CHAPTER-III

BONDAGE IN INDIA — HISTORICAL GROWTH PATTERNS

"In the early stages when humanity has not risen to the full appreciation of reciprocal rights and duties of men; when laws are the mandate of one, or of the few, for the many; when the will of the strong is the rule of the life and guide of conduct — then the necessary inequality — social, physical or mental — engendered by nature among the human race invariably takes the form of slavery and a system springs into existence which allows absolute power to the superior over the inferior."

The practice of slavery is coeval with human existence. Historically its traces are visible in every age and in every nation. Its germs were developed in a savage state of society and it continued to flourish even when the progress of material civilisation had done away with its necessity. The Jews, the Greeks, the Romans and the ancient Germans — the people whose legal and social institutions have most affected modern manners and customs — recognised and practised both kinds of slavery: prædial servitude as well as household slavery. Indian history also bears testimony to the existence of slavery as a continuous component of social and economic life since ancient times. The fact that India is a vast country, that it has passed through series of political upheavals, that its inhabitants have come from different nations at various times and have distinct usages and customs makes the study of Indian slavery

a very difficult task. Yet the use of forced labour has been a special feature in all historical phases. However, forced labour assumed different categories and sub-categories such as slavery, serfdom and debt bondage. In practice, it is extremely difficult to distinguish these categories from each other strictly, as these constantly overlapped and merged into each other. Even when the slavery was legally abolished in 1843, the element of exploitation inherent in it was continued in disguised forms through numerous devices such as estate slavery, indentured labour, debt bondage varying in forms, incidence and degree of control. Above all, what is more shameful and involves violation of human rights and denial of India's commitment to democracy is the persistence of debt bondage till today, despite the advance in civilisation through scientific inventions and dynamic technological development. To explore fully the historical growth and development of bondage in India, firstly it is necessary to analyse and understand the meaning of the word 'dasa'.

1.00. Dasa System in Ancient India

The word 'dasa' appearing in Pali and Sanskrit literature has been accepted as synonymous with the term 'slave'. But if slave is a person over whom the master has absolute control then this does not hold for all categories of 'dasa'. "The term 'dasa' encompasses all forms of servitude ranging from absolute control over a person on the one
hand to limited, conditional and temporary bondage on
the other. In fact the word 'dasa' can be best under-
stood in the light of the explanation of the situation
by Finley. He discusses that although slavery existed in
various forms throughout the Near Eastern antiquity, it
has always been a juridically impure condition frequently
taking the form of debt-bondage or penal labour among
other mixed types of servitude and constituting a very
low category in an amorphous continuum of dependence and
non-freedom. Thus, the Indian situation represented a
continuum with one status shading into another in contrast
to the polar division of the Graeco-Roman system.

Some historians literally interpret the word 'dasa'
as man. However, in Rig Veda and related literature this
term generally denotes a tribe of the Dasayus hostile to
the Aryas. By a slow and gradual process of war and sub-
jugation and also by indoctrination into the high social
and pious ideals of the Aryas, the Dasayus were absorbed
into the Arya fold in the lowest position in the chain
of society. In the later parts of Rig Veda, 'dasa' attained
the sense of a subjugated person. Some thinkers explain the
force element in the word 'dasa', by tracing its root in

1. Uma Chakravarti, "Of Logos and Kara-Saras: Service Labour
in Ancient India", in U.Patnaik and M.Dingwaney (eds.),
2. M.I. Finley, "Between Slavery and Freedom", Comparative
4. C.f. K.S. Sharma, "Conflict, Distribution and Differentiation
in Rig Vedic Society", The Indian Historical Review, July,
1977, Vol. IV, p.2; E.Belive, Ind-Europen Language and
5. Adoor, K.K., Ramachandran Nair, Slavery in Kerala, Mittal
Publication, Delhi, 1986, pp.6-7.
term 'das' which means to treat violently. This force element implies a total loss of freedom and complete control of the master over the slave.7

The loss of freedom of the dasa is also a basic feature in Pali and Sanskrit literature. "According to Digha Nikaya, a dasa was not his own master, but dependent on another and could not move about freely."8 In another context it is stated that the master has full power over his slave, he can beat or even kill him, if he so chooses.9 However, this description does not apply to all the categories of dasas, specially those coined in Mauryan and Gupta/ periods. During the Mauryan regime a new phase of labour relations emerged with growing complexity of the economy. A number of new categories of slaves were enumerated in Arthashastra. For the first time, a distinction was drawn between debt bondmen and other slaves. The former were given certain rights and privileges. They could not be subjected to perform impure work or to corporal punishment. Moreover, a pledged slave was to be remitted on the payment of the debt. It suggests that the control of the master over the pledged persons was somewhat limited. This situation is further complicated by referring to the dasa as equivalent to a wife, son or younger brother. The assimilation of dasas and shudras is a prominent feature.

of Indian society which is heavily burdened with castes. While all the shudras were considered slaves, slavery existed even among the twice born (divijayas) i.e. the people of higher varnas. Thus in ancient Indian literature word 'dasa' has a wider meaning. It applies to all kinds of servitude ranging from absolute control over the slave to limited control over the shudras and temporary and conditional control over debt bondmen.

1.10. Indus Civilisation

For historical analysis of slavery, the ancient Indian society can be divided into two parts. The first is the Indus civilisation, the evidence available for which is purely archaeological. Then comes the Aryan society for which a wide range of evidence is available in Vedic and related literature. The remains of the Indus civilisation recovered after large scale excavations present an evidence of a highly complex and stratified society. From the similarity of these remains with other river valley civilisations of the same epoch, some writers assume the existence of slavery in the Indus valley. Mackay suggests that there was a large artisan class and many slaves at Mohenjodaro. Wheeler characterises the labouring class as servile or semi-servile; while Piggot calls them coolie labour. However, Chennana’s

views on the existence of slavery seem more credible. He suggests that the hypothesis about the existence of slavery in Indus Valley must be made with a certain amount of reserve (given the fact that the seals are yet to be deciphered). Nonetheless he considers that slavery is likely to have existed and was perpetuated even after the decline of the civilisation without major changes in ideology. 13

1.20. Vedic Period

The real discussion on ancient Indian slavery begins with the Aryan society as depicted in the Rigveda. The organisation of the early Aryan society was similar to a tribal society. It was predominately pastoral with a rudimentary system of barter trade. Private ownership of the property was unknown. Manual labour was not looked down upon. In a hymn of the Rigveda, artisans, priests, doctors and arms smiths etc. are grouped together. 14 In the early sections of the Rigveda the word 'dasa' does not mean a slave. But in the course of time, when semi-nomadism gave way to agriculture, the division between rich and dependent people crystallised the word dasa implied servitude. In the later sections there are references to domestic, war, and wage slaves along with women slaves. However, there is no mention of agricultural slaves.

14. IX.112.
The first connotation of the slave as a subjugated person emerged on the Aryan arrival in India and the subjugation of a large number of indigenous dasas in the ensuing conflict. Thus in the later part of the Rig Veda, the term 'dasa' has been used in the strict sense of a slave and they have been referred in terms of wealth. It shows that during the Vedic age, slavery became established on the ethnic distinction of Aryas and non-Aryas and the number of slaves increased. However, slavery did not become an important economic and productive institution. In this epoch the status of the slave was that of a mere chattel, without any rights and privileges, depending entirely on the passion of the master, without any provision for manumission. He was not considered a human being. Even in the succeeding period, as depicted in two epics—Ramayana and Mahabharata—a dasa remained as an object under the absolute control of his master. However, an important element of the Vedic era, the ethnic distinction, disappeared.

1.30. Post Vedic Period

Slavery developed to a considerable extent in the changed socio-economic milieu of post-Vedic era as depicted in Buddhist literature and confirmed by archaeological excavations of the mid-Ganga Valley. The development of agriculture, expansion of economy, greater degree of specialisation and expansion of trade, the emergence of developed city-life and some other factors resulted in

15. D.R. Channana, op. cit., p. 64.
political and economic changes. The expansion of agriculture also changed the land holding patterns. The concentration of wealth and land in the hands of a few gahapatis gave birth to the practice of using hired labour. The rich families were unable to cultivate the land with their own labour resources. On the other hand, the dispossessed and the poor people had no alternative to selling their labour or to be enslaved in return for basic existence food. Thus, the economic change led to the social change of a more complex and stratified society.

1.31. Buddhist Period

The status and position of slaves in Buddhist society has to be viewed from two aspects. Firstly, in the oligarchies - here dasa-karamkaras supplied all the labour used in the production process. Status strictly depended on birth. All the members of the society, except the oligarchs, were considered slaves. It was a group status. The dasas were treated as out castes. They depended entirely on their masters, having no proprietary rights or protection against the unruly behaviour of the masters. On the fall of oligarchies and establishment of monarchies, slavery did not remain a group characteristic. But by the interaction of economic and similar factors it attained an individual status. A person became a slave by reason of debt, crime or conquest etc. But the change in slave holding pattern had
no modifying effect on the position of the slave. He was still an object existing at the mercy of his master.

A noticeable change in the institution of slavery in the pre-Mauryan period is the development of new categories of servitude. Whereas in the more ancient times, there were only slaves of war and debt, one can find new categories in Buddhist literature. A Pali text enumerates three types of dasas: antojata (born in the house of the master), dhanakkto (purchased slaves) and karamaranito (captured in war). These categories have been re-affirmed in a later Buddhist text 'Vidhura Pandita Jataka'. However, it refers to persons reduced to slavery through the coercion of bandits, and adds another category i.e. persons who became slaves of their own accord. These types of slaves have been illustrated by concrete examples in the Jatakas stories and by reference to royal decrees condemning criminals to servitude. Some other Pali texts such as Digha-Nikaya and Tipikata also mention these types of dasas. Pali literature also describes in detail the prevailing socio-economic conditions. It shows that with the passage of time, war became a less important source of slavery. Extreme poverty and hold of a few on the resources forced the poor to sell themselves for mere existence. Thus, regular traffic in human beings came into existence. Pali texts also depict accurately the despotic nature of the masters, the cruel treatment of the slaves, the nature of the work which the slaves had to perform and their miserable living
conditions. The data provided by Pali texts has been confirmed by parallel Jain canons and canonical commentaries, though of a later age. Jain literature mentions six kinds of slaves viz., slaves by birth, slaves bought with money, debt-bondsmen, persons reduced to slavery during famine, persons who failed to pay the fines and prisoners.

Another classification of dasas based on the nature of the activities of the slaves can be found in Buddhist literature. Male slaves have been divided into six types, viz., Dasa ka Putta (soldier slaves born in the house and full of loyalty); Dasa ka Putta (son of a slave woman); Kammantadasa (slave in a field, workshop or shop); Peshakara-dasa and Rajakadasa (slave doing the work of a weaver and washerman); Sudha-dasa (slave belonging to a Shudra) and Bhikkhudasas (monk serving as a slave to other monks). Women slaves have been divided into eight categories. Kalaadasi (a woman slave of a high family); Natidasi (a slave woman working in a rich family); Drvedasi (a woman under the spell of any god); Vanadasi (a slave prostitute); Kusabadas (a slave of a picher); Vehi Kottikadasi (a slave woman who removes the husk from rice); Dasi Cha Bharita Cha (a slave wife); and Yakkhadas (a slave yakshi). This increase in slave categories shows that with economic progress and complexity, slavery became more institutionalised and its kinds increased.

Increasing social inequalities and unlimited exploitation of slaves by fellow human beings drew the attention of contemporary religious leaders and philosophers. Lord Buddha realised this harsh reality. However, he tempered with slavery moderately. He taught his disciples to provide adequate provisions for their dases, to take care of them when they were ill, to be kind and generous towards them and not to extract labour from them beyond their capacity. He prohibited them from trafficking in human beings. He called servitude as one of the most painful miseries. However, he did not plead outright for the abolition of slavery. Ashoka, the Great also preached for amelioration rather than the abolition of slavery. Similarly Lord Mahavira exhorted for better and kind treatment of dases. These teachings of religious philosophers had a certain modifying impact on the institution of slavery and the exploitation inherent in it.

1.32. Mauryan Period

A new phase of socio-economic history emerged with the establishment of the powerful Mauryan Empire. The emergence of a unified and powerful centre exercising control over all its subjects led to the intervention of the State in the master-slave relations. For the first time protective legislation was framed for at least some categories of slaves. Partly inspired by the old Vedic tradition
of privileged Aryan community and partly by the spirit of
new humanism, the subject of slavery was substantially
discussed in Kautilya's 'Arthashastra'. With a view to
introducing some measure of precision into the definition
of dasa status, Kautilya increased the slave categories to
nine. These were the slaves captured in war, slaves born
in the house, slaves who accepted slavery for food, slaves
who were bought, slaves inherited, received slaves, pledged
slaves, slaves by judicial decrees, and those who sold
themselves as slaves. This classification, apart from
reflecting a rise in the phenomenon of slavery, indicates
the development of two important types of slavery viz.,
slaves for food and pledged slaves.

Kautilya distinguished between Aryan slaves and
Mlecchas. He considered Brahmins, Kshatriyas, Vaishyas
and even Shudras to be Aryas and the rest as Mlecchas. He
tried to check the traffic in Aryans slaves, when he said
that an Aryan could not be sold, whereas a Mleccha could be
sold or mortgaged. However, realizing the hard economic
reality he allowed the pledging of an Aryan in certain
eventualities, such as to protect his family from imprison-
ment or some other danger. It was the first duty of the
kinsmen to get the pledged Aryan released immediately, whenever
they collected enough money for the payment of the loan. The
comprehensive protective rules of Arthashastra apply to these

19. D.R. Chakravartty, op. cit., p. 69, n(d) & (e). According to a
passage in the Anguttara Nikaya (a Pali text) Mlecchas
are ignorant persons born in frontier regions.
pledged persons only. These rules include the exemption of Aryaprana (slaves of Aryan way of living) from servitude by capture in war; legal protection of slaves against maltreatment by their masters, grant of limited property rights to slaves and legal provision for the emancipation of slaves. The true significance of Kautliya's laws in the history of Indian slavery lies in their imposing for the first time restrictions on slave traffic and providing for the humane treatment as well as easy emancipation of slaves. But slavery was not abolished; it continued to flourish. The state itself was the biggest enterprise employing slaves in large scale cultivation and a variety of other commercial activities. Thus one may conclude that the 'Arthashastra' depicts the existence of controlled servitude in which the individual despotism is certainly contained, but the state has absolute control over all its subjects and is the greatest exploiter of labour.  

1.33. Post Mauryan Period

After the death of Ashoka, the Great Empire started weakening and fell under the weight of complex administration and fiscal requirements imposed on the people. The rise of small principalities led to the decline of big towns and disappearance of rich families. Cultivation by small farmers increased. Then the poor had no option but to sell themselves or their dependents. Thus, there was a great increase in the

number of slaves. On the other hand, the decline in the power of the centre led to turmoil and confused social conditions. The lower classes rose to defy and shatter the relationship between varnas and classes. But the following Suna and Gupta periods registered a rehabilitation of social values enshrined in the Brahmical system. These values were respected up to Harsha’s regimes. Patanjali and Manu emerged as the champions of the new order. 21 Their works being devoted to an attempt to re-establish the varna system (as the prevalent socio-economic conditions were in conflict with the caste system) are caste-oriented. The other prominent smiritikars such as Yajnavalkya, Brahaspati, Narada and Katyayana also have similar views on the status and rights of the slaves.

Manu was a supporter of the orthodox view expressed in the Brahmical texts, the original sources of Smritis, that shudras were born slaves. They were created by God to serve the Brahmins. Shudras could not be released from servitude as it was innate in them. The persons of higher classes could not be reduced to slavery. In order to fit the existing kinds of slavery in the Brahmical status categories, Manu has enumerated only seven kinds of slaves. He did not recognise the best two kinds of Arthashastra i.e. persons pledged or sold, as these categories developed substantially cutting across the caste barriers. The recognition

of slaves for food by Kautiliya and Manu both indicates that the poor had no option but to sell themselves on the assurance of food.

Manu's attempt to clarify and define the position of social classes was continued by other Smiritikars. The rise of indigenous imperial dynasties like Nagas and Guptas provided a suitable political and social climate for the restoration of orthodoxy. By the time of Narada, the kinds of slaves increased to fifteen. Nine of them were identical with those of Kautiliya and other six were dasas obtained through wager, apostates from asceticism, persons who had association with a dasi, slaves by declaring 'I am thine' and slaves for a certain time. The important point in Narada's classification is the recognition of debt-bondage, which was not mentioned by Manu. Like Kautiliya, Narada also referred to a limited control of the master over the pledged slaves and also dealt in great detail with the manumission of slaves. Yajnavalkya and Katayayana also held similar liberal views regarding the protection and manumission of the slaves.

An important feature of this era is the absence of slaves in agriculture and state service. The development of small principalities led to a weak money economy. Thus, the impoverished rich were not able to maintain large numbers of slaves. However, these economic changes made the poor, poorer. They had no other option than to sell themselves. Thus, the shattered economy boosted debt bondage and domestic slavery. To check the unruly behaviour of slaves, as there
was no state interference to regulate their relationship with the masters, the masters were compelled to treat them violently. The position of slaves further deteriorated. Whereas Kautilya imposed heavy penalty for engaging the pledged slaves in impure work, in the Gupta period, Narada and Katyayana reserved impure work for slaves only. During this era the caste distinction, a feature of the Vedic society, again became prominent. Whereas Kautilya tried to check slavery among Aryas including Shudras, Saritikars put stress on the inherent slavery of the Shudras and preached that slavery should be in the descending order i.e., a person of higher class could not be a slave of lower class.

These attempts were not sufficient to abolish slavery among dwijayas altogether. Debt-bondage continued to flourish through the loan of grain. By the interaction of social, economic and political factors, the village organisation and agrarian relations were not changed. The traps of bondage had a grip over a number of higher caste men alongwith lower caste groups. Many small peasants lost their holdings and stocks through poverty, incompetence, bad luck or breach of customs. Population growth also furthered the overflow of unwanted and destitute classes. Their lands came under the supremacy of big jagirdars and moneylenders. The peasants being dependent on moneylenders for their financial needs, fell an easy prey to the exploitation of moneylenders. These power-hungry persons coveted for labour supply for their lands during the peak season. They tried to draw more and
more destitute persons into their clutches. This tendency
gave a big boost to a new casta-free phenomenon of debt-
bondage. Various other forms of labour services and
interests came into existence. A form of interest called
Kayika was levied in the form of daily labour until the
payment of the principal. Here again the caste provided a
basis for differential exploitation for the Brahmanical
texts insisted that the rate of interest should be deter-
mined on the basis of the birth status of the debtor. The
exaction of physical labour for the payment of interest
made the clutches of bondage more powerful, as the chances
of the payment of the debt became remote. Thus, debt-
bondage became a basic feature of the Indian rural society.
Kosambi concludes that with the emergence of bondage, not
only through debt but also in return for interest, a
perpetually indebted working class could be assured. The
uniquely Indian phenomenon was the counterpart of the
classical slavery or feudal serfdom of Europe. 22

On one hand the weakness of political power encouraged
the spirit of sectarianism, on the other hand, the fabulous
wealth of India and its weak political organisation attracted
the Arab invaders who had the sanction of religious enthus-
iasme and political ambition. Frequent feudal wars and Muslim
raids led to large-scale enslavement of the people of a
defeated or attacked territory. The plundering of the people,

22 L.D.Kosambi, An Introduction to the Study of Indian
History, Bombay, pp. 234-35.
besides natural calamities, deteriorated the general economic condition of the masses. Thus the practice of debt bondage was further encouraged. These factors have been recognised in the legal texts of the time. The Lakhapaddhati document describes how as a result of the Muslim invasions and plunder a famine visited a village and it was abandoned. A girl unable to support herself from begging had to request people to accept her as a slave. In these circumstances the number of slaves rose rapidly and their position further declined. By this time the institution of slavery became completely conventionalised and the sale of slaves was effected and recorded by set forms, publicly. Torture and beating was the usual fate of slaves. Their general condition was so bad as to give frequent occasions for their attempting suicide.24

They were generally domestic slaves performing all kinds of duties, even the impure and base ones. The Lakhapaddhati mentions the case of a slave girl throwing away night soil. This indicates a remarkable decline in human values in this era. As in the Mauryan period, Kautilya imposed penalties for causing a slave to do impure work. Another instance is that of a Rajput girl falling at the feet of a merchant to keep her as a slave. ... This clearly indicates a change for the worse when compared with Narada’s injunction that a person of higher clan cannot be a slave to a person

23. Lalunji Gopal, The Economic Life in India, Delhi, p. 72.
24. Ibid., p. 75.
of lower castes. It violates Kautilya’s precept that an Arya should not be reduced to slavery. This position of the slaves continued without much change till the establishment of Muslim rule in India. Slaves were supposed to do all kinds of hard and menial work for their masters. Any dereliction of those duties or non-adherence to the orders of the owner of the slave was dealt with severely. The punishment given for violation of duty was also proclaimed in public before the agreement of slavery was entered into.  

2.00. Muslim Period

Arab invaders were followed by Turks in the thirteenth century. They were successful in casting the indigenous class and in establishing their own rule in the Indo-Gangetic plain. These changes at the level of political overlordship produced no drastic changes at the bottom of the hierarchical structure which comprised the masses of peasants. Yet slavery during this period acquired connotations and magnitude which were bound to effect the ruled. The new rulers were the product of a very different historical experience— one in which slavery played a major and unconventional role. The growing demands of domestic slavery also had to be met, largely, from within the subcontinent. Moreover, there also appeared a different legal code regarding slavery allegedly based on the professed belief in egalitarian ideals.  

2.10. Muslim Concept of Slavery

When Islam came into being slavery was an almost established and universally accepted institution. Realising practical difficulties in its abolition, the Prophet adopted a pragmatic approach. He forbade in strict terms the reduction of Muslims to slavery and adopted a liberal and egalitarian attitude towards the already-existing slaves. However, like Arathashastra which protects only Aryas, Islamic jurisprudence provides privileges to Muslims slaves only. The Prophet preached the liberation of the slaves on the promise of a reward in the other world for such a meritorious act. He encouraged kindness towards slaves. Mutilation of the human body was strictly prohibited. Mohammed allowed only conditional slavery i.e., of unbelievers and idolatrous aggressors, in a bonafide struggle for self-defence. He forbade the acquisition of slaves by other means. A non-Muslim could not keep a Muslim slave. He was either to be sold to a Muslim or to be liberated.

Slavery under the Muslim law was either absolute or qualified. The slaves who were under full control of their master were known as absolute slaves. On the other hand, in respect of the qualified slaves the power of the master was limited in some aspects. The qualified slaves were divided into three categories i.e., Kuketab was one who could secure his freedom by the payment of ransom; Mudabbar was to be freed on the death of his master, and Umm-ul-valid was a female
slave who had borne a child or children to her master. Umm-al-Wali was better off than the male slave for she was granted emancipation unconditionally after her master's death, no matter whether her master died in a state of insolvency or otherwise.27 Another type was of licensed slaves, they were given permission by the master to carry on trade. They could be either absolute or qualified slaves. So long as they enjoyed the license, they were responsible for all their acts.

2.20. Sources of Slave Labour

Regular slave markets testify to the widespread of slavery. These markets remained flooded with slaves presenting opportunities to the rich to buy as many slaves as they could. A constant supply to these slave markets was maintained through a variety of sources. The expensive imported slaves were generally supplied from African and West Asian countries. Bengal and Gujarat were the main centres of foreign slave trade. However, those imported slaves were not sufficient and most of the demand was met locally.

The primary concern of the rulers of the day was to extract as much as they could from the public to satisfy their ever-increasing needs. For this they either looted the already accumulated wealth or extracted tributes from

the local revenue receivers. Thus through a centralised political structure surplus labour of the peasantry was appropriated as rent- cum-revenue. A fraction of the surplus in kind was retained by local overlords as rent and the remainder was transmitted as cash revenue to the feudal state. Despite of the conflict of interests between the Government and the zamindars, the two became partners in the process of economic exploitation. If the people were unable to pay the revenue, then they were enslaved. When the state machinery was not sufficiently effective to collect revenue regularly, then to meet the financial needs of the ruling class, people were enslaved through military raids. But this system led to serious abuses, for it became fashionable to raid villages without any obvious justification and carry off the inhabitants as slaves. Despite Akbar prohibited his military from taking part in such forays. Apart from this, large-scale kidnapping of the children by robbers for sale in slave market was also prevalent.

The people were forced even into voluntary surrender to meet the economic demands of the state. They were forced to sell their cattle and property. In the last resort they had to go to the village overlord, with no option than to pledge themselves or their dependents in return for a small sum. However, debt bondage attained another startling dimension with a rise in the practice of selling the pledged

28. Moreland, India at the Death of Akbar, Atma Ram & Sons, Delhi, 1962, p.86.
person in slave market on his failure to repay the debt within the specified period. Another cause of voluntary surrender was the frequent occurrence of famines. Each outbreak of famine forced people to sell their children and dependents in slave markets. Thus all the slaves whether captured for non-payment of revenue or sold in distress ended up in slave markets to be bought and sold as domestic slaves.

The practice of the Muslim rulers and the teachings of the Prophet were wide apart. The position and status of the slaves remained the same as it was during the Hindu dominance in India. The primitive forms of castes and debt bondage reached new heights in this period alongwith a tremendous growth in the incidence of domestic slavery with the unique feature of a large number of slave concubines and eunuchs. These latter two more degrading and inhumane forms of human bondage were added by the Muslim regime.

2.30. Conditions of Slaves

However, Islamic legal theory could have no better effect on the plight of the slaves. Even in respect of the Muslim slaves most of their fellow - religionists utterly ignored the spirit of the teacher's precept and allowed slavery to flourish in direct contravention of the injunctions of Prophet. 29 The acquisition of slaves by purchase

and other means continued unabashedly. The slave trade has for long been an important business for the Muslim countries. 30

2.31. Elite Slaves

The purchased elite slaves played a very important role in Muslim history. Another glaring example of the violation of Prophet's injunction was the mutilation of male slaves by castration. Thus in practice the master had absolute power on the slaves. Even if the master was to kill his slave, he was not liable to penalty. 32 He was at liberty to use or abuse his female slaves. The chances of emancipation were very rare. In short the slaves had no legal rights whatsoever; they were merely things, the property of their owner. The latter could alienate them as he liked. In the eyes of law they were incapable of making any enactment, could therefore neither alienate nor undertake responsibilities, nor make wills; what they earned belonged to their masters. Neither could a slave appear as a witness in a court of justice.

However, the position and status of the elite slaves was enviable. Many of them held important military and political positions and some of them achieved the kingdom even. The status of these slaves has helped some writers to

reach the conclusion that Islam radically changed the position of the slaves by its liberal attitude. Ameer Ali declared that the slave of today is a great vizier of tomorrow. Maimon also insisted that the eventual emancipation of all slaves was almost inbuilt into Islamic law. Similar feelings were expressed by Lunepole. He declared that whatever might be said against the slave system in the East, it had tended to the production of greatness, and in the East a slave was often held to be better than a son.

These elite slaves were military and political agents and were considered assets. Only the element of sale was common between the two kinds of servitude. The elite slavery was the product of historical developments. By the middle of the ninth century, so alienated had the caliphal authority become from all its traditional sources of support that the Caliphs had to create a body of soldiers entirely dependent and totally loyal to them. Usually young Turkish boys were imported and trained for this purpose. Since they were the only source of the support of the Caliph, these slave boys soon converted their military strength into political clout. ——Slavery happened in this situation to be a means for building a privileged state service.

These slaves were expensive and prized commodities.

34. S.Lunepole, Medieval India Under Mohammedan Rule, London, 1903, p.64.
35. Salim Kidwai, op.cit., p.81.
There was an enormous difference between the price of the ordinary and that of an elite slave. Whereas an ordinary slave was available for ten to fifteen tankas, Ilutmish is known to have paid 50,000 jitala for a particular slave. The Sultans of Delhi continued to import these slaves for their armies, even after the fall of the Ghulam dynasty. When the import of slaves from Turki was effected by the Mongols, the Indian slaves rose to an important position. Slowly and slowly these slaves in military and administrative positions were ousted by the free born and the era of elite slaves came to an end with British Imperialism.

2.2. Eunuch slaves

In the Mughal era slaves played a less important role in economic production. But there was a great increase in forms of sexual slavery as indicated by the growing numbers of slave concubines and eunuchs. The Prophet allowed his disciples to have four wives only; however they could have as many concubines as they wished. This led to the establishment of large scale harems by the rich Muslims. These harems included wives, concubines as well as female slaves to serve them. These large female establishments had to be guarded against male contact. To protect the potentate’s prerogative, the harem was guarded by eunuchs. In a society where male honour was primarily defined in terms of a man’s exclusive

rights and control over his women, eunuchs were considered to be indispensable. As the eunuchs became main functionaries in the households of the rich people so there was an increase in one of the most cruel and degrading aspects of slavery.

The trade in eunuchs was very specialised. They were very expensive and occupied a privileged position. Even then, the number of eunuchs actually sold could not have been very large, though the actual number of the children involved must have been substantial. The mortality rate was certain to have been high after this gruesome surgery, since it was usually performed by an untrained surgeon and without regard to antiseptic. The children were stolen, kidnapped as well as purchased at distress sales for this purpose. Bengal in particular was notorious for this practice in more repulsive forms. Though Jahangir in his memoirs said that he had prohibited this practice and had imposed heavy penalties on those involved, but eunuchs continued to be a part of Muslim policy up to the time of Aurangzeb. This system came to an end only with the fading away of harems. These two kinds of slaves i.e. elite slaves and eunuch slaves were a new feature of the Indian scene and they played an important role in the medieval Indian history.

A limited number of slaves were used for a short

37. Ibid., p.92.
period in economic production, as at the time of the Turkish conquest Indian craftsmen were not trained in crafts catering to the needs of the foreigners. With the passage of time, free labour got skilled in these crafts and slave labour became uneconomical. The Turkish rule made no major changes in the Indian rural economic scene. The role of bondage in village economy continued without alteration, although a restricted slavery was allowed by the Prophet. In the Mughal Empire however its basis was wider than what strict Moslem lawyers would have been disposed to authorize. The Islamic law had little or no impact in a situation where increasing differentiation in wealth had reduced one section of the rural population into permanent bondage. Bondage was increasingly incorporated into the caste system by successive social and political theorists so that it had become an accepted part of the rural section. The local customs regarding it were accepted without much scrutiny of their legality. The practices of forced labour, debt bondage and the payment of interest through physical labour which originated during the Brahmanical era were intensified in the Muslim period. The establishment of a more powerful and unified centre in the fourteenth century increased the exploitation of the masses. They were required to pay more revenue to the state, which in turn made more and more people find shelter under the clutches of bondage. There are evidences of the presence of a permanent servile, caste-based

40. Ibid., p. 85.
41. Salim Kidwai, op-cit., p. 79.
42. Moreland, op-cit., p. 85.
labour force which was obliged to perform certain services for the zamindars.  

2.13. Domestic Slaves

The new rulers depended heavily on domestic slaves for their personal demands and needs. The urban orientation of these rulers and the increased use of money in the economy added to the demand for domestic slaves. Although domestic slavery was prevalent in India even before the arrival of the Turks, but its magnitude increased and its character was slightly changed during this period. A new feature of this era was slave households and slave concubines. Hodgson believed that in an unstable, fluid socio-political situation, where military prowess had replaced birth and lineage as a qualification for power and status, and where allegiances and alliances were shifting, the slave household was the only stable feature providing some sort of permanence to the lives of the elite.  

Slavery on similar lines was prevalent in other parts of India also. Travellers like Abdul Razak, Contiael, Barhosa have testified to the existence of slavery in Vijaynagar. It would be safe to assume that it prevailed in the Deccan also.  

44. Irfan Habib, Agrarian System of Muchal India, New Delhi, 1963, p. 196.  
46. Moreland, op. cit., p. 85.
3.00. British Period

By the time East India Company came to assume political power in India, slavery was a universally recognised institution. It was countenanced, perpetuated and legalised by both Hindu and Mohammedan laws. The life of millions of Indian slaves was a fearful ordeal, replete with every kind of suffering. Thus, slavery was taken over by the British rulers as a legacy of the indigenous administration. The establishment of British imperialism marks the beginning of a new phase in Indian slavery. Because of their special interest in India as a colony, the British added their own forms and devices to perpetuate bondage to secure their economic and political interests. The British period also signifies the start of concrete efforts to abolish slave trade, to ameliorate the condition of the slaves and ultimately for the abolition of slavery. The important forms that emerged during the British regime were the domestic slaves of the Europeans, indentured labour and various sub-categories of debt-bondage.

3.10. Domestic slaves

With the emergence of a new metropolitan white elite a new form of domestic slavery, complementing the traditional domestic slavery developed. These new domestic slaves were an object of regular sale and purchase in the open market. This gave rise to a flourishing import-export business in human
flesh. Before the arrival of the British, human trade was conducted by only Arab dealers. The increased activities of the Europeans in the Indian region gave further impetus to this nefarious trade. In 1662, the Duke of York incorporated a company for trading in Indian, Burmese and African slaves. A stiff competition between Dutch and English traders began. The main centres of the trade were the ports of Bombay, Calcutta and Madras. Half-hearted efforts of the British Government to control this trade failed, with each famine and food shortage people sold themselves and their dependents in return for food. Robbers indulged in the kidnapping of children. They sold these persons to Arab traders who were active in the Portuguese settlements of Goa, Daman and Diu and the native states of Kutch, Kathiawar, Porbandar and Sind. These Indian slaves were exchanged with African slaves (known coffrees in India), who were in great demand in European circles. These slaves were mainly captured from Mozambique, Malacca and Muscat. 47

These slaves served no productive purpose. They were considered a mark of social respect for the owner. Their main function seemed to be entertainment in a broad sense and sometimes highly specialised skills were called for. 48

The relations of the slaves with the masters were not governed by customary reciprocal ties. Any attachment of the slave with


family or a piece of land was not allowed to develop. It was also fairly impossible for such a discrete and heterogeneous group, residing in master's house under his close supervision and control to find a 'living space' and evolve an autonomous cultural life, thereby asserting their human identity over and above the status of chattel. The treatment of these slaves was far from kind. Severe punishments such as flogging, whipping, pouring cold water at dawn during winter and locking in cages were inflicted upon them.

The position of traditional domestic and praedial slaves was better than these creatures as these methods of torture were not generally applied to them. Marriage expenses of the domestic slaves in big Hindu and Muslim families were incurred by the master and their children were brought up in the house of the master. These slaves were not sold, as a rule. Their sources were purely indigenous, such as distress sales, kidnapping, voluntary bondage, marriage or cohabitation with other slaves. The relations of masters with slaves were generally warm and personal. All this does not indicate an overall improvement in the position of the slaves. They were still mere chattels, which could be mortgaged or sold like beasts and manumission was totally out of the question. Sexual exploitation was also prevalent, as is indicated by an unique custom of notional marriage of the female slaves with professional slave grooms.

49. Ibid.
50. Cf. for details, D.R. Banaji, op. cit.
These grooms visited their wives only on limited occasions and were offered possession of every alternate child of each wife.

3.20. Agrestic Slaves

Agrestic or pradial slavery has been a main feature of Indian rural society since ancient times and played an important role in the production process. These slaves were held precisely under the same tenures and terms as the land itself. Their identity was attached with the land. This kind of servitude had its origin in the Hindu caste structure, which gave absolute power to the upper castes over the untouchables. This led to arrogant illtreatment of the submerged and depressed. The exploitation of these untouchables was so widespread and well-known that in certain cases even the name of the caste of untouchables and the local term for slaves could be used interchangably. The ancient legendary accounts also confirm the theory.

The basis of agrestic slavery is the interrelationship between ritual compulsions, weak economic power of the slaves as well as the cultivation pattern. High caste people refrained from defiling work to enhance their social status, power and prosperity. For hard and menial jobs they needed highly esteemed specialists, but at the same time they wanted to avoid these persons. To strike a balance, the intercaste relations were formalised by the Jajmani system. By this institutionalisation of the relations the distance between
the castes was accentuated as well as bridged. An intricate network of rights and obligations involving mutual aid and preferential treatment was developed among the hierarchically placed groups. The bond between master and client had an element of patronage, which continued for an indeterminate time by mutual agreement. This system assured the steady supply of labour for the land-owners during the peak season without raising wages in general. The poor with their marginal resources were practically forced to comply with the terms of service which drastically reduced their freedom. Thus, they became agrestic slaves, who were traditionally dispossessed of all social and economic rights through ritual and economic domination.

Masters had absolute authority to dispose of these slaves. They could be sold, mortgaged or rented out. The prices varied with the castes of slaves irrespective of the quality or quantity of the work done. However, customs had their mitigating effect on these rights. Thus, there was no regular trade in prasodial slaves. In certain regions agrestic slavery was imposed on criminals and on free persons marrying slaves. But on the whole it remained a caste function. These slaves were given their wages in kind and sometimes a small piece of land for self-cultivation was also granted. Occasionally, they were also provided with rent-free accommodation set at a distance from the master’s house. The questions of the disposal of the slave children and the slaves belonging to
different masters were decided by village custom. No right of manumission was granted to the slaves. There was little social communication between slaves and masters because of caste barriers. In dealing with the slaves the rules of untouchability and unapproachability were strictly observed. The primary human rights were trampled upon. The slaves were required to shout loudly while out of the house, so that higher castes could maintain the required distance from them.

The slaves were denied even the remote comforts of human life. They were systematically tortured both physically and mentally. The escaped slaves were brought back and severe punishments such as quartering, cutting off the nose were inflicted upon them. Although a large number of British reports stress the mild character of the Indian slavery in comparison with world slavery, but the above discussion makes clear the misery, helplessness, poverty and ignorance of the slaves and the precarious and uncertain nature of family life due to master's absolute authority to sell or mortgage his slaves. Restricted mobility and absence of manumission further highlight the sense of insecurity and total dependence of the slaves on their masters. The lack of reasonable employment, social subjection and near impossibility of acquiring land for impure and untouchable castes ensured their weak position. In such circumstances the development of the rights and status of the slaves was totally out of the question. This miserable
condition of slaves led the British administration to pass an Act in 1843 which abolished all forms of slavery.

3.30. Indentured Labour

The prohibition of slavery was accompanied by an increasing resort to practices and institutions that attempted to circumvent prohibition. Hence substitutes like indentured labour, bonded labour emerged, where there was no ownership of the person, but the right to the ownership of the labour under exploitative conditions existed. Indentured labour system as a variant of slavery was an exclusively colonial innovation. Immediately after the abolition of slavery in 1833, a void was created which necessitated the supply of cheap labour. India emerged as the chief source of such labour. To facilitate the emigration to foreign countries rather than to regulate the employment of labour within the country, the British administration adopted a number of legislative measures. These measures regulated the recruitment, transportation and employment of coolies (as the Indian labourer were called, under the indentured system). Thus the legacy of Negro slavery was a new system of slavery, incorporating many of the repressive features of the old system. Firstly, these coolies were mainly recruited from the hilly tribes of Chota Nagpur and the Gangatic plains. Later when the demand for labour increased recruitment from South also started. In 1857

52. Ibid.
Captain Christopher Bidon wrote that, "The main flow of recruitment came from the overpopulated Tamil districts, where the landless labourers had a helpless struggle for survival. Among them, the untouchables were prominent, for their condition was virtually one of slavery under the grip of upper castes. The majority of the recruits came from Tanjore, Trichinopoly and South Arcot."

These labourers were exported to Mauritius, Burma, Ceylon, Fiji, Malaya and South Africa, from Calcutta, Bombay, and Madras. The emigration from North India stopped near 1920, however, it continued from South India on similar patterns as in the previous fifty years even in 1931. The labour conditions were unhealthy and extremely exploitative. Many of recruits, who were attracted by the mild form of this servitude in comparison with the clutches of the landlords and moneylenders, however, found later that they have exchanged one form of slavery for a more stringent and brutal one. The British Indian Government as well as the Colonies by their Labour Codes took some ameliorative steps. However, those enactments proved beneficial only for the planters and gave them a better hold over the coolies. The sympathy and force of the British Government was with the vested West Indian interests. By the interaction of repugnant practices and the sanction of the legal measures, this repressive system was

maintained for almost a century.

On the model of the export of Indian coolies to British colonies, an indigenous system of indentured labour was developed to ensure labour supply to tea and coffee plantations in Assam. To encourage tea plantation in Assam experienced planters were brought from the West Indies. The area attracted a rather rough set of planters, some of whom had been slave drivers in America and had carried unfortunate ideas and practices with them. These planters were given certain incentives. The crucial among them was the assurance of cheap labour supply. The indifference and lack of labour in Assam and its isolated position made it necessary to import labour from other states. The emigration of indentured labour in Assam began near 1859 under the free contract system. The contractors used semi-forced methods of recruitment. The abuses of the free contract system of recruitment were so grave that it met with severe protests from various quarters. The contract terms were generally misrepresented to the coolies to attract them to sign the contract. The mortality of labour in transit was appalling. The horrors of slave trade pale before the horrors of coolie trade of Assam and Cachar in the years of 1861-62.

Coolies were irrevocably committed to years of virtual slavery in a foreign place. They lived under sub-human conditions and were treated worse than the beasts of burden. The

55. Hugh Tinker, op. cit., p.84.
contract terms regarding hours of work and payment of wages were not respected. The Government took no measures to ensure their implementation. However, a number of enactments were passed to provide a legal basis to this system and to ensure unhampered labour supply for unhealthy and tough tea plantations. Through these enactments, planters were granted absolute powers over the poor helpless and needy persons. With the passing of Indian Emigration Act 1837, this system got a legal basis. Although this Act was adopted to legalise the recruitment of Indian indentured labour for plantations in British colonies, yet the Assam planters took full advantage of this Act. The hold of the planters over the workers was further tightened by sections 480 and 492 of the Indian Penal Code as well as by Workmen's Breach of Contract Act, 1859. The application of the Act of 1859 was extended even to the engagement of the time-expired labourers through vile practices and interpretations. The coercion element in tea plantations became so blatant and naked that in 1861, the Government of Bengal appointed a Committee to inquire into the matter. Consequently, an Act was passed in 1863 to improve the condition of the plantation labour. However, this Act left many abuses unmitigated. Another amendment came in 1865 whereby the period of contract was reduced to three years from five years. Minimum wages were fixed, provisions were made for protectors and the contract was made voidable in case of unhealthy labour conditions.
But the exploitation of plantation labour continued. The wages fixed were only about one third of those paid to coolies indentured for overseas colonies. Even these wages were not fully or regularly paid. Out of the wages, rent was deducted for the piece of land granted to the labourer for self-cultivation. This Act helped the planters to fully establish the indentured system. Desertion and indolence on the part of the workers were made punishable by law.

Planters were empowered to arrest the runaway coolies without warrant. Even after 1865 amendment scarcity of labour and its abuses including high mortality among recruits continued. The Tea District Immigration Act 1883 further helped the planters, by authorising uncontrolled recruitment without licence. The rise of trade unionism, the unrest among labourers and the exposure and criticism by Indians compelled the Government to adopt measures for mitigating the control of planters. Thus, between 1870 and 1901 the Act of 1863 was revised several times for the benefit of the coolies.

But the gross abuses continued, especially in connection with the administration of the penal sanctions of the law. The terms of Workman’s Breach of Contract Act were modified in 1920. The system of indentured labour which was modified by the 1906 amendment was completely abolished by Assam Labour and Immigration(Amendment)Act, 1925. The Workman’s Breach of Contract Act as well as the two relevant sections of Indian Penal Code which made the neglect of duty by workman an offence were also repealed in 1926. Though the indentured
system and the penal sanctions were abolished, but there were certain other loopholes in the law. The tea industry continued to import labour up to 1960, when Industrial Committee of Plantation decided to impose stringent penalties for illicit recruitment from outside.

Another variant of slavery which was supported and given a more stringent and novel shape by colonial regime was forced labour. The poor people were seized and uprooted from their places of inhabitation not only for public works such as building roads, repairing irrigation projects, but also for the personal services of the Government officials. Reports from Punjab, Assam, Bombay, Northern Western Provinces, Oudh, Bengal and the Central Provinces describe how Provincial Governments unhesitatingly set up press gangs and used virtual corvee labour on public works.\(^57\) The violation of the basic human rights and sub-human treatment of these forced labourers was too rigorous to be tolerated even by the Indian labour. In Wynad district in Malabar, such exploitation led to an uprising in 1812. In 1820, a Government official was grease by armed tribesmen in protest against this custom.\(^58\)

3.40. Debt Bondage

But the most important category of servitude that developed to tremendous heights during the British period was debt bondage. It coexisted and often overlapped with formal slavery before its abolition. Afterwards this through\(^57\), Sankar, op. cit., p.117.

various devices slavery was metamorphosed into debt bondage. Various features of Indian debt bondage such as heritable status, relationship with agricultural labour and impure castes and untouchables bring it near to slavery, particularly agrestic slavery. In most of the contemporary descriptions of the agrestic slavery there are reference to a special category of debt slaves or debt bondage and both the categories are used interchangeably. According to Breman, all forms of agricultural labour in traditional society were characterised by some kind of bondage which offered a wide spectrum. Patel confirms the view when he says that bonded labour is a form of landless agricultural labour. Lower castes of the village were required to practise their skills for the village in exchange for a share of the total village produce. The economic position of these castes was so weak, that they were unable to break this system, they were dependent for their financial needs on the higher castes. The inheritance of debt, highly cumulative interest, the family and caste systems, specific payments and work obligations and spatial immobility made these indebted workers extremely similar to the Kasias in the Jajmani system.

Debt bondage was prevalent in all parts of India such as Bengal, Bihar, Rajasthan, Orissa, Central India, Uttar

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60. Ibid.
Pradesh, Eastern Indian States and Malabar. A Governmental Report of 1887 commented that forced labour for landlords prevailed all over the country and was a recognised form of tenancy which legislation would be powerless to remove. This system of debt bondage imposed heavy penalties on the debtor for a paltry sum of loan and exposed him to dehumanising atrocities and exploitation and operationally made him to resemble a slave to remarkable extent. To the utter shame of Indian democracy, this wretched institution was not only a feature of colonial India, but exists to a vast extent, with slight modification, even today.

4.00 Debt Bondage in Modern India

The pernicious practice of bonded labour is deeply entrenched in socio-economic structure of modern India. This practice characterised by feudal and semi-feudal conditions, hierarchical caste-system, abject poverty, ignorance and social customs combines the worst features of exploitation. The subsistence needs or social obligations compel the poor to mortgage their labour for a paltry loan or advance. This leads to a vicious circle of 'debt-bondage', which may continue over-generation. Deprived of basic human rights (freedom of movement and freedom of seeking employment) subjected totally to the mercy of the moneylender or landlord, bereft of bargaining power, devoid of any property

64. Report on Forced Lab ur 1887,1084/P and J/6/305, June 1887, Note by Home Secretary, Govt. of India (J& P 1146/87) Dated Official from Private Secretary to Governor General, 9.4.1887.
and themselves being the property of their masters, the bonded-labourers seek opportunities to survive. 96.6% of them belong to Scheduled Castes and Scheduled Tribes. 65 Literally millions of workers are underpaid and held in bondage, all over the country under different nomenclatures. Most of the bonded-labourers can be found both in the agriculturally forward and backward areas. Bonded-labour can also be seen in stone-quarries, brick-kilns, construction sites, forestry, carpet weaving, fishing, bidi-making, match work etc., which also engage migrant and/or child labour. 66 The bonded labour can also be found within the framework of the legally valid contractual employment. According to the twenty-seventh round of National Sample Survey, a majority of the regular salaried employees/wage labourers are probably bonded. This is also confirmed by the surveys carried out by Reserve Bank of India and reports on forced or bonded labour of the Commissioner for Scheduled Castes and Scheduled Tribes. 67 The bondage and exploitation as was prevalent among the tea plantations of Assam is being practised on migrant labour in Punjab. 68 From the viewpoint of social justice, human rights, democratic and egalitarian

values, the bonded labour system is very exploitative, anarchistic, violative and destructive of the dignity of human labour.

4.10. Meaning and Definition of Bondage

For a complete analysis of the malady of debt bondage is it essential to understand the meaning of bonded-labour. The dictionary meaning of 'bonded' is one who is placed in bonds. Bond means imprisonment, something restraining physical freedom. Thus according to the dictionary meaning bonded labour system represents the restraints on bodily freedom of the labourer through an agreement between the master and the worker. In India, practically, bonded labour is the culmination of the debtor-creditor relations into the master-slave relationship. In a report, the bonded labour system has been defined:

As the practice under which a man pledges his own person or a member of his family against a loan. The pledger or his nominee is released on its discharge. Until then, the man himself or the member of the family is required to work for his creditor against daily meals or low wages. Since he can save very little money, he has to depend upon some one in the family to produce the sum required for his release and this is rarely available. The relationship lasts for months and sometimes years, occasionally for an entire life time, and not infrequently reaches the male heir.69

The Bonded Labour System (Abolition) Act, 1976 defines "bonded labourer" as a labourer who incurs, or has, or is

presumed to have, incurred a bonded debt. According to the Act "bonded labour" means any labour or service rendered under the bonded labour system. "Bonded labour system" means the system of forced, or partly forced labour under which a debtor enters or has or is presumed to have entered into an agreement with the creditor to the effect that:

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community,

he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the credito
or for the benefit of the creditor,
for a specified period or for an
unspecified period, either without
wages or for nominal wages, or

(2) forfeit the freedom of employment or
other means of livelihood for a specified
period or for unspecified period, or

(3) forfeit the right to move freely through-
out the territory of India, or

(4) forfeit the right to appropriate or sell
at market value any of the property or
product of his labour or the labour of
a member of his family or any person
dependent on him and includes the system
of forced, or partly forced labour under
which a surety for a debtor enters, or
has or is presumed to have entered, into
an agreement with the creditor to the
effect that in the event of the failure
of the debtor to repay the debt, he would
render the bonded labour on behalf of
the debtor. 70

The basic features of the bonded labour system
defined under the Act are denial of freedom to participate
in the labour market, denial of freedom of movement to any

70. Section 2(g) of the Act.
part of the country, exploitation of bonded labourer
and members of his family without wages or for nominal
wages (less than minimum wages fixed by the Government in
relation to the similar labour). The system also undermines
the right of the bonded labourer to sell the product of his
labour or of a member of his family at the market value. By
an amendment of 1985, system of forced or partly forced
labour under which the contract labour and migrant labour
is required to render labour or service with similar condi­
tions or disabilities was also defined to be a bonded labour
system.

In the Bonded Labour System (Abolition) Act, the term
'bonded-labour' has been defined in clear terms not only by
naming some forms of the forced labour, but also by stating
other circumstances under which a bond would be presumed. The
parameters of bonded labour are so clearly laid down that
it has become easy to identify a person who is working under
some form of force or coercion. Only a worker doing work of
his own volition without any restriction on leaving the
job and getting at least minimum wages is not a bonded—
labourer. However, this definition has certain shortcomings,
which the Supreme Court has tried to wipe out.

In Randhwa Mukt Morcha v. Union of India, the apex
Court after close scrutiny of the provisions of the Act,
expanded the definition of 'bonded labourer' to its logical

end. The Court observed:

Whenever it is shown that a labourer is made to provide forced labour, the court would raise a presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is therefore a bonded labourer. This presumption may be rebutted by the employer and also by the State Government if it so chooses but unless and until satisfactory material is produced for rebutting this presumption, the Court must proceed on the basis that the labourer is a bonded labourer entitled to the benefit of the provisions of the Act. 72

The Court repelled the formal, rigid and legalistic approach of the State Government. It directed the State Government to apply the presumption of the bonded labour test and thus extended the meaning of term bonded labour so as to include begar and forced labour as well. This stand was reiterated in Neeraia Chaudhary v. State of Madhya Pradesh. The Court observed:

Whenever it is found that any workman is forced to provide labour for no remuneration or nominal remuneration the presumption would be that he is a bonded labourer unless the employer or the State Government is in a position to prove otherwise. 73

In the light of the definition of bonded labour provided by the Supreme Court, it is desirable to amend the definition of 'bonded labour system' given in the Act. The amended definition should cover instances of forced labour under social customs with an agreement or a presumed agreement, but which may not have an element of bonded debt.

72. ibid., at p.827 per Bhagwati, J.
It is further submitted the definition of ‘bonded labour’
given by the Supreme Court has its own loopholes. It declares
that a labourer is paid no remuneration or nominal remunera-
tion, the presumption would be that he is a bonded labourer.
Nominal remuneration can only be determined in comparison
with the concept of ‘minimum wages’. But the quantum of
‘minimum wages’ has not been fixed satisfactory, apart from
the fact that the norm of ‘minimum wages’ has remained
unenforceable in large parts of the country. Especially in
agricultural sector, during the slack season the wage rates
tend to fall much below the minimum. Not only the endless
labourers but even the marginal farmers offer their labour
at these low wages. Thus a large part of rural labour can
be categorised as bonded labour. So the question arises
whether the payment of less than a ‘minimum wages’ is a sign
of debt bondage or of the market forces which govern our
economic system. Thus to give real sense to the definition
of the bonded labour, the concept of ‘minimum wages’ has to
be made realistic.

4.20. Magnitude of Bondage

Today the bonded labour system is largely prevalent
in Indian society. However, its extent and magnitude like
black money is indeterminate. There has been no comprehensive
survey to determine the incidence and extent of bonded labour.
The estimates of total number of bonded labourers in different
States of the country as presented by various institutions, organisations and committees vary significantly. The first major survey on incidence of bonded labour was undertaken by Gandhi Peace Foundation and National Labour Institute in 1978-79. This survey covered the ten States of the country and estimated the total number of bonded labourers to be at 26.17 lakhs. The National Sample Survey Organisation in the 32nd Round (July 1977 – June 1978) estimated the number of bonded-labour at 3.45 lakhs.

The nine State Governments gave an estimate of about 1.21 lakhs in March 1980, which has gone up to approximately 2.55 lakhs by March 1991 for 12 States. The details of these surveys are given in the table below:

**Table-A**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>State</th>
<th>Estimate of Bonded Labour</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>As identified</td>
<td>As estimated by NSSO</td>
</tr>
<tr>
<td></td>
<td>and freed</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Andhra Pradesh</td>
<td>33,954</td>
</tr>
<tr>
<td>2.</td>
<td>Assam</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Bihar</td>
<td>12,492</td>
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<tr>
<td>4.</td>
<td>Gujarat</td>
<td>64</td>
</tr>
<tr>
<td>5.</td>
<td>Haryana</td>
<td>544</td>
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<td>6.</td>
<td>Himachal Pradesh</td>
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</tr>
<tr>
<td>7.</td>
<td>Jammu &amp; Kashmir</td>
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(contd.)
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<th>Name of the State Government</th>
<th>No. of bonded labourers identified as on 31.1.1991</th>
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<td>Bihar</td>
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<td>Karnataka</td>
<td>68,876</td>
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(contd.)


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<th>State</th>
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<tbody>
<tr>
<td>4.</td>
<td>Madhya Pradesh</td>
<td>12,535</td>
</tr>
<tr>
<td>5.</td>
<td>Maharashtra</td>
<td>1,382</td>
</tr>
<tr>
<td>6.</td>
<td>Orissa</td>
<td>49,913</td>
</tr>
<tr>
<td>7.</td>
<td>Rajasthan</td>
<td>7,300</td>
</tr>
<tr>
<td>8.</td>
<td>Tamil Nadu</td>
<td>38,347</td>
</tr>
<tr>
<td>9.</td>
<td>Uttar Pradesh</td>
<td>27,489</td>
</tr>
<tr>
<td>10.</td>
<td>Gujarat</td>
<td>64</td>
</tr>
<tr>
<td>11.</td>
<td>Haryana</td>
<td>544</td>
</tr>
<tr>
<td>12.</td>
<td>Kerala</td>
<td>823</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>2,55,608</strong></td>
</tr>
</tbody>
</table>


None of these surveys presents the real picture of the magnitude of the bonded labour problem. Due to the difference of definition, approach and coverage, these agencies have provided divergent figures on the problem. All the States do not figure in the estimates of these agencies. The State Governments have collected information on the extent of bonded labour through the Surveys of Revenue, Labour and Social Welfare Departments. These preliminary surveys suffer from incomplete identification and coverage. Some of the States and Union Territories have reported no incidence of bonded labour. The Programme Evaluation Organisation of the Planning Commission, in its Final Report on the Evaluation of Centrally Sponsored Schemes...
For Rehabilitation of Bonded Labour, 1984 also recognised the shortcomings of these surveys and stressed the need for fresh survey. The non-governmental organisations involved in the abolition of bonded labour also do not accept these figures. Because these estimates mainly cover the incidence of bonded labour in agriculture and do not adequately cover the non-agricultural occupations where bonded elements have been noticed. A list of such non-agricultural occupations has been given in the table below:

Table-C

Non-Agricultural Occupations where bonded labour elements have been noticed but have not been adequately covered by surveys, studies, etc.

1. Stone quarries in different parts of the country.
2. Migrant labourers
3. Brick kilns
4. Joginis and Dwadasis
5. Fishermen
6. Building and road construction labour
7. Forest Labour in Orissa, Rajasthan, Madhya Pradesh, Maharashtra
8. Bidi Workers
9. Carpet Weavers
10. Pottery
11. Weavers
12. Head Loaders

(contd)
13. Child labour in match & fireworks industries, carpet weaving etc.


Swami Agnivesh, President Sandhna Muktta Morcha in an interview with the researcher alleged that there are about 15 million bonded labourers in India. Out of which 10 million are the adult bonded labourers and 5 million are the child bonded labourers. Although, these figures also seem to be on the higher side. So, there is need for a fresh survey on the census basis to identify the real number of bonded labourers.

The estimates of bonded labour by Gandhi Peace Foundations, State Governments and in the 1979 Report of the Sub-Committee on Bonded Labour, set up by the Central Standing Committee on Rural Unorganised Labour which referred to some 2 million bonded labourers, have been sent to the ILO by Government of India, in its reports under Convention (No.29). However, ILO's Committee of Experts on the Application of Conventions and Recommendations did not accept any of these estimates. Because there had been wide variation in the interpretation of the scope of the Bonded Labour System (Abolition) Act, and all these estimates were made before the adoption of the amendments of 1985 and Supreme Court's judgement in Bandhua Muktta Morcha case. The Committee of Experts considered that the methodology applied in these surveys is based on extrapolation of sample not adequately
representative. The Committee also considered the report of the Commission appointed by the Supreme Court on working conditions of child labour in carpet weaving industries of Mirzapur. It also took note of the Report of the Working Group on Contemporary Forms of Slavery, which referred to the information submitted by the Anti Slavery International that debt bondage affected almost 5 million adults and 15 million children. The Committee, therefore, has urged the Government of India and State Governments to avail themselves of the large and developed infrastructure existing in the country for collection of statistics on the incidence of bonded labour. Even the Working Group on Development and Welfare of Scheduled Castes during the Eighth Plan, in its report submitted to the Planning Commission has dismissed and suggestion that the bonded labour system existed only in 12 States. The Group has stressed that the system is found in other states as well in varied forms. Although there is dispute on the incidence of bonded labour. There is, however, no doubt that problem of bonded labour exists in various parts of the country, though its intensity is uneven in different areas. The details of areas of high incidence of bonded labour in agriculture are given in the table below.

Table-D

<table>
<thead>
<tr>
<th>Statement showing areas (States &amp; Districts) of High Incidence of Bonded Labour in Agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Andhra Pradesh</td>
</tr>
</tbody>
</table>


4.30 Types of Bondage

The bondage prevalent in India can be divided into various categories. It may be in the form of traditional patron-client relationship between the creditor and the debtor or may be an impersonal or technical relationship.
between the moneylender and the debtor. The bondage may be the result of a single loan or multiplicative loans taken by the worker to meet his recurring needs or he may have to work for the creditor to repay the loan borrowed by his father or grand father i.e. it may be inter-generational bondage. Sharecropping-cum-bondage represents the system when the labourer works for the master without wages and the master grants him a smaller plot of land for cultivation or as a share-cropper. If the bonded labourer dies then his widow is required to work in his place. This is known as widow-bondage. It may also arise if she takes a loan for the funeral of her husband. In some Himalayan regions the women are pledged by their husbands with the landowner on share-cropping basis to repay the debt, who earns profits by compelling these women into immoral acts.76

4.40. Patterns of Bondage

The bonded labour system which perpetuates the most vile and dehumanising exploitation is the direct and ostensible result of the socio-economic compulsions. Its roots lie deep in the acute indigence and helplessness of the poor. The debt is one of the most important obligations which force the poor to provide forced labour. Besides, there are a number of social and traditional obligations such as caste and the jajmani system, personal ties with the master.

land allotment as share-cropper, repressive measures and the lack of alternative employment which compel the labourer to work for the master. The largest chunk of bonded labourers comes from the untouchables. Its prevalence is more in the areas where there is interaction between the adivasis/Harijans and the prosperous peasant classes/higher castes Hindus. All this indicates that the root cause of bondage is the poverty which leads to the exploitation of the economically deprived classes by the landowners, rich rural classes.

The exploitation of the poor starts with indebtedness. Due to low productivity of the land in case of the small peasants and absolutely minimum subsistence wages in case of the landless labourers/and their inability to acquire money for their basic needs through the normal channels of economic activity, these classes render themselves vulnerable to the proclivities of the usurer to meet even the barest needs. These poor wretches are unable to take loan from the institutional banking system as they have no property to offer as security. On the other hand, the village money-lender is always ready to offer loans on the personal security of the labourer, without many formalities. He through his rough and ready credit system draws the credit-seeker into bondage. The poor pledges his person and services in return for a small amount of debt. In this unequal deal the money-lender determines the rate of interest, the wages,
the period of bondage, the working conditions and the debtors' right to seek other employment. Through this debt phenomenon which includes a petty amount of loan, an astronomically high interest rate, needs of the labourer for repeated loans and obligations under which he is forced to work, the bonded labour becomes for him a self-contained and self-perpetuating system. He is attached for life and the door for his retreat to freedom is virtually closed. On his becoming physically weak or handicapped or on his death, the master seeks an alternative from the family. Thus the bondage persists from one generation to another. It turns out to be a hereditary tie between the two patrilineal descent groups. This unequal exchange gives to the rural rich enormous economic benefits such as cheap and assured labour, better terms for leasing out land, benefits through distress sale, and acquiring the poor peasants' land for almost nothing.

Apart from these economic compulsions, bondage has ritual, social and political aspects too. The system of bondage exists as the most rigorous and exploitative version of the jajmani system and governs the relation pattern between two crucial elements of village economy, the landowning higher castes and the landless labourers of the lower castes. As an apparatus of social stratification, it allocates duties, and induces these classes to perform their duties required under the system. "The arrangements as institutionalised under the bondage are conducive to the systematic maintenance of the hierarchical order, which is ascription oriented and is the
prototype of the rigid social inequality.*77 The notions of purity and pollution and the concept of sacred status, the special features of Hindu caste and social organisation, have given birth to this type of bondage. The religious dichotomy between the pure and the profane determines the relations between persons according to the nature of their professions. In such a system of stratification leisure becomes a symbol of high social status. The upper castes possess land but they refrain from ploughing it, while the lower castes do this menial job for them.

The lower castes are not allowed to own or lease land. They have to depend on the land-owners for their employment as wage workers, share-croppers or both. They get work only during the peak agricultural season. Consequently their income is both low and fluctuating. In the absence of alternative employment opportunities to save themselves from starvation, these poor wretches carry out all kinds of work for the higher castes in return for mere subsistence meals. Thus a significant number of landless workers barter their honour and freedom for bondage as a source of security. This type of bondage is a social obligation and is based on reciprocity and mutual interest. The bonded labourer takes it as a social liability to serve the landlord by virtue of his property ownership. He also considers the bond as a security and personal obligation of the landlord. He claims debt from the landowner as a hereditary right, while the master is under

77. Anil Lal, op.cit., p.83.
traditional obligation to make payment.

In the interior parts of the country, village community had granted approval to this institution of bondage. The Village Panchayat generally decides the disputes between the bonded labourer and his master. If the labourer refuses to work occasionally, he is subjected to penalties for this offence. If the labourer remains tough, then the master with his intimate contact with rural sharks and the local functionaries brings pressure on him and tries to implicate him in a false case. The Hindu caste and religious system also perpetuates this system. Most of the bonded labourers are untouchables and tribals. The caste system functions as a transmission belt to pass bondage from one generation to another, always in favour of the high castes. According to the Varna system, the Shudras have been placed at a very low stage of the society. All the hard and difficult jobs are extracted from these half-starved people. These persons serve the higher castes because of their low economic position and indebtedness. The rich have created an atmosphere which had such a psychological effect on the minds of the poor and down-trodden strata that in case of failure to repay the debt or serve the higher castes, they would be accountable to the Almighty after death.

This system of bondage has a ritual aspect too. In some places, the bonded labourer through a milk-taking ceremony on a fixed day every year, confirms his oath to remain attached.

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to his master. The economic power not only allows the rural rich to dominate over the economic activities of the area, but also makes them politically very powerful. They claim the benefits that flow in the area in the name of the 'development activities' or welfare of the rural poor. The landlord-moneylender-bania combine has complete social and cultural dominance over the bonded labour. The workers respectfully refer to the rich owner as malik (master). Most of the quarrels among the poor are settled according to their whims. For all practical purposes, they are a law. In essence, the system of bondage reflects the political, economic and ritual dominance of the traditional elite.

The question of bondage is not merely economic and social, even though the victims, by and large, are from the Scheduled Caste/Tribes at the very rock bottom of the socio-economic order. Also important is the fact that the phenomenon of the existence of bonded labour is the erosion of human rights of the vast bulk of the population in a democratic society. The system perpetuates not only inter-generational servitude, poverty, and subjects the bonded labourer to economic plunder by way of loss in wages and loss in the sale of his product or property/the labourer is subjected to various forms of physical exploitation also.

even loses his freedom of movement and freedom to choose employment or a vocation.

4.50. Conditions of Work

A bonded labourer has to work under very hard labour conditions. Generally a bonded labourer is engaged to perform agricultural duties. But in practice, he tends to be a domestic servant or a general handyman for the landowner. He begins to work at the crack of dawn, cleans the shed and tends the animals. For the rest of the day, he works in the field, cuts wood and carries goods from one place to another. He remains occupied with the landowner's work for six to eight months. Not only he himself, but each and every member of the family, irrespective of sex and age, works for the moneylender according to his capacity. Though his family is free, de jure, but de facto his entire family is bound. The grown-ups look after the cattle and the women folk work as domestic servants.

For these hard and strenuous services they get only nominal wages or two meals a day. Somewhere they get about one kilogram of inferior grain a day. Most of the bonded labourers suffer from malnutrition and starvation.81 On an average this just about keeps a labouring family alive to perform its labour. To meet their cash needs they have to forgo their daily grain wage. Even these nominal wages are paid or food is served only for the days on which the bonded

If a bonded labourer is unable to work on any day because of ill-health or other reasons, another member of his family has to work as a substitute. If the substitute is not provided then the master would add the wages of the substitute labourer in the principal borrowed. Even those nominal wages to which he is entitled are not paid regularly or fully. A part of these wages is kept towards the payment of debt and sometimes another part is held as security to prevent the escape of the bonded labourer.

During the lean seasons, the bonded labourer is left to manage his affairs himself and his condition gets worse. Every available hand in the family is put to work. Some find seasonal work for a daily wage of two rupees and others turn to the forest carrying head-loads of firewood, fruit and other forest products. Mahua flowers are collected. A part of it is sold and the rest is consumed at home in every conceivable form. The indebtedness and lack of regular income compel the bonded labourers to send their women for prostitution. But the forest products and even the prostitution cannot break the vicious circle. The hunger, the need to buy clothes, salt, oil, the need to get married, funerals...bribes for the pestering officials whose number is legion—all these inexorably drive the rural poor again into the vise-like grip of the money-lender.

In some regions bonded labourers are not given any wages or food. Instead they are provided with a small piece of waste land for self-support. This system has its own exploitation strategy. When the land becomes fertile with the hard perennial work of the family, the landowner would turn the family out and grant them another barren piece of land. Thereby he forces the family to borrow again for subsistence.

The exploitation of the bonded labourers and their family is not confined to the economic sphere only, rather it embraces their entire life style. They are supplied with castoff, old and torn clothes. They have to live in cattle sheds or temporary sheds put up in the fields. They are made to work in scorching heat. The permanent fear some presence of the unholy trinity (the landowner, the Bania and the money lender) and its bullies ensures their hard work in the oppressive milieu of the village. Whether in their homes or in the fields the bonded labourers are always within the close reach of the dreaded trinity, which dominates the village scene. Those who refuse to work are tied to the posts and flogged, along with their children and wife. The masters use third-degree measures without the fear of law. The movement of the bonded labourer and his family is completely controlled by the masters. They cannot move out of assigned places without prior permission of the masters. The debt-slaves work in conditions which often resemble concentration camps.

There are even cases when they are forced to surrender their women to money-lenders, who earn profits by forcing these women into prostitution. In certain Himalayan areas the wife of the bonded labourer is mortgaged with the landlord to clear off the debt on share-cropping basis.84 Sometimes, the debtor, his wife and children are auctioned and purchased in open market. This results in breaking up the family, when the children, mother and father are purchased by different persons. Thus the bonded labourers do not have even the security of the family life. In Kerala, teenaged girls are sold to repay the debt.85 These girls are compelled to do prostitution in Bombay or are sold to rich Arabs for immoral purposes. In this sense the life of the bonded labourer is no better than cattle. He is subjected to brutal exploitation. Once in bondage, he cannot escape from it, unless he successfully flees to a far-off place. But the chances of escape are very rare in the oppressive milieu of the village. The village rich have combined together to maintain this system. The bonded labourer's activities are always guarded by professional armedmen engaged by the powerful-landlord. Even if he escapes, the landowners of village in which he has taken shelter, would return him to the original master. On his return the rough and ready rustic justice is applied to him setting an example for others so that abeying may never become a temptation.85

84. Jayoti Gupta, ja-cit.,p.274.
85. S.J.Patel, ja-cit.,p.78.
If he escapes to a far-off place he is bound to snap all his links with his village as well as the family. Moreover, even at the far-off places of migration, he is subjected to various means of exploitation.86

The problem of bonded labour has many facets. It involves various devices used by the moneylenders to shovel the poor into their eager clutches and to increase the indebtedness to phenomenal heights so that the labourers may remain bonded for ever. It also involves the grave question of the violation of human rights of millions of the citizens of the world's greatest democracy, India. These wretches are not allowed to live as human-beings. Their savage exploitation is indeed heartrendering.