commission and charges for their food (CEC 2004, P.23).

g) Silver Works:

According to the Tamil Nadu Commissioners Report (1995), the system of bonded labour in silver works involves both adults and children of the estimated, 10,000 workers, about half are bonded.

h) Mat Weaving:

The Tamil Nadu Commissioner's report (1995) shows that in vandavasi tank there are 20 big and 36 small mat units in which all the labourers are bonded.

i) Salt Pan Workers:

There are an estimated 1,00,000 to 3,00,000 salt pan workers in the coastal district of Gujarat mostly belonging to the Koli or other low castes and main others who are migrants from other states. They are bonded to

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the contractors to whom they sell their produce at an artificially low price (Ganguly; 2001; John 2001). In Maharashtra, Prabhu (2001) reports that hungar during the lean season forces the sail pan workers to take loans from the khaledar against commitment that the labour will work at half the prevailing wage.

A large number of people involved in salt production are vulnerable, marginalized and survive in an extremely harsh working and living conditions, a situation analyses by the United Nations Development Programme. The report of the UNDP study on the socio-economic conditions of salt workers in Tamil Nadu said, "The annual income per household is in the range of Rs.10,000 with both husband and wife working. The ground realities reflects a high level of human and labour rights violation of the marginalized sections of the salt industry. Especially the conditions of the women and children are of serious concern. The report of UNDP clarify the approximate number of salt workers in Tamil was in the range of 60,000 people out of this around 40,000 people worked directly in salt pans and the rest were involved in loading packaging and transport of salt. "The most marginalized and vulnerable segments in the salt value chain is salt workers engaged as labourers in salt pans and salt produces making salt in areas less than one acre of land, obtained through lease or sub lease", it noted. Another aspect revealed in the study was that most of them were from the socially disadvantaged groups like scheduled castes. The report also noted that the salt work is seasonal with limited off season livelihood. "Indebtedness in very high credit system is taken from informal labourers sources win high interest rate around 60% per annum,
in many cases. It said, child labour is reported at a few locations in the packaging and transportation of salt, the report said. Difference in wages paid to women and men for similar works was also found by the study. Access to formal education of children who accompanied their parents to the salt pans was limited. "The dwelling places of salt workers usually have poor access to sanitation and drinking water. Most workers have problems related to eye sight due to reflections of sunlight from the salt crystals". There are also main reported cases of skin diseases and urinary tract infections. In women gynaecological problems are common. Abortion is reported in many cases due to tremendous heat and continuously standing in salt water. "It is also noted that the salt industry was disaster prone and experienced frequent threats of cyclones and high tidal waves. Even during tsunami rehabilitation work most of the relief was availed by the lease holders are large producers and very little or no benefit reached the workers, the report added. While these workers toil under the scorching sunlight to add salt and make our food delicious salty tears fill either eyes everyday without any hope of a better tomorrow.\(^47\)

2.5.7. Bonded Child Labour:

There are a number of industries where child labour is pledged against loans taken by their parents and children have to work for long hours under intolerable conditions, Human rights watch (1996) based on a survey of 100 bonded children in live states (Rajasthan, Tamil Nadu, Karnataka, Maharashtra and Uttar Pradesh) has identified bonded child

\(^{47}\) See The Statesman, 24th March, 2008, "Saltv Tears Show Hopeless Situation in TN".
labour in a number of "occupations including agriculture, brick kilns, stone quarries, carpet weaving, bidi roiling, rearing of silk cocoons production of silk sarees, silver jeweler, synthetics gemstones, precious gem cutting, diamond cutting, leather production etc. These children are made to work against debt taken by their parents a guardians, at lower no wages, from a very young age. In a review of bonded child labour in India Mehta (2001) has also brought the extent of the problem in a number of sectors including carpet weaving, agriculture, bidis, silk, salt making, fireworks and matches, glass silver works, gemstones, leather and brick kilns. There have been reports of bonded child labour in other industries such as circuses, fisheries, shops and tailoring establishments and domestic works. Twenty -nine children were rescued from a circus in Kerala by an NGO (Bachpan Bachao Andolan) in April 2004. The children had been brought from Nepal after their parents were duped by middlemen who promised them light household jobs. The circus owners has rejected the please of parents to hand them back (web India 123.comnews, New Delhi, April 23, 2004). In January 2001, a joint effort by the campaign against child labour. Peoples Union for Civil Liberties and the district authorities brought about the identification and release of 23 handed child labourers from fishing camps in Shimoga in Karnataka (CEC 2004, P.49). 12 children from Madurai district in Tamii Nadu were rescued from Ganjam and Raigada district of Orissa due to efforts of an NGO, the Soco Trust, and the Adidravidar welfare department. These boys were lured away by agents who paid money to their parents and made to work in “Murukku” (savoury) shops in Orissa under very difficult conditions (The Hindu June 24, 2001). Another
27 children from Madurai who worked under similar conditions in sweetmeat shops in Western Uttar Pradesh were rescued by the district administration, once again because of the efforts of the some NGO (Kannan 2003b). Seventeen bonded children were released in Delhi. Some of the children had been "bought" in Bihar on payment of Rs.1000 each and had been made to work in Mumbai before being brought to Delhi to work in a tailoring establishment. The children were made to work in 12 hour shifts and were given only foods as wages (Indian-Asian New Service. June. 2001).

2.5.7.1. Carpet Weaving:

The carpet weaving industry in India has had a very high incidence of child labour including a sizeable proportion of migrant child labourers who work under the worst possible conditions of bondage. Estimates of a size of problem vary from place to place. Moreover, the nature of the industry has changed rapidly since 1996 with a shift towards home based production and production in new districts in the states of Uttar Pradesh, Bihar, Madhya Pradesh and elsewhere. The old core districts of Bhadohi Varanasi and Mirzapur in Uttar Pradesh still employ a very large number of workers. But the industry has now expanded to the districts of Allahabad, Kaushambi, Jaunpur and Sonebhadra. In addition, some new carpet-weaving districts in Bihar and Jharkhand are Harhwa, Samastipur, Palamau, Madhubani and Saharsa. These districts were areas from where migrant child labour was previously sourced for the core carpet weaving area (Sharma 2002).
Estimates of the incidence of child labour and bondage in the carpet industry vary significantly. Juyal (1943) estimated that there were 3,50,000 child workers in the industry, almost two thirds of all workers, whereas a study by Vijaygopalan estimated that child workers were only 8% of the work force. Sharma (2002) estimated that child workers were about 19% of all workers, in which only girls were 7% and only 2.2% of the child workers were inter-district or inter state migrants. Srivastava and Raj (2,000) found that child labourers constituted 58% of the work force in the woolen carpet industry in Eastern Uttar Pradesh and 30% of them were girls but the percentage of inter-state migrants detected in this study was also small. The identification and release of bonded child labourers, many from rural areas in Bihar and Jharkhand, is still frequently reported in the core carpet areas. Thirteen bonded children were released from the carpet factory. The South Asian Coalition against child servitude (SACCS) complained to NHRC that these children were kept in a children's home instead of being rehabilitated and sent back to their parents, it was found that the age of these children had been wrongly certified by the doctor in order to protect the loom owners, and they had gone back to work for him. It was only after the commission's intervention that the release and rehabilitation of the children and action against their employer were initiated (NHRC Annual Report, 2001, 02).

SACCS also released nine bonded labourers in two raids in the carpet belt of Uttar Pradesh. These child labourers had come from poor scheduled caste Tamil in Saharsa, Darbhanga and Purnea district and they or their parents had been duped by middlemen. They worked in inhuman
conditions, were kept confined to a small, dark room and were paid a pittance.48

In another case the complainant a member of the legislative assembly in Bihar, brought to light, the case of two boys who were lured away by a local middlemen to work carpet area of Bhadohi district in Uttar Pradesh. They were both made to work as bonded labourers and kept on a starvation diet. One of the boys was beaten so badly that he died and his body was disposed of by the loom owner in a gunny bag. The matter of compensation had not been sorted out between the two states and the full bench of the NHRC had been looking at issues relating to the release and rehabilitation of the bonded labourers of Dharbhanga.49

Since 1999, the NHRC has launched special initiatives to tackle the problem of child labour in the carpet belt. Steps include the census of all rehabilitated the child labourers and their families and to educate the children.

Bonded child labour in the carpet industry is also reported elsewhere. Gani and Shah (1998) have reported a high incidence of child labourers in the Carpet industry of Kashmir many of whom work for their employers in lieu of wages taken by their parents.

49. NHRC Case No. 265/2/24/2001-02.
2.5.7.2. Silk Reeling and Weaving:

The Tamil Nadu commissioner's report (1995) found a high incidence of bonded adult and child labour in the silk weaving industry in Tamil Nadu. The silk weaving is organized through masters and weavers either in the cooperative sector or outside. The masters pay advances to weavers who employ children as helpers. Accordingly to the Report, the weavers and the children are often bonded, there were an estimated 30,000 adult and 50,000 child labourers in silk handlooms alone.

Human rights watch (1996) has shown bonded children, aged 5 to 12 at work in even stage of the silk industry. These children work upto 12 or more house a day for six and a half to seven days a week, under hazardous conditions and are often beaten by the employers.

Human Rights watch (2003) has documented large numbers of bonded child workers in the silk weaving Industries of Karnataka, Kanchipuram district in Tamil Nadu and Varanasi district of Uttar Pradesh. Field investigations were carried out in March-April 2002. The report estimates that -3,50,000 children are engaged in silk thread making and weaving working nearly 12 hours a day. Almost at the children were from SC/ST or Muslims. Nearly all the children working on a hired basis were bonded. Other worked within families, themselves bonded.

The special Rappoteur to the NHRC, Mr. K.R.Venugopal has highlighted bonded labour in the silk reeling and twisting units in Magadi
and Ramanagaram in Karnataka state. In October 1998, 53 child labours working in Magadi town discovered during a surprise inspection. Each child or the parent had taken an advance of Rs.10,000 to 25,000. The children were made to work for 12 to 14 hours a day and received only Rs.2 to 3 as wages (CEC 2004, P.48).

2.5.7.3. **Hybrid Cotton Seed Production**:

A recent survey (Venkateswarlu, 2003) estimates that of about 4,50,000 girl working in hybrid cotton seed farms, about half were bonded. The farms both local and multinational, were concentrated in the Telangana and Rayalseema regions of Andhra Pradesh. The labour force of local or immigrant girl workers, the latter recruited through middlemen and employed on a contractual basis (daily, monthly or seasonal), were at the back and call of the employers. The parents were paid an advance in one or two installments, and in some cases given loans with interest. The child labourers were required to work long hours and were paid less than prevailing wages. 70% of the surveyed children worked for the same employer in the previous year as well.

2.5.7.4. **Middle class largest employer of child labour**:

The newly constituted National Commissioner for protection for child labour said that despite the law banning child labour the practice still persists in the country with the middle class being the largest employer of children in domestic work. There is a need for a legal Framework to ban

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all kind of child labour. The current law does not prohibit employment of children in agriculture. Thus a large number of children are employed in agriculture, commission chairperson Dr. Santha Sinha said "based on our meetings with various government officials and NGO's we have given the planning commission of proposal detailing strategies for abolishing child labour in the eleventh five year plan, she said and added that abolishing child labour was directly linked to children's right to education. Kerala is one such state where children's right to education has been implemented. The state has reported a real fall in child labour, she said. A large number of children were being sent from Rajasthan to Gujarat to work on production of hybrid cotton seeds as well as in cotton mills and textile mills she said. "We have also observed that middle class is the largest employer of children. There are lacunae in the current law that bans child labour and there is a need to address these gaps". Dr. Sinha added. It is also observing that if children were not employed, adult wages would go up as has happened in Kerala, she said children are employed in households by the middleclass because their labour comes cheap. Thus, there is a need for enlightenment for middle class. "They should be able to say no to child labour. Somehow, people who employ children feel that they are doing by giving these children food, old clothes and allowing them to watch TV”, She said.51

2.5.7.5. No Child Labourer in Plantations:

It has been stated by the labour bureau in its report that no child labour has been found employed in the plantation industries of tea, coffee and rubber plantations on occupational wage surveys in three plantation industries. According to the report, 7.78 lakh workers are employed in these plantation industries of them 53.54% are female workers, 45.25% male workers and 1.21% adolescent workers. A majority of the workers constituting 89.48% are employed as "plantation labour" followed by "rubber trappers" who account for 3.80% of workers.

A total of 80.79% of workers are employed in piece-rate system of wages, whereas the remaining 19.21% workers are employed on time rate basis. Rubber plantation workers are the highest paid with an average daily wage rate Rs.89.77 followed by Rs.71.66 in coffee plantations and Rs.5427 in tea plantations. However, the overall daily wage rate for all workers in three plantations stood at Rs.58.3. Although women workers outnumbered made workers in employment, their average daily wage was found to be less than their male counterparts in all three plantations with the execution of one occupation each in coffee and tea plantations and three occupations in rubber plantations. The report is part of the sixth round of occupational wage survey (OWS) being conducted by the labour Bureau from 2002. In all 56 industries are to be covered under this round of OWS. The bureau has already released its report on our service sector industries.

Soon after the enactment of the comprehensive child labour (Prohibition and Regulation) Act, 1986, the Government of India adopted
2.5.8. Bonded Labour Flourishes in New Economy:

The cash rich Punjab stands on a substructure of bonded labour. In this Indian state, migrant labourers are given a monetary advance at the time of recruitment that ties them into debt bondage. The labourers have no say in-and little understanding of how the debt work. All they know is that they cannot leave their employment. The whole relationship is based on deception and coercion. The centuries old tradition of bonded labour lives on transmuting into newer form to suit the new economy. International labour office (ILO) Director General Juan Samavia has expressed the opinion that globalization has a share of the blame. At the release of ILO report “Global Alliance Against Forced Labour” earlier this month (May 2005), has said: “Forced labour represents the under size of globalization and denies people their basic rights and dignity”. About 12.3 million people around the world are victims of forced labour of whom ten million are exploited in the private economy more than 2.5 million trafficked, 2.5 million are forced to work by the state by real military groups: children represent between 40% and 50% of all forced labour. A quick breakup of these statistics shows that five years into the new millennium regional inequities persist. Nearly 9.5 million—a massive 77% of the total number of forced labour is in South Asia and the Pacific. Although exact national figures are not available, it is estimated that India

52. See The Statesman 7th June, 2007.
has the biggest share of this number. The report identifies bonded labour or debt bondage—where people are trapped in forced labour to pay off a loan from an employer or landlord as the main form of forced labour in India. Although sector specific surveys are not available and estimates suggest that of bulk of this labour is in agriculture, rice mills, domestic service, brick kilns, fields and sericulture.

And this brings us to a fundamental question what is forced labour? Article 2(1) of the ILO's Forced Labour Convention 1930 defined forced labour “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”.

The report says that India was the first country to acknowledge the problem of bonded labour. Under the Bonded labour System (Abolition) Act of 1976, the Indian Government reported 4,856 prosecutions until August 2004 probably a figure that no other country can match. However, conviction figures of these prosecutions are not available. Even the number of prosecutions does not seem as impressive when compared to the actual number of bonded labourers in the country. The Government traced 2,85,379 instance of bonded labour as of March 31.2004 of these 2,65,417 persons received rehabilitation assistance. The remaining (nearly 20,000) could not be traced or had died.

The process is complicated by the prevailing confusion over what constitutes bonded labour. Indian courts tend to favour as expansive
definition even saying that non-payment of minimum wages constitutes forced labour. The ILO definition suggests otherwise unless there is a "severe violation of human rights and restriction of human freedom" in the employment conditions. According to this definition, low wages or poor working conditions do not necessarily constitute, forced labour, nor does pure economic necessity.

This said the report assert the efforts are insufficient: the resources allocated are insufficient and there is no provision for alternative livelihoods in the long term. Naturally, many released persons relapse into bondage. There are success stories as well, though. In Shivpuri district of Madhya Pradesh for example 11 families were freed bondage and give lease rights to a quarry. The district administration implemented parallel support schemes, including a land grant together with provision of equipment and a school. This has led to a remarkable increase in family income for these workers, says the ILO report.

An anti-child labour activist and 2003 Magsaysay award winner Shanta Sinha explains in the detailed report "From work to school : A Note on universalization of Elementary Education, pulling children out and throwing them into school, thereby, breaking the generational chain in bonded labour, could be an option. Involve teachers, parents, panchayats (Village Councils) and local organizations and free children form bonded labour the report urges.
Apart from the global and regional overview of forced labour today, the ILO report also makes another crucial point on the changing of face of forced labour in the light of globalization.

With increased global competitiveness, there is pressure on suppliers to reduce costs by all available means, cutting labour costs in the most workable solution they have. In addition to this the increased supply of migrant workers and deregulation of labour markets also serve to blur the boundaries between formal and informal economies.

This is also the force that drives the increasing feminization of forced labour. Women and girl represent 56% of forced labour victims. In forced commercial sexual exploitation an over whelming 98% are women and girls the report says.

Another historically, the situation of women and children in forced labour have received little attention, they are far more vulnerable than men in such situations. The system of indirect bondage women and children bonded through a male member of their family is an example. They are also subject to excessive workload. Often forced into domestic service as part of the arrangement. This aside women and children are especially vulnerable to physical and sexual abuse. The report says that women are often "bought and sold" when landlords agree on transfer to debt. Needless to say, the women herself is not consulted in most cases.

Forms of coerced prostitution are also examined. An example is the "Chukri" system in India, where women are forced to work without pay
for a year or more in order to repay a "supported debt" to the brothel owner for living expenses. In the South Asia-Pacific region as a whole, through commercial sexual exploitation constitute less than 10% of the Victims of the forced labour.

But what is the way forward? It is unrealistic to believe that an emphasis on law enforcement alone can eradicate deeply embedded structural problems, Caroline O Reilly senior specialist, and special action program to combat Forced Labour. ILO Geneva explains “Employees are part of the problem, but they also have to be part of the solution”.53

2.5.9. One-Fourth of Female Population Constitutes Women Labour,
Majority of Organized Sector Women Workers Employed in
Community, Social Personal Services Sectors:

According to the 2001 census, there are 127.22 million women workers in the country. They constitute 25.60% of total female population of 4% million in absolute terms and majority of women workers are employed in the rural areas. Amongst rural women workers, 87% are employed in agriculture as labourers and cultivators. Amongst the women workers in the urban areas. 80% are employed in unorganized sector like household industries, petty trades and services, building and constructions etc. The employment of women in the organized sector (both public and private sectors) as on 31.3.2002 was about 4.935 million constituting 17.8% of the total organized sector employment in the country Majority of

53. GS Ajitha, 5th June, 2005 (By Arrangement with Women Feature Service).
women workers in this sector continue to be employed in community social and personal services sector. The lowest employment of women has been noticed in the electricity gas and water sectors. In factory and plantation establishments women workers constituted 10% and 5% respectively which in mine establishments they constituted 5% of the total workers in 2000.

Although the women workers constitute a significant part of the country work force, they lag behind men in terms of level and quality of employment. In order to improve their wages and working conditions, to enhance their skills and to open up for them better employment opportunities as well as to strengthen their bargaining capacity, the government has enacted several legislations. These include the Maternity Benefit Act, 1961 and the Equal Remuneration Act, 1976 to protect and safeguard the interest of women workers at the workplaces. The Equal remuneration Act, 1976 prohibits any gender discrimination in recruitment, wages and service conditions. Under the Act, a Central Advisory Committee has been setup at the centre to advice the government at the national level on providing increasing employment opportunities for women und generally reviewing the steps taken for effective implementation of the Act. The State Governments and UT Administrations have also setup similar committees. The Government has also taken up a number of initiatives to give effect of the guidelines and norms laid down by the Supreme Court for preventing of Sexual harassment of women workers at work places.
A separate women labour cell is functioning in the Ministry of Labour and Employment to address these problems. The women cell is so administering a grant-in-Aid Scheme through NGOs for running projects for awareness generation among women worker-with a view to educate them about their rights and also about various women related schemes and programmes run by the central and state governments.54

2.6. **Unorganized Sector Workers Social Security Bill and Notification of Suitable Welfare Schemes**:

The 'Unorganized Sector Workers Social Security Bill, 2007' has been introduced in the parliament. This was stated by the Minister of State (independent charge) Labour and Employment *Sri Oscar Farnandes* while addressing the Parliamentary Consultative Committee attached to his Ministry. *Sri Farnandes* said that the proposed legislation entails constitution of tripartite Social Security Advisory Boards at the National and State levels. He said that the proposed legislation also provides for formulation and notification of suitable welfare schemes for different sections of unorganized sector workers both by the Central and State Governments. These schemes would pertain to life and disability cover, health insurance and maternity benefits and old age protection. *Sri Fernandes* said that the proposed legislation has been drafted by the Ministry of Labour and Employment after deliberations at various levels. He said "In pursuance of the Commitment made in the National Common Minimum Programme for ensuring welfare and well being of workers...

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particularly those in the unorganized sector) the Prime Minister took a meeting on 18.11.2005 in which the Committee of Secretaries (CoS) Chaired by the Cabinet Secretary was directed to verify the number estimate, possible contribution of the government of India, list out various issues relating to modalities of implementation and collect and evaluate various state level initiatives.

Referring to various welfare schemes for beedi workers, Sri Fernandes said that under the Education Scheme Rs.78 crore has been provided in the current year's budget to meet the increasing demand for scholarships to the wards of beedi workers. He said that during last year scholarship amounting to Rs.40 crore were disbursed to 4.7 lakhs students. Sri Fernandes also said that the housing scheme has been revised. It shall now be implemented through welfare commissioner of labour welfare organization. The Minister said that under the revised scheme, workers contribution would be taken only after administrative approval and not at the time of submission of application as was the practice earlier. He said that last year sanction was granted for construction of 18,808 houses.

The Members appreciated the services being provided to beedi workers under various welfare schemes. He said that there are more beedi workers than the official estimate of around 50 lakh. Some members wanted that a countrywide. Survey should be conducted to idenlify all beedi workers. It was suggested that multiple agencies should be engaged for their identification and identity cards should be issued to all as early as possible. The Director General Labour Welfare informed the Members that
the welfare Commissioners have been directed not, to insist on employer's letter for identification of beedi workers as was the practice earlier.

Regarding the Unorganized Sector Workers Social Security Bill themselves wanted that if should be more comprehensive. They said funding and benefits should be defined. One of the Members said that the Centre should provide 2% of GDP for unorganized sector workers. Sri Fernandes assured the Members that their suggestions would be actively considered.

The members of Parliament Shri Gurudas Dasgupta, Shri Rajandaran, Shri Bapu Hai Chaur, Shri Rajnarayan, Shri Dewa Narbula, Shri Narayan Singh Kesari and Shri Ashok Pradhan as well as the Secretary Labour and Employment Shrimati Sudha Pillai and senior officials of the Ministry participated in the meetings.\textsuperscript{55}

The bonded labour system stands abolished throughout the country with effect from 25\textsuperscript{th} October, 1975 with the enactment of Bonded Labour System (Abolition) Act, 1976. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It made the practice of bondage a cognizable offence punishable by law.

The Act is being implemented by the state governments concerned with a view to supplement the efforts of the State Governments, a Centrally Sponsored Plan Scheme for rehabilitation of bonded labour was launched by the Ministry in May, 1978. Under the Scheme, State

\textsuperscript{55} Ministry of Labour and employment MLD:LK : L-82 (Social Security Bill) (18.07.07)
Governments are provided central assistance on matching grants (50:50) basis for the rehabilitation of bonded labour. The said plan scheme has been drastically modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/- per identified bonded labour, further, in the case of North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution.

Besides above, the state government have also been advised to integrate in detail the centrally sponsored scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes. Such as Swarna Jayanti Gram Swa Rojgar Yojana (SJGSRY) special component plan for scheduled castes. Tribal Sub-plan etc. Accordingly, the rehabilitation package provided by the concerned state governments to freed the bonded labourers includes the following major components:

- Allotment of house-site and agricultural land
- Land development
- Provision of low cost dwelling units
- Animal husbandry, dairy, poultry, piggery etc.
- Training for acquiring new skills
- Developing existing skills
- Wage employment, enforcement of minimum wages etc
- Collection and processing of minor forest products
- Supply of essential commodities under targeted public distribution system
- Education for children
- Protection of civil rights

During the year under survey a number of legislative and executive initiatives have been taken by the government in the area of labour
welfare and social security with a view to promote, protect and preserve health and safety of the workers through the observance of the ethos and culture of tripartism. Accordingly several tripartite meetings of various committees/boards took place during the year and these inter-alia include 39th session of the standing labour committee, tripartite conference on occupational safety and health, Labour and health Ministers Conference, 39th session of the Indian Labour Conference, and meetings of a central advisory board under the Minimum Wages Act, 1948.

The Indian labour conference has unanimously recommended the need for an umbrella legislation for the unorganized sector workers. It has also recommended constitution of a high power and a multi stake holder national social security council policies and schemes. Further, it also recommended that the State Government should play a major role in the implementation of the various social security schemes. Besides there was general consensus on skill development, skill upgradation and training, formulation and annual employment plan at the national state and even district level re-modeling of employment exchanges etc. Need was also felt for creating of an employment security fund for reorganized sector workers and greater integration of the existing schemes of social security for unorganized sector workers.

62. Ibid.
The minimum amount of compensation payable under the workmen's Compensation Act, 1923 has been enhanced from Rs.50,000 to Rs.80,000 in case of death and from Rs.60,000 to Rs.90,000 in case of permanent total disablement with effort from 08.12.2000. From the same date the ceiling of the maximum amount of compensation has been doubled from Rs.2.28 lakhs to Rs.4.56 lakhs in case of death and from Rs.2.74 lakhs to 5.48 lakhs in case of permanent total disablement.63

The coverage of benefits of provident fund, family pension and deposit linked insurance has increased from 231 Crore subscribers as on 31.03.1998 and a scheme has been launched by way of a "Reinventing EPE India Programme" in order to reduce claim settlement from 30 days to 2-3 days only. A new directorate of recovery has been approved to step up recovery of provident funds dues. To facilitate easy and quick disbursal of pension to those workers who after retirement go back to their native places located in rural and far flung areas. 26000 post officers have been introduced for this purpose.64

As regards employees state insurance scheme it has, as of now, a network of 142 hospitals 43 annexes and 142 dispensaries, 2900 clinics, and 840 local offices covering 3.12 beneficiaries. The wage ceiling for coverage under the EST scheme has been increased for Rs.6,500 to Rs.7,500 per month with effort from 01.04.2004. Also there has been an increase in the ceiling of medical benefits to each insured person from Rs.600 to Rs.700 per month: maternity benefit from Rs.250 to Rs.1,000 and ceiling for

63. Id. at 4.
64. Ibid.
computation of partial disablement benefit from Rs.10,000 to Rs.30,000. Apart from these over six lakhs low paid workers drawing wages below Rs.40 per day has been exempted from contribution to the ESI scheme.65

92% of the over 400 strong work force in the country belong to the unorganized sector with no special security benefits applicable to them. In a major policy decision it has been decided by the ministry to provide social security benefits to these workers. To start with the government has introduced social security scheme on a pilot basis in 50 districts of the country from 23.01.2004. The scheme is to cover all workers in the unorganized sector getting wages below 6 thousand Rs.500 per month to be financed by the contribution from workers between 18-35 years of the age at Rs.50 per month and these in the age group of Rs.36-50 at Rs.100 per month. Wherever, the employees are identifiable their contribution shall be Rs.100 per month per worker and the government will be contributing 1.16% of the monthly wages of the workers. The scheme shall provide triple benefits to the workers:

(a) an amount of Rs.500 per month will be paid to each worker on retirement at the age of 60 years and total disablement and family pension in case of death of the worker;

(b) a personal accident insurance cover of Rs.11 lakh and

65. Id. at 5.
(c) convergence of the universal health insurance scheme for a worker and his family at the cost of Rs.548 per year for a family of five members or Rs.365 per year for a family of three members.\textsuperscript{66}

The national minimum wage has been raised from Rs.50 to Rs.66 per day with effect from 01.02.2004 on the basis of the recommendations of the central advisory board meeting held on 19.12.2003. All state governments and union territories have been asked to ensure that minimum wages in the scheduled employments is not be below Rs.66 per day under their jurisdiction.\textsuperscript{67}

Regarding child labour, apart from, continuing the existing 100 National Child Labour Projects (NCLPs) the Government has approved setting of an additional 150 NCLPs in child labour endemic districts during the 10\textsuperscript{th} plan. The memorandum of understanding signed by the Government of India in 1992 for the implementation of the International Programme on the Elimination of Child Labour in India has been extended till September, 2006.\textsuperscript{68}

Further, an amount of Rs.379.00 lakhs has been released upto 31.03.2005 to the state governments of Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and Uttaranchal for conducting of survey of Bonded Labour,

\textsuperscript{66} Ibid.
\textsuperscript{67} Id. at 6.
\textsuperscript{68} Id. at 3, 74.
evaluatory studies and awareness generation programmes upto 31.03.2005. During 2005 - 06 (upto 30.11.2005) an amount of Rs.25.00 lakh have been released for survey of bonded labourers, awareness generation etc to the government of Uttar Pradesh. An amount of Rs.420.00 lakh has been released upto 31.03.2006 to the state governments of Arunachal Pradesh, Bihar, Chhatisgarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and Uttarakhand for conducting survey of Bonded Labour evaluatory studies and awareness generation upto 31.03.2006.

A special group in pursuance of PMO constituted under the chairmanship of the Secretary (Labour and Employment) with the representatives of Director General Factor Advice Service and Labour Institute (DGFASLI). Ministries of Railways and Urban Development has inter-alia reviewed the implementation of the Bonded Labour System (Abolition) Act, 1976, by holding six region-wise meetings with the representatives of the State Governments/Uts at Kolkata, Shillong, Guwahati, Mussorie, Thiruvanthapuram and Ahmedabad during the year.

The apex court in its order dated 11.11.1997 in PUCL Vs Tamil Nadu and other has directed that the National Human Rights Commission (NHRC) to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order the central Action Group has been constituted in the NHRC. This groups of the Collaboration of the Ministry of Labour and employment is holding sensitization workshop on bonded labour at state Head Quarters to sensitize the District Magistrates and
other functionaries dealing with identification, release and rehabilitation of bonded labour.

During the year 2005–06 four such sensitization workshops have been organized.

As a result of concerted efforts made by the governments through various anti-poverty programmes, awareness, sensitization etc. the incidence of a bonded labour reported from states are declining.

Details of a bonded labourers identified released and rehabilitated upto 30.11.2006 as reported by the respective state governments and the central assistance released so far under the above mentioned centrally sponsored scheme are given in:
<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Identified and Released upto 31.03.2006</th>
<th>Identified and Released During 2005 – 06 upto 30.11.2006</th>
<th>Rehabilitated upto 31.03.2006</th>
<th>Rehabilitated during 2005–06 upto 30.11.2006</th>
<th>Central assistance provided (Rs. In lakhs) upto 31.03.2006</th>
<th>Central assistance provided During 2006 – 07 upto 30.11.2005 (Rs. In lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>37,988</td>
<td>-</td>
<td>31,534</td>
<td>-</td>
<td>850.00</td>
<td>-</td>
</tr>
<tr>
<td>Bihar</td>
<td>13,792</td>
<td>-</td>
<td>12,974</td>
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<td><strong>266680</strong></td>
<td><strong>58</strong></td>
<td><strong>6868.85</strong></td>
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(Source Director General Labour Welfare Ministry of Labour Government of India)
Table 3

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<tr>
<th>Year</th>
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<td>1997 – 1998</td>
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<td>2004 – 2005</td>
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<td>2005 – 2006</td>
<td>397</td>
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<td>2006 – 2007</td>
<td>58</td>
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<td>(Upto 30.11.2006)</td>
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</table>

(Source Director General Labour Welfare Ministry of Labour Government of India)

In spite of all these efforts, the problems still exists in major portion in many states. There are no reliable data available about the magnitude of the problem, in certain part, of the country, wife of a bonded labour was mortgaged with the landlord and could use her as a concubine. Specially, in some region of Andhra Pradesh. Tamil Nadu and Karnataka, the creditor has the right to demand debtor's wife until the last paisa was discharged. Debtors children and wife were also auctioned and purchased in market. The teenaged girls are most unsafe as they could be directly taken from Kerala to Bombay. During recent times, the rich Arabs from oil producing countries purchase teenaged girls and use them till they like.

and take away with them if they want. To be free from the grip of law, the agents perform Nikah in Bombay.70

The most shocking aspect of this institutionalized exploitation is that, a bonded labourer is more a commodity than a human being. Most of these bonded labourers are untouchables and tribals. Caste system functions as transmission belt to pass an bondage from one generation to another generation, always favourable to high castes. This feudalistic arrangement is approved by the society because it serve the interest of dominant persons who control the society. Moreover, poor mute foiling people cannot raise their voice because they remain unsupported. In most cases the debtor’s children and other heirs, have also to work for clearing the debt and thus, the slavery continues from generation to generation. Bonded labourers are bound to do things as per will of the master, it is for the simple reason that they are below poverty line and have no other alternative source of living, no status in the caste ridden society of India and often, they remain very far from the reach of literacy.

Gunnar Myrdal has beautifully pointed out that:

“All social mechanism in India operates mainly in accordance with the power structure and a select group of upper class citizens who manage to use their political will to pocket the major benefits of development and growth. In contrast, the very poor and inarticulate masses, split by caste and community allegiances are too disorganized to press their demand for fairer treatment, upon the upper strata”.

2.7. **Position of Bonded Labourer in Western Countries**:

Slavery or bonded labour problem was also in existence in gigantic proportions and popular in the western societies. Slavery akin (of a similar character) to bondage prevalent in vigour. Since America's independence, about one fifth of the Americans were black men and women of African descent and majority of them were slaves. Since English Memorial System the practice of bonded labour and slaves could be traced in England. The slaves were sold openly at the auction. At the time of Industrial Revolution in Europe, the price of slaves increased and they were the most valuable properties of their owner. Particularly at this juncture both the bonded adult and child labours proved to be a boon to the industrialists being cheap and disciplined. In the 1850s most people in the Northern America wanted to prevent the spread of slavery into the new territories as a result civil war broke out between pro-slavery and anti-slavery settlers. In 1863, the republican president of America, Abraham Lincon issued a statement proclaiming the freedom of all slaves in the areas still held by confederate forces. This statement came to be known as the emancipation proclamation and by 13th amendment of the U.S. Constitution, slavery was abolished. Poverty of the people and the greed of the landlords and money lenders made the western slave owning societies, an ideal environment for the growth of traditional form of slavers: National Socialist Germany is the outstanding example. The early Spanish and Portuguese conquerors were only too accustomed to power, which prone them to delegate excessive authority to middlemen, who were keen to exploit labourers. Thus debt bondage arose. By the beginning of the twentieth century, South
American countries felt able to claim that slavery was a thing of the past, but the evil took another form that is bondage and serfdom. Bondage and serfdom could not be geographically traced but a multitude of local variations of systems started to be practiced throughout South America, Central America and northern frontiers of Mexico. Among all the recorded ancient societies and legal systems of the world the Greek and the Roman societies manifest the clearest age-old tradition in the practice of chattel slavery debt bondage and serfdom apart from the notable feature of the practice of the bonded child labour.

Though efforts at national and international level through various covenants, organizations and charters were made to eradicate this social evil, but to no purpose. No charter, Bill of human rights or welfare legislation could provide them human dignity and decency. It all proved political stunt. The government schemes are also more on paper than in practice.

2.8. Highlights of Bonded Labour in India:

a) Bonded labourer is a form of forced-labour done due to the fear of master.

b) The bonded-labourer works or renders services in lieu of the loan or interest thereon or as a consideration for the protection a shelter given by the master.
c) Not only the loanee but his family members, not only the present generation, but the descending generations also are forced to serve the master for a fixed time or generally for life time.

d) Bonded labourer is not restricted only to adults. It extended its tentacles even to kids and womb.

e) Bonded labour belongs to the socially and economically depressed sections of the society especially scheduled castes and scheduled tribes.

f) Psychologically they think that it is not possible for them to exist independently and they totally depend upon the mercy of the masters. The habit of bondage becomes indeed a part of their very life and they cannot live otherwise.

g) Generally, the bonded labourer is not in a position to get rid of his bondage because he does not have enough resources even to fulfill his basic need and he is absolutely in a weak economic position to repay the debt. He is always afraid of his master because on refusal to serve the master, he may be debarred of the basic facilities and all his belongings may get confiscated.

h) Besides physical and economic exploitation of bonded labourers, molestation of women is also a common feature of bonded labourer system. Even it so happen that, for the banishment of bonded debt. Bonded labourers are forced to send their wives to brothel houses of earnings.
Bonded labourer class is still surviving in the exile of civilization. They do not have bare necessities of life. These weak and disabled creatures are not in a position to breathe fresh air get a bondage free morsel of food for their family and live like free men in the society enjoying human rights. They have been struggling for centuries to get rid of social, economic, physical and political bond, who like other creatures are born free but still in bondage in one form or the other: Their life, liberty and pursuit of happiness are at stake under this system of bonded labour.

2.9. Myriad Factors for the Prevalence of Bonded Labour in this Country:

Among the divergent factors, bonded labourer's ignorance is the First reason for the continuance of this evil practice in the country. Famine and floods precarious subsistence economy due to dependence of agricultural on nature, uneconomic landholdings caused by fragmentation of land and non-availability of facilities needed for agriculture causing abject poverty; expansionist and imperialist tendencies resulting in battles and wars giving scope for exploitation including sex-exploitation of captives and prisoners of war; proselytisation efforts of medicants observing celibacy to purchase children for adoption as "faguirs", the practice of donating daughter as gift to serve the deity in the temples, organized and concerted efforts of dancers and prostitutes to purchase girls for their profession; the myth of "Sudras" being worthy of manual and menial jobs only and the consideration of non-suitality of such jobs for caste Hindus; acceptance of custom of sending maid servants-with brides
in marriage as a status symbol: social sanctions accorded to dowry and pomp and show at marriage: and other rites and rituals right from the time of conceptions upto the death and even after that; prevalence of acute illiteracy and ignorance among the masses: and longing of the persons suffering from various types of oppression to seek protection of influential people in society have been some noteworthy factors. The above may be classified into economic, social, cultural, political religious, educational and gender factors.

The evil system or practice grew out of acute indigence and helplessness of tribal and semi-tribal communities in the group of precarious subsistence economy. The economic factor played an effective role for existence of bonded labour system. A minute look at some of these factors would be useful.

i. Social: In the social background of India, caste structure helped a lot for the nourishing of bonded labour. Bonded labour can be structurally identified with the scheduled Castes and scheduled Tribes. Originally the menial jobs for the society were performed by the lowest caste group, the economic character of this classification was quite revealing. The religious neutralization of Sudra and Panchama castes to serve the upper castes was supposed in give an aura of social legitimization for cementing the economic exploitation of castes ritually looked down upon. The final report of the National Survey on the incidence of Bonded Labour (Jan.

71. Singh Surendra Dr., "Towards Emancipation and Rehabilitation of Bonded Labour in India, II J. Vol. XCI, August 1976, No.8, P. 1493-94.
1981. P-17) states around 86.6% of the bonded labourers came from the under privileged sections of Harijans and Adivasis (Scheduled castes 61.5% and Scheduled tribes 25.1%). Those who were traditionally Sudra castes are regarded as Backward classes, but nonethe-class a part of the four fold system of traditionally Hindu organization, only 6.9 percent are recruited into debt bondage. Bonded labourer's origin is attributed to the sociological, category of SCs, STs and backward classes belong to the pauperized sections of artisan castes. These pauper artisans turned into bonded labourers during early urbanization period and due to close down of collage and village industries. The rest belong to the communities of Muslim caste. Hindus and Christians 2.6%. 2.2% and 0.1% respectively. Along with caste structure social customs and traditions also encouraged the bonded labour such as serving one day in a year to the head of the community, indebtedness due to payment of bride's price etc. The sanctions of the caste system have no doubt lost much of their rigour, still the impact of the traditional stigma and disabilities can be found in greater or smaller degree all over the country even today particularly in rural areas.

ii. Finance or Economic: Finance or economic inequality plays an important role of the nourishing of bonded labour system or forced labour, in all over the country. Bonded labour or forced labour is gullible. Once he is involved in debt he get always immersed in it. There are other factors which influence the bonded labour to take loan. They are absent front

73. Ibid.
agricultural work for nearly nine months in a year and consequently need to fulfill man's needs, such as, the soda obligations of marrying one's daughter or for performing the last rituals of his dead relations. Since the lower caste persons do not have enough land to cultivate and lead their lives they have to depend upon other jobs like tailoring, shoe making which are also not enough.

They wanted money not for their physical needs but for fulfillment of social obligations, for this they become indebted to the higher caste persons. The money lender doesn't demand any security. Money can be given at any hour of the day or night; in most cases, no formalities are observed repeated demands for loans are welcome by money lenders. These are methods of squeezing out money from the villagers. The loan from money lender is a trap to involve the village pauper in his tentacles and make him the bonded labourer. The creditor demands that he pledge his person and work for the creditor in lieu of the redemption of debt and interest. The main benefit to the moneylender is to secure a source of cheap labour for himself, if possible, on a long term basis. Among the bonded labourers, 19.3% have not taken a loan dejure but a close examination shows that this group of labourers ended up in bondage through inter generational bondage, child bondage, loyalty bondage through land allotment and widow bondage, 13.6% of the bonded labourers incur debt of more than Rs.1,000 whereas 12% of the fellow

77. Ibid. 16.
78. Ibid
bondsmen have taken a loan of Rs.1 to 100 and 34 percent have taken a loan of Rs.101 to Rs.500 and 21% have taken loan of Rs.501 to Rs.1000.79

The rate of interest is simply fantastic and amount to callous exploitation 39% of the respondents do not know the amount of interest they have to pay for the debt and 27% do not pay interest at all.80 All this is due to illiteracy because 90 to 94% of the bonded labourers never had the chance of getting school education and only 8.1% attended school from 1st to 5th standard. It is true that in many cases bonded labourers pay interest at the rate of 40%.81 The creditor encourages the labourers who were by his tentacles, to make more and more debts year after year and thus ensures a source of cheap labour which himself guarantee of a permanent source of cheap labour which gives the landlord in the long run big dividends is more important than simply extracting from the ridiculous rate of interest for loans.82

Other than social and economic reasons, psychologically people have brain-washed by the dominating classes. They feel that refusal to payment of debt is a sin and their salvation depends on how they served their master. Psychologically, they consider that their need is satisfied and their problem is solved because they obtain food and landlord. They cannot imagine that their labour costs more than what they are receiving. This systematic brain washing does not allow them to think have the urge to free themselves from bondage.

79. Ibid
80. Ibid
81. Ibid
82. Ibid