CHAPTER I

INTRODUCTION

The practice of bonded labour is most vile, dehumanising and barbarian. It is relic of a feudal hierarchical society which hypocritically proclaimed the divinity of man but treated large masses of people belonging to the lower rungs of the social ladder or the economically impoverished segments of the society as dirt and chattel. This system, based on the exploitation of the bulk of society, is totally incompatible with the new egalitarian socio-economic order which we have promised to build, and is not only an affront to basic human dignity but also constitutes a gross and revolting violation of constitutional values. The appalling conditions under which bonded labourers live, not as humans, but as serfs, recall to mind the following lines from Edwin Markham's "The Man with the Hoe" which could have been written with reference to the neglected and forlorn species of Indian humanity:

Bowed by the weight of centuries he leans,
Upon his hoe and gasses on the ground,
The emptiness of ages in his face,
And on the back the burden of the world.

They are non-beings, exiles of civilisation. Living a life worse than that of animals. They are driven by poverty and hunger into a life of bondage, a dark bottomless pit from which, in a cruel and exploitative society, they cannot hope to be rescued.¹ The number of newspaper reports of unfortunate incidents affecting bonded labour

¹ Sandhu Akhtari Kaus vs. Union of India, (1984) 2 SCC 802 at 805, per Bhagwati, J.
is an index of the need for action against social oppression and brutalities. Thus attempts should be made so that every bonded labourer can feel the warmth of life. History will judge our generation by the measure of the liberation of these fellow-beings, now deprived of their physical and mental freedom. In this study, the story of injustices done to the bonded labourers, the lack of rehabilitation programmes, the growing law all the world over and the increasing gap between the Indian law and its practice, and a number of related issues have been studied. The present analysis has been taken with the supposition that the bonded labourers are capable of being free, only they need social, economic and legal support to realise their freedom and potentialities.

1.00 The Concept of Freedom

The 'right to freedom' is one of the most fundamental rights of the being, since the very perception of the being depends upon freedom, which in itself is prior to the being. Freedom means emancipation of man from fear and want. The fundamental postulate of social freedom is the dignity of man. Freedom has always been the passion and inspiration, though not the inevitable destiny of mankind. Human struggle for the freedom to live a human life is an expression of the basic urge to exist common to all biological beings. Thus freedom is deemed the most fundamental of all rights. It is looked upon as the very quintessence of civilised and decent
existence, something bereft of which life would be without
dignity and honour, for only a freeman can govern himself,
and think and feel as he seems fit. Only he can give full
and fair expression to his potentialities.

But respect for the freedom of others is not a
natural impulse with most men. Envy and love of power lead
ordinary humans to find pleasure in interference in the
lives of others. The exploitation of men by other men has
existed everywhere, and everywhere creative spirits and
men of knowledge have raised objections against this evil.
However, social, economic and political mastery over the
weaker people has been supported by advancing equally strong
though fallacious arguments to continue domination over
others. The history of struggle for freedom is as hoary
and as chequered as the annals of human society. It bears
testimony to the bright and buoyant periods of upsurges and
the dark decades of eclipse in respect of the 'rights of man'.
Successive generations of mankind have struggled for freedom,
are struggling for it and will continue to do so wherever it is denied. At times the lamp of human liberty has
seemed weak and flickering and in moral danger of being
extinguished; humanity has been hurled down the abyss of
tyranny. Nearly everywhere small dominating groups have
used various techniques of power to keep their fellowmen
in subjection. But the impregnable and fertile defences of
freedom have invariably emerged, phoenix-like stronger and

2. B.R. Sharma and L.P. Choudhary. Expanding Dimensions of
effulgent; for freedom is immanent and inborn in human
nature. It is an inalienable birthright for which man
has been striving and struggling at every step.¹

The world is full of organisations and factions
trying to obtain freedom for various individuals, groups
and classes. Movements for the liberation of the oppressed
have come into existence recently in many countries and
have attracted support. Freedom is important both as a
material and as a spiritual necessity. In enslavement, man
suffers materially—being a prey to plunder—and morally—
because of the corrupt influences which the powerful master
uses to maintain his ascendency. But it is the spiritual
appeal primarily that moves the people. It is of vital
importance to a man and the community that he should be
given full opportunity to develop his powers and fill his
place worthily. In the free state, he has the best environment
for full self-development. Perhaps for this reason, freedom
has been the rallying point of those who quite often hold
opposite beliefs.

1.10 Meaning of Freedom

What is freedom? What does it connote? And what are
the prospects of real freedom? There is no general agreement
about the essence of freedom. The words freedom, liberty,

3. L.M. Singhvi(ed.), Horizons of Freedom. The Institute
of Constitutional and Parliamentary Studies, New Delhi,
1969, p. XV.
liberation and their cognates have many meanings. Abraham Lincoln, in a speech in Baltimore in 1864, recognised the difficulty of defining freedom. He said, "The world never had a good definition of the word liberty... in using the same word we do not mean the same thing." An example of a realistic definition of freedom is that given by Lord Acton at the beginning of "History of Freedom",

By liberty I mean the assurance that every man shall be protected in doing what he believes his duty and against the influence of authority and majorities, custom and opinion.  

Hayek has described liberty, "as independence of the arbitrary will of another". Freedom, he says, describes a state which a man living among his fellows may hope to approach closely but can hardly expect to realize perfectly. The task of freedom must, therefore, be to minimise coercion and its harmful effects, even if it cannot eliminate it completely.  

So, it can be said that the fundamental postulate of freedom is the creation of a climate wherein there is no suppression of the human spirit, wherein there is no denial of opportunity for the full growth of the human personality, wherein the head is held high and wherein there is no servility of the human mind or enslavement of the human body. It means the emancipation of the human spirit from the coercive constraint of fear that dwarfs human personality, prevents...
the florescence of the higher values of life, stifles the conscience, and dries up the springs of idealism. Thus freedom can be described as the status of a citizen who is not a slave or captive. Simply, freedom connotes fundamental rights.

In the movement for the protection and implementation of human rights both at the national and the international levels, the right to freedom has got paramount importance, for only a free man can govern himself, make decisions for himself, think and feel as he seems fit and he can have full and fair expression of his potentialities. Freedom also seems to be the goal of social development as the principles of economic liberalism, political democracy, religious autonomy and individualism give expression to the longing for freedom and at the same time seem to bring mankind nearer to its realisation. Thus, the abolition of external domination is not only a necessary but also a sufficient condition to attain the cherished goal; the freedom of the individual.

2.00 Embryonic Institutionalisation of Anti-Slavery Ideas

Slavery has existed in the social and economic life of all nations of antiquity such as Babylon, Egypt, China, and India at one or the other stage of development. It may assume several different forms in the course of development. It may be the result of capturing in war, it may be punishment for crime or debt. Or a man who is starving may sell himself or

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his children to buy food. Slavery was a pre-supposition of the old political theory. It was defined as a divine and beneficial institution justified by the circumstances of social existence and sanctioned by nature. It might have been, at certain times and in certain places, a necessary step in human progress but in its most developed form, it has been the cause of an enormous amount of sufferings most of which must have gone unrecorded. So, later its validity was questioned by the development of the ideas of human dignity and rights i.e., the ideas of the essential rights of human beings arising from their sheer humanity. These ideas attracted the attention of mankind from historical, philosophical and doctrinal viewpoints. Various theories, such as those of natural law, social utility, the being of man as man and the equality of all men have been preferred as a basis for human rights.

Natural law theories are galore. The natural law agreements of the classical sort developed as a result of the conflict between the privileged and the non-privileged persons in the community. John Locke, an English writer, and Rousseau, a French writer, elaborated the doctrines of natural law and natural rights, which have now become the foundation of the 'rights of man'. This idea was further supported by Thomas Paine. The idea of natural rights claims that certain norms of human conduct are right regardless of whether they coincide or not with positive law. They are not verifiable because they are derived either from religious articles of
faith or from primary postulates of reason. The social utility theory developed by Jeremy Bentham, J.S. Mill, etc., maintains those rights are genuine human rights which tend to increase the total happiness or well-being. It is, thus, said that such rights are those which constitute permanent and general conditions of human happiness. Another theory which has been used as basis for human rights is the being of man as man. It argues that human rights are owed to the individual because of the very fact that he is a man, and a man has rationality and the capability of free choice. Thus, this theory, in fact, is a reinvention of the natural law theory. Yet another theory claims that the basis of human rights is the equality of man. Its supporters argue that well-being and freedom are essential and important aspects of every human life. Consequently, the idea of equal well-being and freedom of each and every individual forms the foundation stone of human rights.

Such theories, ideas and other developments made the question of human rights a universal phenomenon. It became the hidden driving force, haunting humanity by reason of its appeal to the uneasy conscience of the age. It took the hidden force, some two thousand years to shatter the institution of slavery. Thus the western world was compelled to move from slavery to serfdom, from serfdom to feudalism, from feudalism to autocracy, from autocracy to legal equality, and

from legal equality to a social order that opened careers of all sorts for the men of talent, whatever their class. Despite these developments slavery was maintained, though as a decaying institution. Tolstoy's remark is pertinent here:

The abolition of slavery has gone on for a long time. Some abolished slavery, America abolished it and we did but only the words were abolished not the things. 10

The complete abolition of slavery is no easy matter. It is a complicated process owing to an unequal development of human societies and the existence of various forms and degrees of restrictive freedom amounting to slavery.

3.00 Slavery and Forced Labour: Role of the ILO

The exploitation of labour caught the attention of the world with the Industrial Revolution, which brought in its wake appalling and intolerable conditions of work. It was realised that these factors might eventually lead to the suicide of modern civilisation unless the exploitative tendencies were opposed. The economic necessity, the natural human longing for peace, the spirit that made men sink their differences before a common danger were bright stars in the dark horizon. So the social reformers and workers' movements of the day made efforts to highlight these injustices and to arouse public conscience. Till the end

of the First World War, the efforts for the emancipation of slaves were fragmentary, ill-organised and scattered. The social workers, philanthropists and philosophers of the day helped to build-up strong public opinion in favour of international action to regulate labour conditions.

Thus, in 1919, the ILO was established as the first international institution to carry out a positive programme for the development and protection of human rights. It was realised, 'Universal peace can be achieved only if it is based on social justice' and 'Labour is not a commodity or an article of commerce'. To obtain its objectives, the ILO has adopted different methods and means. The foremost among them is to establish international labour standards. Since 1920, the problem of forced labour has attracted the attention of the ILO. Apart from adopting direct standards on forced labour, the ILO has supplemented these standards by a number of other Conventions, Recommendations, and Resolutions designed to regulate practices which may degenerate into forced labour. Because of the efforts of the ILO in this field, the principles on which the ILO standards on the abolition of forced labour are based are almost universally recognised. Various legislative and administrative steps have been taken by the member nations to promote and implement these standards.

Effective implementation of these standards, however, continues to be undermined by certain practices contrary to the existing standards, such as debt bondage which today
Debt bondage, as its name implies, is a form of slavery created by indebtedness. It approaches chattel slavery most closely in the degree of power that it gives to a person over another. The precise status of a debtor-bondsman, whether he is a slave or a serf or neither has been thoroughly discussed by H.J. Nieboer:

Among some peoples a debtor, unable to pay a debt he has contracted, becomes the slave of his creditor. Sometimes such persons are ordinary slaves, but pawns or debtor-slaves in the restricted sense are a class whose slave-state is conditional; they become free as soon as the debt is paid by or for them; the creditor cannot refuse to accept the money...a pawn is a person placed in temporary bondage to another by the head of family, either to pay a debt or to obtain a loan... As long as the debt remains unpaid, the pawn is in the same condition as a slave. He has to perform not a fixed amount of work but to serve his master without any limitation. The master has over him a power, which in principle is unlimited. Is this pawn a slave, i.e., is he the property of his master?... We for our purpose may classify the pawns among slaves, if we can prove that sociologically a system of pawnage performs the same function as a slave system. And this certainly is the case. The same system of compulsory labour, the same subjection of the entire person exists, whether the subject are perpetually slaves or temporary pawns.11

The evil of debt bondage lies in the opportunities it presents to the unscrupulous moneylender to use his power to obtain an unbreakable hold over the debtor, which can amount to permanent slavery, either for the debtor himself or his helpless pawn. When a poor man pledges his services

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or those of his pawn to incur a debt, he or his pawn enters a state of debt bondage to the creditor. The debtor or his pawn has to work for the creditor until the repayment of the debt. The value of services rendered is not credited towards the extinction of the debt. Thus the debtor or his pawn is caught in a vicious circle of bondage. Efforts have been made both at the national and the international levels to fight the malady of debt bondage.

Today, the international view of debt bondage is unequivocal. Earlier many nations subscribing to the League's Slavery Convention of 1926 evaded their responsibilities by interpreting the Convention narrowly as referring to chattel slavery only, but this loophole has been closed now. Debt bondage has been included in the ILO Conventions on Forced Labour and United Nations Supplementary Convention on Slavery 1956 and has been declared a form of slavery. These standards provide an ample basis for bringing about the abolition of debt bondage. Though the majority of the countries have legislated against this practice, cases of debt-bondage still come to light in several regions. In India, debt-bondage has become a major problem. In the World Labour Report 2 and Reports of the Committee of Experts 1991 and 1992, published by the ILO, the problem of debt-bondage in India has got special attention.

4.00 Forced Labour and Debt Bondage:

The ILO standards on forced labour have special
importance for India because of the persistence of the practice of debt-bondage in the Indian soil. The system of debt-bondage which has come down as a legacy of the old feudal system is incompatible with the modern political and social ideologies. The efforts to regulate this obnoxious practice began during the British period. However, those measures granted only de jure and not de facto freedom to the slaves, because they were made half-heartedly. But those efforts resulted in a social awakening which ultimately took a formidable shape in our Constitution. The ILO standards on forced labour have been synthesised into an integrated fabric by the Preambulary promises and constitutional clauses of the National Charter of 1950 influenced, inter alia, by the United Nations Charter, the Universal Declaration of Human Rights and the ILO Constitution. The freedom of labour enshrined in the provisions of the Constitution has been given flesh and bones by scores of labour welfare laws, administrative programmes and judicial pronouncements. Constitutional realism and humanism converge here. The Courts, too, have adopted liberal approaches to the interpretation and implementation of the laws. Constitutional and legal clauses interpreted liberally by the sensitised courts have raised the national law to the international level especially in the field of workers' rights.

To fulfil the pious objectives of the Constitution, and to lift the masses of semi-starved, poor and
dispossessed humanity out of their traditional ruts, many steps of far-reaching importance have been taken. For the sake of convenience, the policies for the amelioration of the poor may be put under two broad categories. In the first category of policies, it was assumed that with an all-around increase in the production of the country, the benefits of growth would trickle down the poorer sections of the society as well. The second category of schemes aimed at helping the poor even at the cost of the rich. Besides, steps were also taken to alter the contours of the traditional social order. By implanting and fostering the principles of democracy, egalitarianism and secularism, by introducing adult franchise, community development programmes, and panchayati raj institutions, by abolishing the zamindari system and by mitigating the influence of the caste system attempts were made to break the old social and political hierarchies. However, these policies designed to usher in an economic revolution failed to produce the desired results.

5.00 Inadequacy of the Control Mechanism

Measures to regulate the debt-bondage began with the Britishers. However, these measures did not prove much successful, for these were not followed by any economic transformation or social awakening, affecting the life of the poor, who had been subjected to deprivation and servitude for ages. The major attempts to abolish debt-bondage were

made only after Independence. Even now the constitutional objectives of liberty, equality of status and opportunity, social justice and dignity for all remain paper rhetoric and fatuously futuristic as the raw realities of life are full of exploitation, daily humiliation and discrimination. Life conditions are the touchstone of law, not the printed articles in the Paramount Charter. The myth is that the equality of status and opportunity has been guaranteed by the state; the truth is that inequality and indignity of the bonded labourers are writ large and mar the veracity of Fundamental Rights. The Indian Freedom Struggle will remain an unfinished mission until the bonded labourers are restored to their social, economic, political and cultural dignity in reality. The battle for justice for bonded labourers must aim at salvaging the exploited labourers, equalizing their status, and organizing their role in the society in such a manner that their fair participation in all walks of life is actualized and woven into the warp and woof of public life. A new legal culture wiping out the injustices now flourishing in customary laws and practices and translating into reality the verbal mandates of Part III and labour welfare laws must blossom so that bonded labourers may contribute to the fulfilment of the nation's tryst with destiny.

Bonded labour, banned with trumpets and fanfares, hardly dies in the feudal fortresses and tribal stretches.
The law, usually blind, releases the victims from bondage, but in the absence of enough rehabilitation projects the released labourer relapses into bondage. What a self-inflicted incapacitation for a backward nation to keep a large portion of its population as bonded labour. What a shame that Brahma is cited to justify bonded labourers in chains! This perverse culture has contaminated even the working classes, who ill-use their wives and children. Karl Marx has aptly remarked on this stark reality:

Now the capitalist system buys children and young persons under age. Previously, the workman sold his own labour-power, which he disposed of nominally as a free agent. Now he sells his wife and children. He has become a slave-dealer.13

At bottom, the bonded labourers are the victims of ancient and modern law, of mythology and religion, of feudalism and capitalism thinly veneered by constitutional equalism. In public works contracts, agricultural and construction activities, bonded labourers are employed in large numbers. They are under-paid and ill-nourished. Their working and living conditions are inhuman - no creches, no toilets, no privacy, no water, no shelter. Dogs abroad are looked after better. This segment of labour suffers ugly indignities and neglect.

Jurisprudentially speaking, the Constitution of India is the cornerstone of the legal edifice of the nation. Part III abolishes inequality between all citizens and prohibits begar and similar practices. This spirit of the Constitution

has been given a concrete shape in the Bonded Labour System (Abolition) Act 1976 to prevent the economic and physical exploitation of the weaker sections of the society, for when unequals are to attain equality the dynamics of egalitarianism demand special measures for equalisation and protection. Unfortunately, as various events, research reports, news items have shown, the sooty system of bonded labour continues to persist in certain pockets of the Indian soil.

It is true that we have a sound policy framework and scores of legislative and administrative measures to ameliorate the sad plight of bonded labour. A close examination of social and economic development plans also shows that attempts have been made to bring relief to these forgotten specimens of civilization. A deep and critical analysis of the judicial pronouncements also indicates the judiciary's realisation that there must be someone to uplift the lowest of the lowly. Yet, India still finds itself saddled with an obnoxious practice belonging to a bygone era. Some defect or deficiency has been plaguing either our socio-legal control mechanism or the efforts made for the welfare of the bonded labour. The incidence of bonded labour in India is receiving increasing attention from legal and social activists, and the problem of bonded labour has become a burning issue. However, all this has neither diminished its extent nor brought its solution any nearer. The roots of the
phenomenon of bonded labour lie deep in the continuing economic and social deprivation to which these poor creatures are subjected. It is basically the product of an economic structure with unequal access to resources, which rewards ownership rather than work, and a highly stratified social structure which perpetually condemns a section of people to be virtual slaves to the rest of the society. It is on the basis of this unequal ownership of the means of production and the enjoyment of privileges by higher castes that the oppressive rural power structure is built, which virtually controls the decision-making apparatus everywhere in the country. Unless this power structure is broken and a systematic change is brought about in the given social norms and values, and the deficiencies of the national and international measures are removed, it is clear that the practice of bonded labour cannot be eliminated. What is needed is determination, dynamism and a sense of social commitment on the part of the administration to release the bonded labourers and to rehabilitate them. This ugly practice, which is a blot on our national dignity and has made our commitment to democracy and human rights a matter of serious controversy, should be eradicated immediately, so that the bonded labourers can assimilate themselves in the mainstream of the civilised society and realise the dignity, beauty and worth of human existence.

6.00 Objectives of the Study

The exploitation of the bonded labour in various
disguises and forms is a continuing phenomenon of the Indian rural scene. Moneylenders, as profiteers and exploiters, have amply affected the social and economic status of the poor by exploiting their needs and aspirations. The resultant reality reflects a series of observable changes like dwindling land holdings, dispossession of property, economic hardships to families, changing patterns of agrarian relations, changes in occupations, migration etc. The introduction of planning, community development and panchayati raj institutions along with the introduction of education, co-operatives and other administrative measures had brought varying changes in the social structure of the rural poor. Thus a scientific inquiry into the social, economic and other factors that determine the nature of labourers' indebtedness and exploitation is needed.

The main purpose of this study is to analyse the various formal and informal programmes launched to promote the welfare of the bonded labour. What are the prospects of their success and limitations? How far have these programmes been successful in regulating and eliminating the practice of bonded labour in India? The magnitude of the problem of bonded labour has impelled the researcher to examine various aspects of the bonded labour problem and to explore the possibilities of the labourer's meaningful rehabilitation; to what extent can law, administration, judiciary and other variables contribute to the process of the liberation of bonded labourers? The
fundamental object of this research is not to show the prevalence or extent of the problem, but to closely scrutinise the poignant socio-economic milieu and the gaping law-life gap. It focuses on various international and national policies, standards and programmes aimed at the amelioration of the plight of bonded labour. The study has attempted to find out the root causes of the problem of bonded labour in India. Broadly, the objects of the study are:

(a) To study analytically the growth and development of the ILO policies, standards and programmes in respect of forced labour and to ascertain the extent to which these standards and programme are in line with other international standards in the same field. To identify the deficiencies and shortcomings of the ILO policies and programmes in the field of forced labour at the institutional and functional levels. To assess and evaluate to what extent these standards and programmes have influenced the Indian labour legislation and programmes aiming at the attainment of the cherished goal of freedom of bonded labour.

(b) To analyse the varying forms of the institution of bonded labour through ages due to the interaction of political, economic and social factors. To study analytically the extent, nature and characteristics of modern debt-bondage in India, which is a relic
of the feudalistic Indian society. To observe, study and analyse the socio-economic dimensions of indebtedness in order to ascertain the basis of exploitation and its consequences. To study the socio-economic factors which sustain debt bondage and impede the elimination of this barbarous system. To analyse the various modes of exploitation and to observe how rampant indebtedness affects the living and working conditions, dignity and freedom of bonded labourers.

(c) To evaluate the policies and legislative measures for the regulation, control and elimination of bonded labour in India, and the institutional deficiencies in the policy and legislative framework. To analyse the perceptible gap between the theoretical framework and its functioning. To identify and gauge the socio-economic and other factors which have frustrated our socio-legal control mechanism.

(d) To analyse the various administrative plans, programmes and measures for promoting the welfare of bonded labour and to alleviate their poverty. To assess and evaluate the role of the administration and grass-roots level bureaucrats. How far has it been satisfactory, and co-operative? If not, what alternative methods and measures may be adopted to uproot the malady?
(e) To assess and evaluate the judicial approach to the implementation of bonded labour abolition laws and programmes. How far can the judiciary play a positive role in moulding the present legal system to suit the needs of the bonded labourer?

(f) To assess and evaluate the role of voluntary, religious, academic and social-welfare organisations in the alleviation of the misery of the poor and in the elimination of bondage. To analyse how the activities of social action groups and voluntary organisations can be harmonised to make the programmes for the welfare of bonded labour more effective, viable and result-oriented.

(g) The object of the empirical part of the research is to analyse the prevailing socio-legal control mechanism. How far has this system been successful in moulding and shaping the socio-economic milieu? What changes are necessary to make the central mechanism more effective and flawless?

(h) Last but not least, the object is to suggest, in the light of the findings of the study, ways and means of upgrading the policy postulates and legislative framework to remove institutional deficiencies, to strengthen and expand formal and informal welfare
programmes, and to ensure better co-ordination among various governmental departments, institutions, agencies and informal action groups active in this field.

7.00 Research Methodology

The present study is primarily theoretical, with some degree of empiricism in order to evaluate the efficacy of forced labour eradication programmes in India. Keeping in view the socio-legal nature of the problem, the research methodology has been chosen in such a manner as to effectively co-ordinate the data derived from various sources and to establish a linkage between them in order to highlight the issues of academic and practical interest. Accordingly, apart from the legal-historical material from official reports, journals, books, decided cases etc., the study has used the methodology of field data collection of social sciences. Thus, both legal material and field data have been used to analyse the phenomenon under study.

Greater emphasis, in this study, has been on secondary data. The existing legal and extra-legal literature available in the form of books, articles, monographs, research papers, decided cases etc. was collected, assembled and analysed to trace the development of the idea of human dignity, the ILO standards on forced labour and to assess the impact of these international measures in India. The relevant policy postulates
legislative, administrative, judicial and informal measures were analysed. To cross-check the findings of this analysis, primary data have been used.

To assess the impact of forced labour eradication programmes, it was realised that the best way would be to collect information from the persons actively involved in the realisation of the objective of freedom from bonded labour. It was felt that the purpose of the research could be better served by deploying the technique of interview schedule. In order to measure the social perceptions quantitatively two open-ended but structured questionnaires were administered to the selected sample with a view to eliciting their responses to the basic issues involved in the identification, release and rehabilitation of the bonded labourers. To cross-check these responses, a cross-section of bonded labourers was also interviewed.

7.10 Universe of the Study and Sampling

Because of limited resources, disturbed conditions in Punjab, Chandigarh and adjoining areas of Haryana, paucity of time and limiting family circumstances, the universe of the study area-wise was limited to the north-western states. To select the respondents two major criteria were adopted: (i) They should be either members of social action groups, voluntary organisations, or social activists, academics, lawyers, judges or journalists; and (ii) they should be

15. The texts of these questionnaires have been reproduced in the Appendix-A.
actively involved in the abolition of bonded labour system and the promotion of the welfare of the released bonded labourers. As any reliable data about non-governmental organisations or persons working for the abolition of bonded labour in India is not available, thus the 'quota sampling' technique was adopted. A two-stage sampling procedure was used. In the first stage, the institutions and personnel working for the welfare of the bonded labour were identified. In the second stage, the respondents were drawn from the identified population by the 'random quota sampling technique'. Similarly, the sample from bonded labourers was drawn on the basis of two considerations i.e. half of them should be released bonded labourers and half should be labourers still under the yoke of servitude. Data from all the respondents were collected through interview and observation techniques. The data so collected were codified, classified and presented in the text of the study. The data have been given diagrammatic representation too.

8.00 Plan of Study

The study has been conducted under the following rubrics:

Chapter-1 articulates the problem, examines the importance of freedom and its meaning, traces the evolution of international opinion against the exploitative practices, analyses the Indian legal perception of the freedom of labour and the reality of life indicating the
gap between law and practice. It describes the methodology of research employed and finally gives a shape to the conceptual framework of the study.

Chapter-II relating to the ILO provides an overview of the functioning of the ILO machinery in general. It analyses the origin and development of the anti-slavery movement and the interaction between the anti-slavery movement and the international labour movement. It also highlights the factors which led to the birth of the ILO. It gives an account of the organisational structure of the ILO. It focuses on the ILO standards in the field of forced labour and their implementation. It also refers to the impact of the ILO's measures on forced labour on the Indian labour scene.

Chapter-III on historical growth patterns of debt-bondage in India deals with the different forms and shapes of exploitation which have been devised according to the changing socio-economic and political scenes. It includes the analysis of various forms of servitude during ancient, medieval and modern India. It also discusses the meaning of term 'dasa' as compared with the word 'slave'. In the end, it presents a causal analysis of debt-bondage in modern India, its types and patterns, and the working and living conditions of bonded labourers.

Chapter-IV on the growth of British policy deals exclusively with British measures. It shows how changes in
economic interests influenced the British colonial policy. Whereas at first the British adopted a pro-slavery policy, later it was replaced by anti-slavery measures. These measures did not help the poor but only changed the patterns of their servitude. However, ultimately the birth of the ILO led to an embryonic institutionalisation of the efforts to regulate and combat the malady of debt bondage in India.

Chapter-V paints a picture of policy and legislative framework in post-independence India to fight the evil practice of bonded labour. It discusses in detail the constitutional policies and objects alongwith relevant provisions giving bones and flesh to those welfare-oriented objectives. It also focuses on the objectives of the Five Year Plans, 20-Point Programme etc. It discusses at length the Bonded Labour System(Abolition) Act and also refers to other labour-welfare enactments dealing with unorganised labour.

Chapter-VI on the programmes for the rehabilitation of bonded labour focuses on rehabilitation scheme sponsored by the Central Government, the plan outlay for this purpose, and the detailed guidelines issued to the States in this regard. Various poverty-alleviation programmes which ultimately aim at the welfare of the poorest of the poor have also been highlighted.

Chapter-VII analyses in detail the judicial approach
to the problem of bonded labour. It discusses how through liberal approaches the Supreme Court has initiated an anti-poverty revolution. It also critically examines the judicial pronouncements on various aspects of the bonded labour problem.

Chapter-VIII discusses the contribution of some of the social action groups in the field of bonded labour abolition, stresses their importance and role, and finally evaluates the functioning of the non-governmental and voluntary organisations active in this field.

Chapter-IX has been added to provide an empirical touch to the present study. To make the present study more meaningful, the issues highlighted in the preceding chapters have been presented to the people active in the field of bonded labour abolition. The object of this strategy is to compare theoretical assumptions with practical experiences so that more workable propositions could be evolved.

The concluding Chapter-X attempts to draw certain conclusions from the analysis of bonded labour situation in India contained in the earlier chapters. Finally, suggestions have been made so that the problem of bonded labour in India may be solved and the cherished goal of full freedom from bondage may be attained at the earliest.