

**The Political and Administrative Aspects of Rehabilitation
Programmes of Bonded Labour
A Case of Kodaikanal**

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DECLARATION

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Dedicated
To
Goddess Muthalamman

INTRODUCTION

INTRODUCTION

Analysis of a social institution demands study of the society as a whole. To understand the institution of bonded labour it is imperative to enlighten a few characteristic features of Indian Society. The Indian Society is predominantly a caste-ridden society. Caste in India played a crucial role in creating and perpetuating the institution of bonded labour.

The first literary traces of caste system are to be found in the Rig-Veda, where three groups are mentioned. Brahma, Priests; Ksatra, Kings, and Vis common people; The Purusasukta hymn, however speaks of four classes originating from four parts of the body of the creator. These classes are referred to in later literature as Caturvarna. The occupation of the first two Varnas are clearly stated to be priesthood and administrative and military duties respectively. The village headman was usually a Vaisya, and Sudras were servants of the three varnas.

Out of these four Varnas number of castes emerged. Brahmin writers have continually discussed and defined the duties and rights of each caste and its place in the hierarchy. The idea of pollution was elaborated to define the distance separating the castes. Violation of

caste rules were punished either by the village Panchayat or the Panchayat of the locally dominant caste or by the king.

The main features of caste prevailing through past centuries may be described under the following heads: hierarchy, endogamy and hypergamy, occupational association, restriction on food, drink, common living and smoking, distinction in custom, dress and speech, pollution, ritual and other privileges and disabilities, caste organization and caste mobility.¹ The essence of caste is the arrangement of hereditary groups in a hierarchy, derived from the idea of Varna, with Brahmin at the top and Harijans at the bottom. All caste Hindus regard Harijans as being at the bottom rung of the ladder.

The hereditary association of a caste with an occupation has been so striving that it has occasionally been argued that caste is nothing more than the systematization of occupational differentiation. Occupations are also classified into high and low, those practised by the high castes being regarded as high. Manual labour is looked upon as low, and certain occupations like swineherding and butchery are considered to be polluting. The concept of polluting plays an important role in maintaining the required distance between different castes.

1. Srinivas M.N., India: Social Structure, Hindustan Publishing Corp., New Delhi, 1986, p. 5.

In rural India, caste was related to the exercise of differential rights in land, at the top were the castes who were either absentee or non-cultivating owners. Next come the cultivating tenants and at the bottom of the hierarchy were the landless labourers. The bonded labourers were invariably derived from the third category most of whom belong to the scheduled castes. The relationship between landowner tenant and the landless labourers subsumed under a single category - Patron and Client. This relationship is widespread and crucial to the understanding of rural India. Voting at elections, local and general, is influenced by the patron-client tie.

Village community consisted of hierarchical groups, each with its own rights and privileges. The castes at the top had power and privileges which were denied to the lower castes. The lower castes were tenants servants landless labourers, debtors and clients of the higher castes. The caste system together with the inequalities of landownership produced a deeply stratified society, conflict and cooperation went together.

Sir Henry Maine says that 'the caste system in India is the most disastrous and blightly of all institutions'. Tagore explains 'this system as a gigantic system of cold blooded repression'. Karl Marx in his study on Indian Caste system, criticized it as 'the degradation of humanity

and held it as the main impediment for the Indian Progress. The idea of purity and pollution associated with the caste system initiate against the principles of dignity of labour'. The architect of the Indian Constitution Dr. B. R. Ambedkar discussed that the basic cause for the practice of untouchability was the economic arrangement rooted in the caste system'.

Caste in India has been employed as a factor in achieving political power. One consequences of this has been the growth of competition and confrontation among various castes. Since politics protects caste interests, the caste factor in politics has been solidified irrespective of its growing confrontational and competitive role. In such a context the party or the individual who holds political power tries to perpetuate the prevailing status quo, i.e. occupational division of caste. It is not only the rural rich who protect their economic and social interests by employing the caste factor. The political representatives of the ruling classes too employ the caste factor in the governance of the country.

The caste hostilities are so deeply ingrained in the Hindu society that they continue to foment virulent political battles and encourage lawlessness in dealings with low caste people. In rural area violence against Harijans is unrenting in 1989 the authorities reported. 14,200 cases

of murder, rape, molestation etc. committed against untouchable. In 1990 the figure was 15,600. This shows that the prejudice against the Harijans are still prevalent in India.²

In rural India, with its largely subsistence and partly monetized economy, the relationship between different caste groups in a village takes a particular form. The essential artisan and servicing castes are paid manually in grain at harvests. In some parts of India, the artisan and servicing castes are also provided with free food, clothing, fodder and a residential site. On such occasions as birth, marriage and death these castes perform extra duties for which they are paid a customary sum of money and some of money and some gifts in kind.

This type of relationship is found all over India and is called by different names: Jajmani in the North, Bara balute in Maharashtra, Mirasi in Madras and Adade in Mysore. The relationship between a Jajman and his Kamin is unequal, since the latter is regarded as inferior. Though primarily an economic or ritual tie, it has a tendency to spread to other fields and become a patron-client relationship.

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2. Chua-Eoan, G. Howard, The Caste System is Virtually alive in India, Till Death US DO Part, Time, New York, April 15, 1991, p.25.
 3. Srinivas, M.N., India: Social Structure, Hindustan Publishing Corp., New Delhi, 1986, p .14.

The right to serve is hereditary, transferable, saleable, mortgagable and partible. Thus, for instance, the right to officiate as priests to high castes living in some sixty villages in the Mysore district is shared among the different branches of a single Brahmin lineage in Banmuri. The Jajmani system bound together the different castes living in a village or a group of neighbouring villages. The caste-wise division of labour and the consequent linking up of different castes in enduring and pervasive relationship provided a pattern of alliances which cut across the ties of caste.

The modern 'caste problem' is to some extent the result of the weakening, in the last fifty years or more, of these vertical and local ties and the consequent strengthening of horizontal ties over wide areas. The features of both the bonded labour and the Jajmani system are almost similar. However they differ at certain respects for examples in the Jajmani system labourer leads a better life, whereas under the bonded system the labour live in extremely harsh conditions.

The crushing poverty and low standard of living prevail for a large section of population in the country. The standard of living depends primarily on the fundamental factors like food, shelter, clothing, education and an individual's power to obtain them. A large section of the bonded labourers are placed well below the poverty

line, who are ill fed, ill clothed, ill housed and deprived of elementary education.

Dandekar and Rath say that 'the problem of poverty in India is essentially a problem of rural poverty, the urban poor of India are only an overflow of the rural poor into the cities'. Gunnar Myrdal points out that 'like many other developing countries of South East Asia, India has a 'soft state system' comprising of various types of social indiscipline which manifest themselves by deficiencies in legislation and in particular, law observance and enforcement, a widespread disobedience by public officials at various levels.

A poor man or a agricultural labourer faced with dire need of finances to meet exigencies like marriage, sickness or sheer starvation approaches the landlord with requests for a loan. The landlord advances the loan against a written/oral commitment from him that he will serve him till the loan is paid off. However, in many cases, the landlord sees that the loan is not repaid, so that he can hold the labourer for ever. As in this paper discussed that the amount taken by a labourer is always very meagre. Once the labourer accepts the loan he sinks deeper and deeper in debt, there is no question of coming out of it, thus bonded labour

is a system of self contained and self-perpetuating. Moreover the system becomes hereditary, as son or daughter replaces his father when he passes away, it continues for generations.

Hence, outstanding feature of bonded labour in India is indebtedness of the labourers. It is the cruel choice between 'bread and freedom'. In the face of starvation and death labourers have chosen 'bread which means mortgaging their personal freedom and serving their life sentence.

A recent study by the operations Research Group points out that.⁴ A vast majority of rural households continue be poor and illiterate. Over 61 percent of the households in rural India fall below the poverty line. Nearly half of the wage earner of rural households are illiterate, thereby almost automatically ensuring that their families stay firmly trapped in the poverty prison. The bonded labourers in India come under this category. It is due to extreme poverty the labourers sell their life to the landowner under a contract, it is a question of life and death, which he agrees to work under a master for a sum of loan he loses all his freedom.

4. Srinivasan R., Poverty haunts rural India, Times of India, December, 21, p.

Feudalism was based upon a system of land tenure in which land estates were given to hold by an overlord to his vassals in return for service. Karl Marx believed that in all stratified societies, there are two major social groups, a ruling class and a subject class existed. The power of ruling class derives from its ownership and control of the forces of production. The ruling class exploits and oppresses the subject class.⁵ As a result, there is a basic conflict of interest between the two classes.

The various institutions of society such as the legal and political systems are instruments of ruling class domination and serve to further its interests. Only when the forces of production are communally owned with classes disappear, thereby bringing an end to the exploitation and oppression.

Marx said that 'the Western society had developed through four main epochs, primitive communism, ancient society, feudal society and capitalist society.' He discusses that in feudal society, agricultural form of production prevails, divided into serfs and lords, lords who own enormous amount of wealth and land serfs were labourers work under the landlords. The relationship existed during this period is similar to that of bonded labour system exists nowadays.

5. Aron Raymon, Main Currents in Sociological Thought, Vol.1, Penguin Books, London, p.

Max Weber identified three forms of legitimacy which derive from three types social action. Affective traditional and rational action each provide a particular motive for obedience a motive based on emotion, custom and rationality. These types of legitimate control are charismatic authority, traditional authority and relational legal authority.⁶ Traditional authority rests on a belief in the rightness of established customs and traditions. Those in authority command obedience on the basis of their traditional status which is usually inherited. Their subordinates are directed by feelings of loyalty and obligation to long established positions of power.

The feudal system of medieval Europe provides an example of traditional authority. Kings and nobles owed their position to inherited status and the personal loyalty of their subjects.

In Europe, the Industrial Revolution led to a gradual change in the social structure of the feudal society by transforming it first into a mercantile society and later into an industrial-liberal society.⁷ In this process the estates, mainly consisting of the

6. Aron Raymon, Main Currents in Sociological Thought, Vol.2, Penguin Books, London, 1988, p.242.

7. Karl Polanyi, The Great Transformation, The Political and Economic Origin of our Times, Beacon Press, Boston, p. 68.

Serfs were and the feudal lords underwent cataclysmic changes. Peasants and serfs were transformed into industrial workers, feudal lords took commercial and industrial entrepreneurship. However in India the Industrial Revolution has not played the similar role in eliminating the traditional feudal structure. It still to be seen in rural India, which is one of the reason why the bonded labour system is flourishing till today.

The aforesaid factors are responsible for the enormous problems, such as child labour, unemployment, problem of beggary, prostitution, corruption, illiteracy, Sati female infanticide, bonded labour etc. The system of bonded labour is one of the degenerated social phenomena in the Indian society. It has existed for centuries and is continuing inspite of many efforts taken by various governments to eliminate the system.

The very nature of the bonded labour system is that it grew out of extreme poverty and helplessness of scheduled caste, scheduled tribes and semi-tribals and other backward communities who have always depended on wage income. Poverty leading to utter dependency breeds a strong state of fatalism. The poor tend to think or made to think that men are born unequal and there is no way out of the poverty traps. It is better to accept the situation without murmur and try to get the best through munificence of the pattern.

The bonded labourers who is caught in the debt trap struggles for survival with no hopes of future, but carries over the burden of slavery to his next generation. The Indian society has not yet attained a stage of material and intellectual maturity, which is conducive for the emergence of an egalitarian mode of social relations. In spite of dynamic-scientific and technological progress inhuman suppression of a considerable section of the Indian population continues.

This dissertation is divided into two parts macro level and micro level. The first section deals with the entire fabric of bonded labour as such. The second section focuses on the bonded labour system in Kodaikanal in Tamil Nadu.

The first chapter illustrate various causes for the bonded labour system came into being, an exhaustive definition of the system. The plight of the bonded labourers is no way better than the life of the slaves in the past centuries. Various studies pictures that 'even dogs are better off' than the bonded labourers in India. The system is a kind of relation between 'haves' and 'have nots', have are the landowners who own enormous wealth and land, whereas the 'have nots' are the bonded labourers who have nothing of their own, analysis shows that even their own life is not useful for them, it is

exploited by their masters. An all India analysis has been added in this chapter to prove that the system is prevalent all over the country.

In the second chapter, while avoiding the sociological perception of the bonded labour system, the legal and administrative actions of the government of India towards abolishing bonded labour system are discussed.

In the third chapter, the rehabilitational programmes, the most important process after releasing of bonded labourers is discussed. The process is tougher and sensitive issue. It is here that many voluntary agencies and the Government officials have a commendable role to play. It is important to see that the released labourers stay completely independent of their masters. In order to do that the rehabilitation programmes and the benefits should reach them as soon as they were released. The culprits should be brought to book and be punished immediately. If these measures are not kept in mind while initiating them into new life, there is a possibility of the released labourers relapsing into the system again.

At the micro level an attempt has been made to illustrate the ordeal that went on while identifying, releasing and rehabilitation of the bonded labourers in Kodaikanal. The case has been presented from political, administrative and judicial views. Swami Agnivesh with

the help of Mr. Gurnihal Singh Pirzada I. A. S., and others conducted a successful struggle and released the bonded labourers in Kodaikanal. Here it is also mentioned that how the nexus between local political leaders, bureaucrats, masters and the state political leaders, is formed, how they obstructed the releasing process, the role played by Supreme Court, the struggle of Mr. G. S. Pirzada etc. All these are depicted as meticulously as possible in this dissertation.

Due to the non-availability of adequate Government records on bonded labourers the study is constrained in certain aspects.

CHAPTER I

HUMAN BONDAGE

CHAPTER 1

HUMAN BONDAGE

Definition

For a precise definition of the Bonded Labour System it is imperative to look through the Bonded Labour System (Abolition) Act of 1976. The Act defines the 'Bonded Labour System' as a system of forced or partly forced labour under which the 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 to such advance, or
- (ii) in pursuance of any customary or social obligation, or
- (iii) in pursuance of any obligation developing 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
 - a) render, by himself, or through any member of his family, or any person dependent on him, labour service to the creditor, or for the benefit of the creditor, for a specified period

or for an unspecified period, either for wages or for nominal wages, or

- b) forfeit the freedom of employment or other means of livelihood for a specified or for an unspecified period, or
- c) forfeit the right to move freely throughout the territory of India, or
- d) forfeit the right to appropriate or sell at market value any of his 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, as surety, 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 bonded labour.¹

'A bonded labourer is,' the Act defines as 'a man who pledges his person, or sometimes a member of his family, against an advance of loan'. This person or a member of the family is required to work for his creditor against nominal wages (in cash or kind) till the creditor declares that the loan is repaid.

1. From the Judgement of Justice Bhagwati, 16, December 1983, in the Supreme Court of India in the case of *Bandhua Mukti Morcha vs. Union of India and Others.*

During the period of bondage a person does not have the freedom to seek other employment on other means of livelihood. He forfeits the right to move freely throughout the territory of India; in most cases he is not even allowed to leave the village. He loses the right to sell his labour or the product of his labour in the open market at market value. In general, the wages are so low, that the bonded labourer is deprived of the chance to repay the debt which might have increased considerably as it becomes customary for him to incur more and more debt repeatedly in order to survive. And so, the period of bondage is often extended indefinitely.

If the working condition becomes intolerable the bonded labourer can take a loan from another master to repay the previous loan and then he works under the new master under a similar agreement. Thus the perpetuation of bondage is pre-programmed. If, for any reason the bonded labourer can not work for the master on a particular day, he has to send a substitute or he has to pay a penalty fixed by the master.

In case the debtor becomes physically weak or handicapped he can free himself from bondage by providing a person of his family (usually his son) to replace him. In case the debtor dies, one of the members of the family is obliged to work in place of the deceased. This

particular type of bondage is termed as 'inter generational bondage'.² In the Havanoor Report on the castes in Karnataka, the occupation of the Koraya caste, (a scheduled caste) was given as slavery or working as slaves for their masters. Today they work as basket makers.³

The system is said to be an outcome of an unequal economic exchange which is illustrated by several case studies. The first one is from a story written in mid seventies by Sri Debabrata Bandopadhyay captioned "The Hali of Delanpore". It is about the life of Punja Hali of Delanpore who has mortgaged his freedom to Rop Singh of the same village for twelve years for a Paltry advance taken by his father. Since no documentary evidence is available with Punja (the documentary evidence, if any, would be in the hands of the landlord/money lender), he is not able to recollect how much loan has he taken, how much has been repaid and how much is outstanding. He is piling hard, day in and day out and has been fondly hoping for years to repay the debt by the fruits of his hard labour. But the cruel logic of usury has miserably defeated all his plans. As the interest on the debt keeps on multiplying at a compound rate and as the endless debate goes on outside about the status of a 'Hali',⁴ poor Punja kept on sliding lower and lower on the humane scale.

2. Mishra Laxmidhar Identification Release and Rehabilitation of Bonded Labourers; Social Action, January- March, 1987, p.

3. Basavalingappa. B., Bonded Labour, Socialist India, 11(22), November, 1975, p.

4. Pradhan. H. S. Prasad: Poverty and Bondage Economic and Political Weekly, Special No. 11, August 1976, p.31.

The other illustration relates to two inter-state migrant labourers from Barmer and has been taken out of a report by a socio-legal Investigating Commissioner of the Supreme Court. Mohan and Madhu are landless agricultural labourers in a desert area where the landscape is dry, arid and unirrigated (with a rainfall of barely 5" per annum). Prospects of agriculture are bleak and avenues of alternative employment practically nonexistent. Mohan and Madhu have, therefore, travelled all the way from Barmer, in search of some alternative employment in stone quarries of Faridabad. They have, however, not gone entirely on their own but at the behest of recruiting agents (Munshis) of quarry contractors. And the advance received by them or by their parents from those agents make them, for all practical purposes, bonded to the workplace and to the contractors.

These labourers are engaged in a series of operations in the quarry such as removal of overburden, making of work phase, drilling and blasting which involves use of explosives, fuse wire, cutting and breaking the rock into boulders, assembling them at one point and loading the chips on the trucks. They put in, on an average, sixteen hours of work per day exposing their life and limb to the grave risks of mutilation and even death.

Wages are unremunerative and are paid at irregular intervals. Deduction of maml by the munshis is taken for

granted. While children below the permissible age and women are employed even at night, hardly any account is kept of such employment. All the labour laws intended to protect and safeguard the dignity and freedom of labour are relegated to the background. They are not free to choose any alternative master nor free to leave the worksite at their will. A close surveillance is kept on their movements.

Another illustration relates to the exploitation of forest labourers. Mostly belonging to scheduled tribe category in the forests of Chandrapur in Maharashtra and elsewhere. These labourers live on the collection and disposal of minor agricultural and forest produce. Due to their low social origin, ignorance, illiteracy and backwardness they find it difficult to survive as free economic agents for a free society. Middlemen, who are more resourceful, approach them on the eve of the harvesting season, pay them some nominal advance and mop up the entire minor forest produce at virtually a throwaway price.

Unequal Bargaining Power:

The aforesaid case studies drive us near the truth behind the definition of the bonded labour system. It essentially represents an unequal relationship between a creditor and a debtor. The first parameter governing this relationship is that the terms of the agreement between

the debtor and the creditor are to the total advantage of the latter and the disadvantage of the former. This is on account of the fact that the debtor obtains the loan or advance due to economic compulsions, for ceremonial or subsistence purposes and necessarily has to abide by the terms dictated by the creditor. The most important term of that agreement is that the debtor in the absence of any other commodity agrees to mortgage his services or those of his entire family for a specified or unspecified period. This was the case with Punnja Halli or with Mohan or Madhu. The period may look well specified "till the loan is repaid". But the illiteracy of the debtor, absence of other economic alternatives and the total control which the creditor exercises over him, makes the period unspecified.

In the case of the tribal forest labourers, it is their low capacity to bargain puts them at the mercy of the middlemen (since they need the money for survival). No doubt, at the recommendation of the Bawa Committee, several large scale and multipurpose cooperation societies (LAMPS) were set up in the 1970s⁵ in the tribal areas all over the country. Their purpose was procurement and marketing at a remunerative price, of the produce collected by the tribals. While many of them have failed miserably to come up to these expectations and many others are

5. Mishra Laxmidhar: Identification, Release and Rehabilitation of Bonded Labourers, Social Action, 37(1), January-March, 1987, p. 14.

languishing owing to the lack of capital, the middlemen continue to thrive at the cost of the increasing exploitation of the tribals, who are forced to sell the produce at throwaway prices. Because of the very low prices they get, they are often forced to borrow money for subsistence or for social occasions.

All-India Analysis:

The following eight regions can be identified as areas with very high incidence of bonded labour in India.

1. North Tamil Nadu : (Dharmapuri, North & South Arcot Chengalpattu districts).
2. Telengana in Andhra Pradesh : (Hyderabad, Adilabad, Medak, Karimnagar, Mahbubnagar, Nalgonda, Nizamabad, Warangal districts).
3. The region where Gujarat and Maharashtra meet : (Valsad, Surat, Vadodra, Panch Mahals of Gujarat, Nasik, Dhule, Jalgaon of Maharashtra).
4. Central Gujarat : (Mehsana, Surendranagar, Penetrating Kathiawar down to Rajkot district).
5. The whole of Northern Madhya Pradesh : (Mahakoshal region: Rajgarh Vidisha, Guna, Morena, Sagar, Chhatterpur, Satna, Rewa, Shahdol, Surguja, Rajgarh Bastar districts).
6. West Uttar Pradesh : (Bijnor, Muzaffarnagar, Meerut, Moradabad, Bareilly, Kheri, Sitapur).
7. The Northern border regions of U.P. & Bihar : (Ballia, Deoria in U.P. and Champaran, Saran in Bihar).

Orissa:

8. Except in Districts of Puri and Koraput bonded labour can be encountered in all other districts of Orissa.

The study undertaken by the Gandhi Peace Foundation⁶ points out the following districts as the 'bonded labour districts' of India (Incidence above 40,000 bonded labourers in the district).

North and South Arcot	- Tamil Nadu
Nalgonda, Karimnagar	- Andhra Pradesh
Shimoga	- Karnataka
Baroda	- Gujarat
Ahmadnagar	- Maharashtra
Satna, Shahdol, Bastar	- Madhya Pradesh
Palamu	- Bihar
Balasore, Bolangir, Cuttack, Dhenkanal, Kalahandi, Keonijhar, Mayurbhanj, Sambalpur.	- Orissa
Ballia, Hamirpur, Hardoi, Kheri, Sitapur, Bijnor, Bareilly.	- Uttar Pradesh

The following regions, the foundation puts it as, the region not affected by bonded labour:

6. Marla Sarma: Bonded Labour in India, Gandhi Foundation, New Delhi, 1981, p.14.

Coastal Andhra Pradesh, Southern Maharashtra, the desert region of Rajasthan, the South-Western coastal region of Gujarat, Chhota Nagpur (except Palamau) in Bihar.

Distribution of Bonded Labour:

Bondage existed in many gradations and was not restricted to agricultural labourers alone, various studies disclose that bonded labour is predominant among the agricultural labourers. They are also found in the urban areas like stone quarries, in the farm houses etc.

The bonded labourer, because of linguistic differences, is known by a variety of names in different parts of the country. The list of names is so long that it is difficult to enumerate it here, however to cite a few names - statewide in Gujarat they are called as Halis -

Tamil Nadu	- Padiyals, Pannaiyals and Charnas
Madhya Pradesh	- Busaliyar, Shalkaris
Andhra Pradesh	- Bhagelas, Gassi and Galus,
Orissa	- Muliyar, Gothis, Chakars, and Haliyas
West Bengal	- Kuthias, Krishans and Chakars
Bihar	- Kemias, Baramasiyas and Janouris
Uttar Pradesh	- Harwahar, Hariyas and Sewahs
Punjab	- Halis and Sepis

They were often referred to by their caste names and almost all of them belonged to either the untouchable or tribal community.

The servitude of the agricultural labourers was institutionalized in different ways from region to region, but the multiplicity of forms can not conceal the fact that the type of relationship was essentially the same everywhere. The dependent relationship usually came into being when a member of a caste of agricultural labourers accepted bondage in exchange of his marriage. He undertook to work as a farm servant for a landowner until he had paid off his debt. But because of the low compensation he received for his services, his chances of discharging his debt were extremely low. The debt tended to increase in the course of time, and the farm servant, with few exceptions, thus remained in bondage for the rest of his life. The attachment was continued by the next generation when the son of a farm servant also married at the expense of his father's master. In this sense the agreement between landlord and agricultural labourer was hereditary as well as permanent.

The origin of bondage has been explained in different ways. Adhering to the idea of a process of agrarian proletarianization under colonial rule, Dr. S.J. Patel, suggested, that the members of the artisan and serving castes were driven by economic necessity to accept bondage as the traditional village community disintegrated.⁷ He argued that this individual bondage took the place of the group bondage of the precolonial period. Bondage has a

7. Patel S.J., Bonded or Semi Free Labourers Agriculture Labourers in India & Pakistan, Current: Bombay, 1952, p. 73.

long history, it was widespread in the Moghul period when a region was opened up the tribal population presumably lost their control of the land and were compelled to accept bondage.

Within an amorphous mass of agricultural labourers there are those whose status at first glance, seems to resemble that of feudal serfs. The term 'serf' means a form of feudal bondage. Though the labourers work, under this form of bondage, involving restrictions on their liberty but under a master of their own choice. It is not a bondage to a feudal lord as the labourers do not take money through a bond from the Feudal Lord, who subordinates them by virtue of his power, and maintains this subordination by the combined sanctions of custom, tradition and his personal power, the immediate cause of the acceptance of such bondage by some labourers in India today is their need for securing monetary advances for subsistence.⁸ The labourer, noted the Royal Commission of Labour in India,⁹ borrows money from the landlord under a contract to work until the debt is repaid. The debt tends to increase rather than diminish and the man and sometimes his family is bound for life. Thus as the notion of the bondage is not primarily or even largely feudal in character it is preferable to consider these labourers as bonded labourers rather than

8. Arora (Ed.), Social Costs of Bonded Labour, Indian Academy of Social Science, Allahabad 1979, p.16.

9. Report of Royal Commission on Labour in India, (London, 1931), p. 362.

agrarian serfs. The Commission pointed out, the immediate factor which compels the labourers into bondage is the necessity of borrowing money. In return for this loan, he binds himself to work on his master's fields, because that is the only thing he has or he could do, the sum advanced is very small, above Rs. Twenty five rupees in Madras, in some rare cases it is as high as two hundred or three hundred rupees. The bonded labourer however is rarely in a position to repay this small debt. His wages are lower than those earned by a freed labourer. In return for his services, he gets a nominal sum varying from a few annas to a rupee or two every month, and his daily meals on daily allowances in grains. In some villages, he also receives from a quarter of an acre, which he cultivates for his family.¹⁰

According to an official Report, it is never expected that this debt will be repaid. While surveying the conditions of such labourers the Kamiya of Bihar, Dr. Radhakamal Mukerjee¹¹ found that to ensure that the money advanced to a Kamiya will never be repaid, some bonds have a condition that unless it is repaid on a certain day, usually some time in the Jyeth (July) when the funds are low, it is optioned for the master to refuse acceptance.

10. Patel S.J., Op. Cit., p. 79.

11. Radkamal Mukerjee, Land Problems in India, London 1935, p. 230.

Siften's Report¹² on the Hazaribagh settlement recorded, that the Kamiya of Bihar never sees any money unless it be occasional few pice he may earn as a Palki bearer during his spare time. Thus, once the labourer accepts such bondage the door for his retreat from that position is virtually closed, bonded labour becomes for him a self perpetuating system. In fact, the original debt tends to increase, whenever the bonded labourer wants a little extra money, the master lends it to him, with the result that debt continues to increase with them, the bonded labourer sinks deeper and deeper into debt, without any hope of coming out of it. Such a bond, therefore, as Siften stated 'involves a life sentence'.

When the labourer agrees to serve under a master, he has to promise not to work for any other person. But the master does not guarantee work for him for the whole year when there is no work for him he is given neither food nor grain allowance. In this system of 'one way obligation' the position of the bonded labourer is worst when his master has no work for him on the farm. This is also the time when there is hardly any farm work to be found in the neighbourhood. In such circumstances he is reduced to the position of collecting fuel wood for sale to avoid starvation and death. Though his master

12. Quoted by Mukerjee - Ibid., p. 229.

does not provide him with any work during these days, the bonded labourer is not permitted to leave his village for any length of time in search of work, for fear that he might abscond.¹³

His master gives him neither work nor food allowance nor does he allow him to seek work anywhere. If in desperation, the labourer tries to runaway, he is unable to find work in the areas where this system is prevalent, for he is asked where he worked before. As the landlords as a class have combined to maintain this system the labourer who from one to the other master ran away is sent back to his original master he runaway. On his return is met with rough and rustic justice, setting an example for others so that absconding may never become a tempting escape.

The course of rural justice may be imagined when it is remembered that the master is looked upon as having the right to punish, starve or confine the bonded labourers for any offence of omission and commission.¹⁴ As a penalty, his total debt is also increased. In the past, even the police, unofficially of course, have been helpful in tracking down and returning the runaway.¹⁵

13. Arora (Ed.), Social Costs of Bonded Labour, Indian Academy of Social Science, Allahabad, 1977, p.36.

14. Alexander K. C., Agrarian Tension in Tanjore,

15. Desai A.R., Rural Sociology in India, The Indian Society of Agricultural Economy, Bombay 1961, p. 51.

The Royal Commission¹⁶ reported that the sales and mortgages of such bonded labourers are by no means uncommon, though they have no legal sanction. The price is usually the amount of the labourers debt to his master. It is generally understood by the masters that the higher price would be an offence under the laws prohibiting slavery, and therefore, the transaction is represented as a formal transfer of the debt. The bonded labourers are also exchanged when the landlord sells his land. The buyer pays, in addition to the price of the land, the sum which the bonded labourer owed to his previous master. Dr. Radhakamal Mukerjee, from his personal Survey in Central India¹⁷ has recorded that the 'cases of mortgages and the sale of the husband and wife are frequent. Rs. 60 to 90 will buy a Harawaha and his wife 'Referring to the Slough Status of the Halis of Gujarat, L.J. Sidgwick, the census Commissioner for Bombay commented in 1921 -

"There is virtually no difference between the position of these Halis and the Slaves of American Plantations prior to the Civil War except that courts would not recognize the rights of the master as absolute over personal services. But in this country where ... the rich have a better chance than the poor, the difference diminishes in importance. We might describe the situation by saying that these Halis are free men de jure, but serfs or slaves de facto".

16. Report of the Royal Commission on Labour, London, 1951, p.362.

17. Radhakamal Mukerjee, Land Problems of India, London 1935, p.233.

In Bihar and in some places in Madras where Mirasdare Tennure prevails, even the lands for the house sites of these labourers are owned by the local landlords. There the landlords have very effectively used the threat of eviction to secure compliance by the bonded labourers. The arrogance born from superior social position is vividly illustrated by a case regarding the Kallars of Ramnad district in Tamil Nadu. Here in December, 1930, the Kallars propounded eight prohibitions regarding the wearing of gold and silver ornaments, clothes below Knees or above hips, cutting hair, wearing coats, using umbrellas and sandals.¹⁸ If the members of the depressed classes to whom these prohibitions were designed to apply and from where? The bonded labourers came as a rule, violated any of these prohibitions, their huts were to be burned and their granaries and livestock looted. Evidently not satisfied with these eight prohibitions, the Kallars extended them to eleven in June 1931.¹⁹

- a) The members of the depressed classes should not cultivate land either on share tenancy or lease from Mirasdars (landlords).
- b) They must sell away their own lands to the Mirasdars at very cheap rates, and if they do not do so, no water will be allowed to them to irrigate their lands. Even if something is grown by rain water, the crops should be robbed away when they are ripe for harvest.

18. Census of India, 1921 for Bombay Presidency Part I, p.221.

19. J.H. Hytton, Caste in India, Its nature, Function and origin, Cambridge University Press, 1946, p. 179.

- c) They must work as coolies from 7 A.M. to 6 P.M. under the Mirasdars and their wages shall be annas 4 for man and annas two for women.

This illustration shows that the social liabilities and the pressures operating on the members of the depressed castes, from whom the bonded labourers are drawn.

The restrictions discussed here are generally not limited to the person of the bonded labourer alone. They also extend to his family, and tend to become hereditary. In most cases the bonded labourer's wife also has to work for the master. She cares for the cattle and the cattle shed, does all odd types of domestic duties for the master and helps in the fields at the time of the harvest. Their children too, generally tend the master's cattle and look after the crops. Whenever the master calls for such services from the bonded labourers wife and children, extra remuneration is paid in grain and cash which is smaller than that given to the labourer.

It is true that bonded labourer's sons and daughters are not responsible for their forefathers' debts after his death. The system, in theory, is not hereditary. But, in the Hazaribagh study²⁰, the sons, too, are compelled to accept bonded service in the absence of any other occupation. At times, the father himself makes such an

20. Ibid, p. 185.

arrangement for his sons when they come of age. Dr. Mukerjee has quoted a specimen of Kamiya contract, given by Tanner, in which it is stated: "I and my descendants for ever bind ourselves ready to perform any work given to us, and to perform all the duties of a menial servant without objection. In this particular case, the executor of this contract and his son served and died. The grandson, too, served for sometime, but ran away thereafter. It may be asked what is the actual numerical size of this type of agricultural labour? What proportion does it constitute of the agricultural labourers and agricultural population on the whole important as these questions are, they are extremely difficult to answer. The manner in which the data for intensive studies of villages have been collected and put together makes it difficult to answer these questions for any of these villages. The basis for answering these questions is so uncertain that the margin of error may be very large. The remarks that follow may have to be taken, therefore, with a pinch of salt.

For some clues to these questions, it is necessary to examine the data furnished as early as the 1921 census enumeration. In that year the figures for agricultural labourers were classified under two separate categories (1) farm servants who were employed more or less on a longer time basis and, (2) the field labourers who were, on the whole casual labourers. In 1921, there were about six

million farm servants and 31.9 million field labourers in India. Thus, the farm servants constituted about 16%, and the field labourers about 84% of the total agricultural labourers. The census report for Bombay and Burma, however, did not divide figures for agricultural labourers into these two categories, if they had done so, the number might have been seven million instead of six million, and the proportion of farm servants employed on a long term basis might have been little less than one-fifth of the total agricultural labour force. It should be stated here that under the heading 'farm servants' were lumped together semi-free or bonded agricultural labourers and full-time free wage labourers. It is difficult to separate the figures for these two.

The practice of bonded labour is mostly restricted to Southern States, Bihar and Orissa. Though there were 7 million farm servants for the whole of India. Close to five million or about two-thirds of them were located in Madras, Bombay and the Central provinces, Bihar and Orissa. A part of this five million are free labourers; others are bonded labourers. On this basis, about three and a half million out of seven million farm servants may be taken as a safe estimate for the number of bonded labourers thus, they would constitute one half of the farm servants and less than one tenth of the total agricultural labourers in 1921. Full time free labourers would also form the same propositions.

This was, however, for 1921, since then the bonded labourers have lost much ground to full time free labourers. We can not figure out the exact number. The total number of bonded labourer in the recent surveys and studies varies accordingly. A study conducted by the Gandhi Peace Foundation says that there are 2,617,000 bonded labourers in the agrarian sector alone in ten out of twenty States (1981).²¹ Whereas another steady limits the total number at 4.45 lakh.²²

In recent times bondage has spread to the non-agrarian sectors among migrant workers engaged in construction sites, mines, quarries and brick making. Although the present study is concerned only with India, the problem of bonded labour is also prevalent in other parts of the Third World. In most of the South East Asian countries, the system of bonded labour was prevalent in as early as fourteenth century.²³



Bonded men were even prevalent in England in the thirteenth century.

There is no clear-cut evidence to show the regional distribution of the system of bonded labour. All the existing accounts dealing with it, however, indicate that it is generally more prevalent in the southern and Central

21. Marla Sarma, Bonded Labour in India, G.P.F., New Delhi, 1981, p.

22. Bibhuti B. Mohapatra - Bonded Labour in a tribal district a study. Yojana, February 16, 1990, p. 25.

23. Anthony Reid (Ed.): Dependency in South East Asia, University of Queensland Press,

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parts of India. It extends in the north upto Bihar. It is seen in Madras, Bombay, the Central provinces, Chhota Nagpur and Bihar. It appears that there is a high correlation between the regional distribution of agricultural labourers and that of bonded labourers.

Some of the economic surveys of the villages in the Punjab²⁴ point to conditions approximating bondage. S. Gian Singh in his economic survey of Gaggar Bhana of Amritsar district points to the Chuhra as working under conditions similar to bonded labour, they have right to dwelling places in the villages and also the right to graze their cattle throughout the village area. Raj Narayan mentions forced labour in his survey of Gijhi in Rohtak district, Lajpat Rai Dawar in his survey of somer in the Ferozepore district has drawn attention to a type of labourer called siri; to induce a man to become a siri he is given an advance by his employer which is generally made without interest'. In the example of Siri he is given agreement cited by him, it is clear, however, that the written and stamped contract is only for one year.

Even after considering the above case it can be generally said that bonded labour of the type described is not prevalent in the Punjab and other North-eastern and North western parts in India, where we find the proportion of agricultural labourers is the lowest.²⁵ It is clear that,

24. Breman Jan. Patronage and Exploitation Changing Agrarian Relations in South Gujarat, University of California, California, 1974, p. 67.

25. Sudipto Mundle: Backwardness and Bondage, IIPA, New Delhi 1979, p. 89.

even within the areas where the system of bonded labour is prevalent, there is considerable variation in the degree to which it exists. An attempt at some exact location of this uneven spread is also likely to indicate the factors which are responsible for it.

In Gujarat, the system is mainly concentrated in the Southern district of Gujarat. Even in Southern Gujarat where the Hali system is still prevalent, the census Commissioner for Baroda noted as early as 1921 that there have developed two types of Halis: one the bandhela (bound) and the other, the Chhutta (free). The Chhutta Hali stated is rather a superior type of serf, and his terms are easier. He gets higher emoluments..... He is free to have and serve another master He is a debtor to his dhanianlla (master), but his relations towards him parttake more of the usual character of ryot and sowkar. J.P. Shukla also found in his study published in 1937 that there are such two types: the more permanent Hali and the temporary Hali.

There are similar indications for other parts of India too. In Tamil Nadu, the system is tending to disappear with the removal of penalties enforceable in a court of law and with the greater opportunities for migration which they are ready to avail themselves of... Here, opportunities of migration are operating as factors tending to weaken the hold of the system of bonded labour. It was pointed out

in a conference that Northern deltaic regions of Tamil Nadu, a more modified form of Padiyal type of bonded labourers has come into vogue. They are called 'Parrials'. In this form "there is a lesser degree of servitude.... It is more contractual and far less permanent". These farm servants are somewhat better paid in cash or paddy or both... They are paid more per month upto Rs. 40/- apart from perquisites, near industrial centres like Coimbatore and Madurai. In the northern gardenlands loans are seldom given, when they are given, the panniyal utilises them for the purchase of draught or milch cattle a good source of income - which can graze with his master's cattle.

It is generally recognized that the system of bonded labour is more prevalent in those parts where the proportion of depressed and aboriginal classes is the largest. The ethnic composition of the village Dr. R. Mukerjee writes is thus responsible for the survival of Slavish conditions.²⁶ Bonded labourer as a class, are drawn from the depressed and aboriginal sections of population.

The determining factor is a combination of circumstances such as the existence of a relatively large number of agricultural labourer in areas, with more or less primitive forms of cultivation and underdeveloped industries, and areas which do not witness large scale external or internal migration. The greater the opportunities of

26. Radhakamal Mukerjee: Rural Economy of India, London, 1926, p. 252.

migration, the greater the development of agriculture and industry: that is to say, the greater the opportunities of earning a livelihood without accepting servile conditions, the lesser the chances of the existence of the system of bonded labour even though the proportion may remain just about the same. The ethnic composition determines who may become a bonded labourer. It is however, the combination of economic and social factors that dictates whether he shall be compelled to accept bonded labour, while analysing the results of the resurvey of some villages in Tamil Nadu, it is found that, unemployment and under-employment have grown so serious that serfdom is not so much feared as the lack of any certainty of livelihood. No wonder, the Chakklians (a SC community) of Vadamalipuram prefer serfdom to the freedom of casual labour. "No wonder, men, that the bonded labourers prefer a pitiful subsistence even under servile conditions to an abstract freedom which involves inevitable starvation".

Through newspapers and various studies, hundreds of incidents regarding bonded labour have been brought into the limelight, but there are very many incidents about which little or nothing is known. In the following pages efforts are made to limit the discussion of a number of incidents that have highlighted the circumstances, conditions, and the socio-economic milieu within which the system of bonded labour survives.

West Bengal:

An inspiring story of popular resistance against the repression of village rich in collusion with the local police had come to light in June 27, 1976. The village Tetulberia located in the 24 Parganas district in West Bengal, where Dulal Durlav (64) had been working as a bonded labour under Mahinder on a monthly basis.²⁷ When Dulal's parents died he migrated from Ranaghat to Tetulberia. He acquired some land from the landlord to build his hut and worked as a bonded labourer in exchange.

In the course of time, the landlord lost his might and bit by bit his property was sold to Jotedar and a rich peasant, Gour Upadhyay of a neighbouring village, Pipli. Both Tetulberia and Pipli are situated near the Bangladesh border. Dulal had three sons, Rajeshwar (16), Jaipada (13) and Jiban (10) who were earning Rs. 10/- per day. Rajeshwar was beaten up by Upadhyay's brother for complaining about their working conditions. Dulal pleaded for justice with the help of some voluntary organisations. Hearing this the village Panchayat called for the social boycott of Upadhyay's family. The villagers were determined to fight the injustice.²⁸

Kerala:

The Paniyanas and the Adiyans living in the South and North Nynad Talukas of Kozhikode and in Cannanore district,

27. Chaudhary, D., *Fight to free Bonded Labour*, New Age, June 27, 1976, p. 5.

28. Chaudhary, D., *Fight to free Bonded Labour*, New Age, August 22, 1976, p.9.

are the victims of this practice. These people, while in search of employment for the ensuing agricultural season, come in contact with landlord in need of labourers for work in their extensive paddy fields and plantations, during the annual festival in Valluvaran Temple, some two miles from Manartody - the headquarters of North Wynad, in the middle of April every year. The landlords offer money to these tribals, which is, generally fixed of Rs. 10.00 (Rs. ten) per head. There is a tacit understanding that in return, for the loan, the Panniyan or the Adiyan concerned will work under that landlord for one year i.e. till the next festival, but if he refuses to work under the landlord the money has to be refunded and the tribal may be harassed in a number of ways. The Paniyan or Adiyan, so found, is allowed to put a hut on the landlord's land near the field. But if he refuses to work he is forced to vacate his house.²⁹

Tamil Nadu

The State Government stated in the early 70's that the system of bonded labour was not prevalent but, a system of labour which was generally taken as the system of bonded labour, was prevalent in the district of Nilgiris. The Chetty Riaytos of Gudalur Taluk employ the Hill tribals belonging to Paniyans and Katturyakans as labourers to work in their paddy fields those who are

29. Vivian Fernandes: Bonded Life, Hindustan Times, 31 July, 1986, p. 18.

employed for paddy cultivation are fed and clothed by them in addition to wages given in kind. Whether the persons can go and work with other landlords easily is doubtful. On June 7th, 1976 thirty six bonded labourers were released from their bondage in an artificial diamond field at Kattukkulam village of Trichy district. In this incident, it was found that, the labourers were paid very low wages, and they were repaying the loan (ranged upto Rs. 100/-) for more than twenty five years.³⁰

Andhra Pradesh

In Andhra Pradesh we can find the disastrous, inhuman practice in Telengana area and Khamman districts. The official sources claimed that 58,000 bonded labourers have been freed, but we could still witness the system of bonded labour in the State. Korsa Marayya from Suraveera-bandargudem in Khamman district bonded to the landlord polina Sesha Rao who owns 12 more like Marayya.

He could not report for work one day due to illness. The next day he turned up for duty inspite of high fever. The angry landlord did not give him the normal work but a new novel type of work, he decided to use Narayya as a bullock. One of the bullock was removed from the cart and Marayya put in its place. Six huge fertilizer bags and some of his things. On the cart forced Maryya to draw

30. Aiyar. S. Swaminathan, Growing Problem of Bonded Labour, No simple solution, Times of India, 13 March, 1979, p.8.

the cart along with the other bullock. When he scrambled, he got kicked and modded with the stick used to tend the bullocks. Only when Marayya collapsed totally after about a kilometer did the ordeal end.³¹

The landlord Sesha Rao had a very inhuman method of debt collections. Two girjan women Gurnam Nagayamma and Kuram Venkati were forced to eat pig excreta by him because they had not paid back the loan in time.³²

The government law enforcing agencies were mere spectators in the ordeal and it seemed that they had no power or authority to prevent such an occurrence.

After a month thirteen bonded labourers who were working for Sesha Rao were released from the bondage. They had taken loan of Rs. 100/- to Rs. 200/-. But in the end the landlord claimed that the debt increased upto Rs. 700/-. The Bonded labourers were getting a pay of Rs. 30/- per month.³³

Bihar

There is hardly a middle-class Bihari who does not have ties with the land end, since the existence of this class is increasingly urban, it means that the land under

31. Nandini, S., Bonded Labour, Deccan Chronicle, Secunderabad 27 August, 1986, p.

32. Ibid.

33. Ibid.

its control is cultivated either through share croppers or through labour maintained on a permanent basis. It is this type of labour which in recent times has been accused as by its bonded nature.

In 1954, the Revenue Minister of Bihar claimed that he would bring changes in the tenancy system and end the bataidars. He was even prepared to stake his political career in accomplishing the task. Unfortunately for him, his calculations regarding the extent of opposition to the proposed measure were totally wrong. The opposition was not confined to the big feudal landlords of the State who girded their loins to drive him into a political limb; even the Valiant clerks of the Patna Secretariat - the Petit-tollers - came out on to the streets to save their fundamental right to get their pound of flesh from the bataidars. The result was that every aspiring land reformer within the system learnt his lesson; changes in the agrarian scene were all right in principle, but when it came to practice, of course, it was another thing.³⁴

In Bihar the Bonded Labour System is known as 'Saunkiya', was undertaken by the zonal director, Patna in Bhandharia and Ranka blocks of Palamu district which claimed that the system is prevalent in the area. The study found that the man was working for more than 30

34. Das N. Arvind Bonded Labour, Abolition by Redefinition (Bihar), Mainstream (1976, Annual No. p.

years, as a bonded labour, for a loan of Rs. 100/- . It is evident from the study that about 68% of them have accepted this system as a source of employment.

Another study of the bonded labour in Bhandara block in South Bihar makes shocking disclosures of the operation of the system. It clearly brings out the enormous 'power' the money lender enjoys in the villages. The loan from the money lenders is a trap to involve the village Pauper in his tentacles, and make him the bidders. The rate of interest is simply fantastic and amounts to callous exploitation. The study also depicts that the conniving role played by the village officials who are supposed to stop these malpractices their role is greatly responsible for the flourishing the moneylenders business.³⁵

Another incident in which one can understand the problem of the Bonded Labour is that of Thakur Mirkdha and his son Gobin Mirkolha case.

Thakur Mirkdha, a landless harijan from Chuardiha village in Bihar, borrowed Rs. 450/- from Madan Rai, a Bhumidhar landlord of the adjoining village. Thakur was working for Rai, as a bonded labourer ever since he got the loan from him. At his death he was replaced by his son Gobin Mirdha who had taken Rs. 100/- from the

35. Shukla, P. S., Analysis of Bonded Labour, Economic Times, Delhi, 6 April, 1977, p.8.

landlord and he too was bonded to the landlord, he received 1.1/4 kg. of paddy, 200 gms. of cereal per day, he had to work hard from dawn to dusk for the meagre return. He had no other means of livelihood and at the same time he was bound to pay off his debt.³⁶ In 1976 the Government announced the abolition of the Bonded Labour Act, but it was only in 1982 Gobin was able to free himself with the help of voluntary organization.

In case of the abolition of the system, the government of Bihar, has solved the difficult problem by an ingenious method, it has claimed that there is no system of bonded labour in the scale, what exists is a system of attached labour and that 'the condition of these attached labourers are far better than those of the agricultural workers'. And since bonded labour does not exist in Bihar, there is no question of abolishing it.

According to a survey and settlement Reports of the 1930s, the number of bonded labourers in the district alone - Palamau - was estimated to be less than 60,000. There had been no remarkable change in the agrarian situation to reduce this number very drastically over these years.³⁷

Orissa:

The system of bonded labour 'gothi' prevails in different forms in different parts of the State. In this

36. Bose Madhuri, Bonded Labour: Modern Slavery Development 1984 (3), p. 64.

37. Sudipto Mundle, Bonded Labour in Palamau, IIPA, New Delhi, 1978, p.56.

connection an ad hoc survey was undertaken by SC & ST Commissioners Organisation in Keraput district in 1960. It has been found that prevalence of 'gothi' or debt bondage labour varies from area to area. The amount of advance taken by a 'gothi' from his employer ordinarily varies from Rs. 50 to Rs. 200/- and amount of remuneration varies from Rs. 10 to Rs. 50/- per year, in addition to food and grain for subsistence. Apart from food and cash remuneration the 'gothis' are given pocket money for purchase of tobacco at rates varying from an anna to two annas a week. They are also generally given one piece of cloth each per year. The 'gothis' are generally required to perform both agricultural and domestic services. They have to do other odd jobs at the instance of their employer. For instance, the 'gothis' at Sunabede were engaged some time back in construction of an approach road to the village and the amount received by them as wage was actually enjoyed by their masters.³⁸

Maharashtra:

The survey of indebtedness undertaken by the SC & ST Commissioner's Organisation in Maharashtra 1965,- made an attempt to ascertain the incidence of bonded labour. It revealed that bonded labour was prevalent in Thana District as a few cases were detected in some of the

38. Dvring F., Bondage Tenure and Progress, Vol. VIII, Comparative Studies in Society, and History, 1965, p. 309.

tribal development Blocks in the district. The main feature of this system is that a tribal pledges his labour, and sometimes labour of the other members of his family. In return for a loan, and is released only when the loan is repaid. The period of bondage of services ranges from 3 to 5 years. A case, however come to notice in which a tribal had remained bondage for about 14 years. The creditor is responsible for feeding the bonded persons who also get some clothing from him, but no cash payment is made at all. The bonded person has to depend upon someone in his family to procure the required money for securing his release. Often the agreements are oral only. They were required to work for their masters for the whole day.³⁹

Karnataka:

According to various surveys, bonded labour system is widely prevalent in the state. In Sakelspur and Belur Talukas of Hassan district the system is known as 'Jeetha' system. Jeetha system seems to be hereditary and obligatory. Generally the whole family of the bonded person including small children, wife work for the master. The scheduled castes are, mostly, victims of this system. The reasons for their taking loans and binding themselves for labour are poverty and expenditure on social ceremonies. They were forced to work for decades together to clear off their debts.⁴⁰

39. Muneshi Inder, Attached Labour in Tane, a Historical Review, EPW, 24 (20), 20 May 1989, p. 1123.

40. Kamble No.: Bonded Labour in Karnataka, Uppal, New Delhi.

Gujarat:

As far as Gujarat is concerned we have severe form of bonded labour in the rural areas. Many reports show that landlords go upto extent of owning villages in Gujarat. Reports from Kutch district show that even after the first anniversary of the 20 point programme all the agricultural workers, of the village Khedoi of Anjar Taluk, the biggest village in the Kutch district, were held in Serfdom by the local Thakur landlords. These poor Khet mazdoor were tortured because they dared to file a complaint to the authorities and even the investigating officers colluded with the landlords and forced the Khet Mazdoors to sign a statement dictated by the Thakurs.

Several families of Thakurs own the whole village, they hold land beyond the permissible ceiling, their word is the law in the village. Even the police does not dare enter the village without the Thakurs permission. Over 200 families of harijans and paradhis (S. T.) live in the village Khedoi and work as bonded labourers for the Thakurs. All of them are indebted to the landlords. In lieu of the loans these families of Khet Mazdoors work for twenty four hours for the Thakurs on a wage of Rs. 2.50 to Rs. 3.50 per day.

On hearing about the 20 Point Programme, labourers sent a petition to the District Collector in the hope of freedom. The District Collector took steps for that regard.

The bonded labourers were summoned at night by landlords they were beaten up for what they had told the officers who had come to investigate the matter, and they were threatened with even worse consequences if they did not withdraw their earlier statements and make fresh statements to the satisfaction of the landlords.

The Thakurs with the help of local goondas brought the investigating officers into their network. The result was that the officers declared to the District Collector that there is no Bonded Labour System in the area, harijans and Thakurs are living happily.

Later on the goondas came to the village, beat up the men both, molested and raped their women.⁴¹

Bonded Labourers in some parts of the Gujarat were bought, sold and kept in Stables, one could say their lot was as bad as that of cattle. In a shocking case of bonded labour the Gujarat High Court has set free a young couple and their three kids from a landlord of Sabarkantha district.

The incident proved that the system is widely prevalent in many districts of Gujarat. Vacation Justice R.A. Mehra of High Court set them free and also asked the Sabarkantha police to investigate the mysterious

41. Pandya B., Trends and Patterns of Indebtedness among Harijan, Journal of Gujarat Research Society, Vol.21, 1959, p.

disappearance of another family of three persons who had also been kept in a stable of the same landlord. While delivering the verdict on the petition filed by a social worker on behalf of the bonded labourers the Justice appointed Mahesh C. Bhatt as Court Commissioner and asked him to inquire into the issue. The Commissioner in his report made it clear that there was a system of bringing tribals from various tribal belts in Gujarat to work in the farms and at homes. These tribes would be paid a lumpsum in advance. The practice was to prepare a 'nokamama' in which a certain amount purported to have been paid to the labourers was mentioned. The document would bear the thumb impression of the labourers. The entire family is treated as one unit. They were required to work twenty four hours and all sorts of work were allotted to them. There seemed to be no machinery to enforce the minimum wages Act, the local police too helped the landlord.

Rajasthan:

In Rajasthan the bonded labour system - Sagri, Hali - is prevalent in many parts of the State. A study estimated that there were around 67,000 bonded persons living in the state. During the survey, it was difficult to predict the true colours of the Stringene system, because of the attempts made by the vested interest to coerce

their Sagri's not to disclose true facts. The Sagri system is essentially born out of indebtedness and the scheduled tribe person taking loan is forced to enter into an agreement which binds him to work for the loan mostly taken for unproductive purpose. There is hardly any bonded person who had been educated beyond matriculation. ⁴²

Uttar Pradesh:

In Uttar Pradesh we could find the system practiced in following areas, in Jaunsar - Bawar area in Dehra Dun district and Fateh-Parvat area in the Purola block of Uttar Kashi district. Where the bonded labour is called Koltas, Koltas belonging to an untouchable caste, are generally victims of the system in the region. The terms of agreement giving loan to Koltas are oral and follow the pattern given below, he will work for the creditor in lieu of interest, if he is unable to repay, his son will work till the loan is repayed and if he leaves the village his belongings would be auctioned. As a result of this, the loan continued for generation after generation and debt bondage along with its concomitant was maintained unhindered.

The working and living conditions of the Koltas are described as in other parts of the country. Once the Koltas

42. Sudipto Mundle: Backwardness and Bondage, IIPA, New Delhi, 1979, p. 72.

becomes bonded he works for the creditor the whole day. He works in the field, looks after the cattle, brings fodder for them and does all sorts of odd jobs for the landlord. The landlord provides him with two meals a day Sattu and rotti in the morning and Rotti and dal in the evening. Food is provided only when he works. If a bonded Kolta falls ill he will not be provided food. The bonded Kolta is provided a piece of land to built a house. He is also given some land by the landlord which is just enough to sustain his family. Generally Banjar land is given to Koltas.

The whole family of the bonded labourers, after putting in tremendous labour, makes the field available. The bonded Kolta can be evicted from land any time because he is only a tenant. In many cases, it was found that when the Kolta had made the field available he was evicted by the landlord and again given a banjar field. This hopeless situation of the bonded labourer makes him borrow in cash or kind and the debt keeps piling up.

The woes of bonded labourers do not end there. They are victims of atrocities and indignities at the hands of caste Hindus. There are cases of rape of women folk of bonded labourers by caste Hindus who go unpunished in most of the cases. Physical punishment is also common occurrence, in areas where, the system is operating. There is thus

some sort of built in mechanism in the system which perpetuates it, whatever may be the legal framework provided by the law makers. The socio-religious practices dominating the rural life gives an upper hand to the caste Hindus while the untouchables continue to comply with their dictates.⁴³

43. Arora (Ed.), Social Costs of Bonded Labour, Indian Academy of Social Sciences, Allahabad, 1977, p. 54.

CHAPTER II

LEGAL ASPECTS OF BONDED LABOUR SYSTEM IN INDIA

LEGAL NATURE OF BONDED LABOUR SYSTEM IN INDIA

In a number of cases, where bonded labourer is mortgaged or sold like chattel is similar to slavery. Though such is his actual position the law does not sanction this system. The Indian Act of 1843 expressly declared that no rights arising out of slavery should be enforced by the courts.

Such legislation was also undertaken in individual provinces. Regarding, the early legislation in Bihar, aimed at prohibiting the sale by the Kamiya of his person and his heirs, C.J. Stevenson¹-Moore, wrote in 1898; "That having been declared illegal, he (Kamiya) now leases his person as the Chinese do their parts for 90 years, the results being the same". Though slavery was legally abolished in 1843, a new law called the workmen's Breach of Contract Act was enacted in 1859. This was repealed in 1923 with effect from 1926. In Madras, there was the Madras Planters' Act of 1903 devised to protect the planters against the loss of advances made to their workers; this was repealed in January 1929. Though these laws related largely to plantation labourers and plantation owners, the masters of other bonded labourers sought protection under them, as well.

Special legislation was undertaken in Bihar with a view to curbing the system of bonded labour. The Bihar

1. C.J. Stevenson Moore, Report on the Material Conditions of Small Agriculturalists and Labourers in Gaya, Calcutta 1898, p. 15.

and Orissa Kamiasti Agreements Act of 1920 expressly declared that such arrangements were void.

- 1) Unless the full terms of the agreement were expressed in stamped documents.
- 2) Unless the Kamiya was given a copy of the document.
- 3) If the period of agreement exceeded or could exceed possibly one year.
- 4) Unless the Kamiya's liability was completely extinguished on the expiry of the agreement, and
- 5) Unless the Kamiya's remuneration under the agreement was fair and equitable.²

Reviewing the effects of this legislation in Bihar, Dr. Radhakamal Mukerjee noted that 'the system today is very much alive in several districts in Bihar and in some it is still extending'. The Royal Commissioner³ on labour also stated that 'such systems now have legal sanctions and in Bihar special legislation has been adopted in the endeavour to eradicate the abuse'.

It should be clear, then, that the system of bonded labour has no legal sanction; however it still continues to operate. A simple explanation of the persistence of this legally abolished system is to be found in the fact that although

2. Radhakamal Mukerjee, Land Problems of India, London, 1935, p. 231.

3. Report of the Royal Commission on Labour, London, 1931, p. 362.

the laws are on the statute books; their powers have not been invoked against the system. On the part of the poor, illiterate, unorganized bonded labourers, no body seriously questioned the system, and asked for legal assistance. The result was that the laws abolishing it and the system, both exist together.

The 21st century is hardly a decade away and as we march ahead there are thousands of bonded labourers still to be looked after. There is no doubt that the Central Government and many State Governments are engaged in abolishing the system of bonded labour. Many sincere efforts have been taken in direction by voluntary agencies too. The system continues upto a certain extent, because of certain vested interests which are present at various levels, particularly at the village level. Another reason can be attributed to the nexus between the landlords and the local politicians which sees to it that the system continues for ever without any danger.

Various authors criticize the role played by the administrators in abolishing bonded labour system due to which the rehabilitation programmes and the funds allotted for them are misused. In the following pages an attempt is made to illustrate and elaborate these points.

Abolishing the Bonded Labour System:

It is generally agreed that the bonded labourers are drawn from the ranks of the aboriginal and untouchable section of the population. An examination of the social status of these groups during the course of the last hundred and fifty years or so will yield some clues as to the reasons why these groups have been compelled to accept such bondage and to the nature of their bondage.

It is true that though the agricultural labourer working under some form of bondage is a freeman de jure and that legal provisions have categorically declared the system of bondage illegal, his actual conditions resemble those of serfdom and, in some cases, of slavery. However, the most striking fact about bonded labour in India is that it is a result of the inability of certain groups of the agricultural population to acquire monetary assistance for their subsistence through any normal channel of economic activity. This compels them to mortgage their personal freedom to obtain the necessary loan. This point is clearly illustrated by the observation of J.R. Shukla⁴ who made an intensive study of fourteen villages of the Olpad Taluka in Gujarat, where, the Hali system of bonded labour is prevalent. He wrote 'On the side of the Hali,' this is the only way which he sees for getting money either for marriage or any other social or domestic need as he

4. Shukla, J.B., Life and Labour in Gujarat Taluka,
Bombay University Economic Series, No.10, Bombay, 1937, p.132.

has nothing else to offer as security for the loans". He agreed with the remarks of S.H. Covert⁵ that so long as the nature and the position of the Bhils and Kaliparaj aboriginal tribes 'remains what it is, it is not easy to see how they can refrain from accepting advance. As long as this situation continues, the Hali system will remain".

It should be clear, therefore, that freedom is not denied to the bonded labourer through the exercise of some force by the feudal aristocrats, as was the case with feudal serfs. Neither are they like the Greek and the Roman slaves, who were largely prisoners, captured from defeated armies or conquered territories; nor are they like the Negro slaves, who were traded as a result of being captured by ruthless man-hunting expeditions. These labourers in India were compelled to accept bondage because this was the only available method to secure a livelihood and a small sum of money. The relationship between the bonded labourer and his master should not have been different from that of a debtor and creditor. But under a particular evolution of Indian society during the course of the last century and a half, the debtor has become so desperate and the creditor so exacting that what would have normally been expected to be a free and legally equal position of two parties, mutually executing a contract of debit and credit, has, in reality, turned into a status of virtual slavery for one and absolute domination by the other.

5. Ibid, p. 132.

Since the monetary loan is characteristic of the bonded labour system, it should be distinguished very sharply from feudal serfdom or slavery. This type of 'monetary bonded labour' could not have existed in an essentially non-monetary economy.⁶ The village communities in the pre-nineteenth century India constituted such a society, where economic activities were guided by custom and barter, and money was used only on the fringe of total economic activities. This does not mean that some form of slavery and clear cases of subordination were absent from the structure of these village communities. There were menials and domestic servants in these communities, and their position was hardly different from that of the bonded labourer in present-day India. But such a position was recognized by custom and sanctioned by the institutional framework of the time. The force which perpetuated such a system was a clearly recognized social custom tantamount to a law in this traditional society.

Even a form of slavery existed in pre-nineteenth century India. The Cambridge History of India mentions that the fact that slavery, "usually in a mild form existed on the west coast and in the Tamil country."⁷ In the former area there were both predial and personal slaves In the latter area the slaves were predial only (apart from a certain amount of 'slavery on contract'), and the institution was already dying out in 1819. Surely, slavery could not

6. Cambridge History of India, Vol. 41, London, 1922, p. 38.

7. Ibid, p. 128.

have had a strong basis in the society considering that it was legally abolished without any marked opposition from any section of the Indian population. 'It appears, stated the Cambridge History of India 'that at no stage was emancipation opposed by any section of Indian society, although it was accompanied by no payment of compensation to slave-owners. R.D. Choksey⁸ in his excellent work on the economic history of the Bombay Deccan and Karnatak cities has cited' a number of letters by British officers indicating that "Slavery in India was quite different from what the British were familiar" with. Thackery⁹ considered the system so benevolent and 'mild' that he was in favour of toleration unless the government undertook to provide a fund for starving children. From all accounts, the slavery was mild, and was rather a particular form of caring for the children made destitute by famines.

It was noted above that there were menials and domestic servants within the traditional form of village communities. The subsistence of these menials was guaranteed by an allotment of certain acres of land or by granting them the claim to a certain portion of the produce of each cultivator. Baden-Powell¹⁰ described this arrangement in the following words:

8. Choksey, R.D., Economic History of the Bombay Deccan and Karnataka, Poona, 1945, p. 195.

9. Cited in Misra, B.R., Land Revenue Policies, Banaras, 1942, p. 153.

10. Baden-Powell, The Indian Village Community, London 1986, p.16.

"And therefore, villages of this joint type system solved the difficulty of attracting to themselves a body of resident craftsmen and menials, who are not paid by the job, but are employed by the village on a fixed remuneration sometimes a bit of rent-free (perhaps revenue free) land by small payments at harvests, as well as by customary allowances of so many sheaves of corn, millet, or certain measures of grain and perquisites in kind. Each is also given a house-site in the village, or in some cases, as in Madras, in a group outside it, forming a sort of suburb".

The position of these menials could hardly have been very enviable. Nevertheless, traditional arrangements guaranteed their subsistence. Their status was traditionally fixed as handicraft artisans, weavers, sweepers, tanners, watchmen, etc. True, there was little escape from these arrangements. But they were integrated parts of the society, and would remain as long as the arrangements lasted.

The disintegration of the basis of village communities began to weaken the traditional arrangements which guaranteed the subsistence of the village menials and such other groups who were dependent on an integrated community structure of the rural society. Artisans, especially weavers and tanners, were faced with the ruination of their occupation. During the latter half of nineteenth century, industrial development even it restricted had barely begun. There was little agriculture if any, and the development of capitalist

farming, which would have opened up the avenue for the employment of free wage-labour, was lacking. There was, thus, little opportunity for earning a livelihood as free labourers. Moreover the old arrangements of guaranteed subsistence within the village communities had weakened considerably. It was the desperation, born out of dire necessity to avoid certain starvation, that drove them to seeking some form of guaranteed subsistence. Acceptance of bondage was the only choice open to them. They were given a little advance by certain cultivators who, taking advantage of their desperate position, transformed them into life-long bonded labourers. These cultivators became absentee landlords. Some of them, especially the Anavils, Patidars and Parsis in the Surat district of Gujarat, turned to trade or other professions. These non-working landowners left their fields to the Halis and migrated to Africa, Bombay or nearby towns, or even idled away their time in the same village.

It has been observed earlier in this chapter that an initial advance of money was the immediate 'cause' of bondage. Now, it should be clear that to consider such an advance the cause of bondage, would constitute a serious error of misplaced emphasis. The cause of such bondage lay deeper, that is in the dire necessity of securing subsistence in some way or other. The advance of money has been more in the nature of a mutual recognition that

the system of bonded labour was approved by both parties. One was forced to accept such a position, the other was willing to employ him as such. The arrangements were generally made when the would be bonded labourer had come of age and was expected to seek his own subsistence. As he had attained manhood, he would also be seeking a wife. In most cases, the advance of money has been for marriage. To say, therefore, that marriage, and the advance which is generally used for it, are the cause of the institution of bonded labour. Would be like declaring that the exchange of rings between a man and a woman is the cause of their marriage.

The disintegration of the village communities brought about the 'liberation' of depressed classes from the traditional form of bondage, but, in the process, it destroyed the basis of their guaranteed livelihood. Because other alternatives for employment had not yet developed, they were forced to accept the worst conditions of work for securing a livelihood. Their liberation from the traditional bondage, itself paved the way for the new type of economic bondage. They were no longer 'serfs' within the framework of the village communities, wherein, as a group of village menials and servants, they had accepted bondage to a group of cultivators. This relationship was replaced by a new form of bondage, wherein an individual in desperate economic need was forced into bondage to another individual. The traditional serfs were 'liberated' to be re-serfed'.¹¹

11. Laxmidar Misra, Identification Release and Rehabilitation of Bonded Labourers Social Action, 1987, January p.

ILO, India and Bonded Labour

The International Labour Conference at its fourteenth Session held in Geneva in June, 1930 adopted a draft convention requiring all member countries to abolish forced or compulsory labour in all its forms within the shortest possible period. The convention provides for exceptions in which forced labour can be exacted by the competent authority concerned for public purposes and the conditions under which forced labour can be allowed are specified therein, Article 2 of the International Labour Convention on forced or compulsory labour, 1930, defines forced or compulsory labour as all work or service which is exacted from any person under the menace to any penalty and for which the said person has not offered himself voluntarily.¹²

The convention adopted by the International Labour Conference was placed before the legislation, in accordance with the I.L.O. constitution and both the Houses adopted in 1931, the following Resolution:

"While considering that the Draft Convention on forced labour could not be ratified until article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good conduct Prisoners' Probationary Release Act and other similar social legislation in force in India. This Assembly Council recommends to the Government of India

12. Moorthy O.K., Rehabilitation of Bonded Labourer, Social Welfare, February, 1977, p. 28.

that they proceed to take action on all other provisions contained for the Draft Convention and the Recommendations as soon as may be practicable'.

The Resolution was accepted by the Government of India and to give affect to it, the State Governments were requested to:

1. Take steps to abolish at the earliest possible opportunity, forced or compulsory labour for the benefit of private individuals, companies or associations.
2. Modify any exactment of the legal legislation which permitted the use of forced labour or compulsory labour for public purposes within the transitional period of five years allowed by Article I of the Convention, and
3. Issue such executive orders as might be deemed advisable to secure the objects in view.

A report on the action taken by the State Government in the matter, was called for so far as the Government of India was concerned, it undertook to take such action as might be necessary to amend any Act of the Indian Legislature or Regulations which permitted the employment of forced labour. Simultaneously, the Government of India examined the Central Acts and the Bengal Regulations of 1806 and certain Land Revenues Acts were so amended as to stop the use of forced labour by private individuals or landlords.

Administrative instructions were issued by certain State Governments to stop the use of forced labour by touring officers. Many Indian States also enacted Legislation on the subject of forced labour (example - Bihar, Kerala).

The provincial Labour Ministers Conference held in November 1947, before which the matter was placed, felt that forced labour was prevalent in certain states and a general enquiry was undertaken. The subject could not be tackled effectively, an Officer on Special Duty (O. S. D.), Shri P. S. Dhamno was, therefore, appointed in August 1948, to study the various legal enactments - Central and Provincial and all other available literature on forced labour and to submit a report indicating the extent to which existing legislation was required and which of the defects could be cured by administrative action.¹³

The O. S. D. submitted his proposals for repeal or amendment of the offending provisions in various enactments allowing exaction of forced labour, in order to bring them in conformity with I.L. Convention on forced labour or compulsory labour 1930. In respect of such enactments which contained provisions regarding forced labour, coming within the scope of the I.L. Convention, the O. S. C. suggested insertion of suitable provisions regarding age-limits, hours of work, weekly day of rest, compensation for accidents or sickness arising out of employment, subsistence allowance, etc, as required under articles 2 to 15 of the convention.

13. Ghosh Buddadev, 'Technology Brings No benefits',
Business Standard, Calcutta, July 26, 1985, p.7.

Forced Labour is prohibited by the constitution of India. Apart from the amendments or repeal, needed in the enactments, no further legislation as such was considered necessary. It was, however, proposed to bring to the notice of the State Governments and Ministries concerned the views of the Law Ministry and to request them to weed out such provisions as may be offending the Constitution in the Acts specified above as also in others, if any, allowing the exaction of forced labour.

In addition, they will be requested to give the widest possible publicity in rural areas to the provisions of the Constitution and to ruling Law Ministry that notwithstanding anything to the contrary contained in any enactment, the exaction of forced Labour in contravention of Article 23 would be unlawful and punishable under Section 374 I.P.C. Also that, on the administrative side, such data as would be collected, in a limited All India Enquiry, has been collected these forming a basis on which further investigation would where necessary, be pursued by the State Government.

According to the Report of the Commissioner for SC & ST 1970's - the practice continues to exist in one form or the other in a number of States.

Article 23(1) of the Constitution of India and Section 374 of the Indian Penal Code prohibit the practice of the forced labour.

Former Prime Minister Mrs. Indira Gandhi had declared that this practice of bonded labour should be put to an end to once and for all, as this practice is beyond human values and consideration.¹⁴

Twenty-Point Programme

The propaganda for the Twenty-Point Programme lays special stress on the abolition of bonded labour; Point four of the programme declared 'Bonded Labour wherever it exists, will be declared illegal. It is difficult to attach a precise meaning to this statement. There was a time when bonded labour in the full sense existed in India; there were social and legal restrictions on the freedom of certain classes or castes of labourers; they could not own land, or move freely, and their masters could treat them with indignity, but this bondage has been illegal since 1843. In that year the Government of India declared that there was to be no more sale of slaves for arrears of revenue. No court should in future enforce rights arising out of the alleged possession of slaves, no man was to be deprived of his property on the ground that he was alleged to be a slave; and finally, any act which was a penal offence if committed against a free man was to be equally an offence if committed against a man on the ground that he was a slave.

14. Kumar Dharma, 'Bonded Labour', Seminar, No.198, February 1976, p. 18.

But, of course, agricultural serfdom continued for decades; slaves were bought and sold with land in Malabar as late as 1906.¹⁵ This was only partly due to the agricultural labourers' ignorance of the law or his powerlessness. One reason why he continued to the chains of servitude was that these were also ties of security; they were assured security of employment and better treatment in old age or sickness.

And these are the reasons why 'attached labour' has continued to the present day. It cannot of course take the old form - cherman are no longer bought and sold in Malabar. There are new forms of attached labour first there are permanent farm servants who work for one master for several years. They used to be paid higher rates of wages than casual labourers but this is not always the case now, what they generally have is a guaranteed volume of employment and hence a minimum annual income where the permanent farm servant of a trusted and specially skilled worker he also receives higher wages. He is an attached worker in the sense that he accepts a moral obligation to work for his employer just as the employer accepts the moral obligation to employ him. Nothing in this relationship can be declared illegal. The number of attached labourers has in fact declined sharply since the second world war and was not always to benefit of the labourer.

15. Balasubramaniam, Abolition of Bonded Labour and after, Vanyajati, Vol.24, No.3, July 1976, p.12.

There is indeed a more sinister form of attachment debt bondage. Here the agricultural labourer who borrows from his master has to work for his master till he has repaid the debt (as mentioned earlier) writers have published some covenants of this type that were found in Madras in 1916.¹⁶ But such bonds rarely had legal force even in 1916, they only expressed a moral obligation assumed by the debtors family, backed up by the social sanctions of the local community.

The number of such written bonds has in any case fallen very sharply there are hardly any reference to them in the recent literature. Of course, masters continue to give their labourers loans and they continue to force down wages wherever they can but repayment is enforced by the master's social and economic power, not by law. There is already a leage body of law regulating the rates of interest. The creditor can go to court only if he has charged a legal rate of interest. Agricultural labourers have little property to give as security; if the master takes them to court, even if he wins his case there is nothing he gains thereby since he can not legally insist on the debtors working for him. Thus, it is already legally unforceable for court to be extracted on repayment of debt, and has been so in most parts of India for decades. But it is equally true that debt bondage is widespread, however illegal it may be. One of the main reason why the system still continues

16. Dogra, Bharat, Hard Choice, Hindustan Times, 31 August 1986, p. 9.

is that the debtor, being uneducated, is often unaware of his legal rights, in such cases, if the twenty point programmes were implemented it would have certainly done a great deal to help the labourer. Another important reason why the system continues is that, under existing conditions, it suits both the parties - the creditor for obvious reasons, the debtor because he has no properable source of credit. Under such conditions the law is not enforceable.

Bonded Labour System (Abolition) Act 1976

The Abolition of bonded labour system is one of the major programmes included in the 20 point Economic Programme of the late Prime Minister Smt. Indira Gandhi. In her broadcast on July 1, 1975, she announced 'the practice of bonded labour is barbarous and will be abolished. All contractors or other arrangements under which services of bonded labour are now secured will be declared illegal'. In pursuance of the Prime Minister's declaration, an Ordinance entitled Bonded Labour System (Abolition) Ordinance 1975 came into being. Subsequently the Ordinance was replaced by an Act of Parliament.¹⁷

According to the Act, the Bonded Labour System stands abolished and every Bonded Labourer stands free and discharged from any obligation to render any bonded labour. No person

17. Marla Sarma, Bonded Labourer in India,
GPF, New Delhi, 1981, p.

shall make any advance under the system or compel any person to render any bonded labour or other form of forced labour. The Act says that any custom or tradition or any contract agreement or other instrument by virtue of which any person, or any member of the family or dependent of such persons, is required to do any work or render any service as bonded labourer, shall be void and inoperative.

Every bonded labourer who has been detained in a Civil Prison whether before or after judgement shall be released forthwith.

No person who has been freed and discharged under this Act from any obligation to render bonded labour, shall be evicted from any homstead or other residential premises which he was occupying. If any such person is evicted by the creditor, the Executive Magistrate incharge of the Sub-division shall restore such a homstead or other residential premises.¹⁸

Every decree or order, for the recovery of debt, according to the Act, passed before and not fully satisfied before such commencement shall be deemed to have been fully satisfied. Every attachment made for the recovery of bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof such moveable property shall be restored to the possession of the bonded labourer.

18. Ibid.

Liability to repay bonded debt according to the Acts stands extinguished. Every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remaining unsatisfied immediately shall be deemed to have been extinguished. No suit or other proceeding shall lie in any civil court or before any other authority for recovery of any bonded debt or any part thereof.

Where possession of any property belonging to a bonded labourer or a member of his family was forcibly taken over by any creditor for the recovery of any bonded debt, it shall be restored to the possession of the person from whom it was seized. If restoration is not made within thirty days from the commencement of the Act, the aggrieved person can apply to the prescribed authority for the restoration of the possession of such property.

Where any attached property was sold before the commencement of the Ordinance in execution of a decree or order for the recovery of a bonded debt such sale shall not be affected, provided the bonded labourer or an agent authorized by him may at any time within five years apply to have the sale set aside on his depositing in court, for payment to the decree holder, the amount specified. In the proclamation of sale, for the recovery of which the sale was ordered less any amount, as well as mense profits, which may, since the date of such proclamation of sale, have been received by the decree holder. Any suit or other proceeding for the recovery of any advance pending shall stand dismissed.

All property vested in a bonded labourer under any mortgage, charge or other incumbrances in connection with any bonded debt stand freed and be restored to the possession of the bonded labourer is entitled to recover from the mortgage, charge or incumbrance as may determined by the Civil Court.

No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied, and whosoever contravenes the provisions shall be punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to two thousand rupees. The Act provides for imprisonment for three years or fine of Rs. 2,000/- or both for any infringement of its provisions.

Every offence under the Ordinance shall be cognizable and bailable. If an offence is committed by a company, it shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

The Act also provides for the setting up of vigilance Committees at the districts and subdivisional levels. These Committees shall advise the implementing authorities on all matters relating to the enforcement of the Act. The Vigilance Committees will also ensure the economic rehabilitation of the freed bonded labourers.¹⁹

19. A Report of Lal Bhadur Shastri, National Academy of Administration, Mussories, 1990, p. 77.

Vigilance Committees

The Act provides for the setting up of Vigilance Committees at the District and Sub-Divisional levels to ensure the proper implementation of the Act and provides for economic and social rehabilitation of bonded labourers. Vigilance Committees at the District or sub-divisional level would consist of 10 members, presided over by the District or Sub-Divisional Magistrate or a person nominated by him with three persons belonging to SC & ST of the area, two social workers, three members representing the official or non-official agencies connected with rural development and one person to represent the financial and credit institutions in the District/Sub-Division.

The functions of the Vigilance Committee shall be:²⁰

- a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that provisions of this Act or of any rule made thereunder are properly implemented.
- b) to provide for the economic and social rehabilitation of the freed bonded labourers.
- c) to co-ordinate the functions of rural banks and co-operative societies with a view to analysing adequate credit to the freed bonded labourer.

20. Moorthy, O.K., Rehabilitation of Bonded Labourers, Social Welfare, February, 1977, p. 27.

- d) to keep an eye on the number of offences whose cognisance has been taken under the Act.
- e) to make a survey as to whether there is any offence of which cognisance ought to be taken under this Act, and
- f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.²¹

The State Governments had been asked by the Union Ministry of Labour²² to suggest the strategy that should be adopted for the economic rehabilitation of the bonded labour. The Union Ministry of Labour had also addressed the Chief Secretaries of States to utilise the on-going plan schemes for the rehabilitation of bonded labour. It was also expected that the State Governments would take steps specifically for identifying bonded labour and implement schemes for social and economic rehabilitation of the emancipated bonded labourers. The State Labour Departments would act as the 'Nodal' departments to coordinate the activities of the Central Government to end the bonded labour.²³

21. Bonded Labour (Abolition), Act 1976, Government of India, New Delhi 1976, p.

22. Ibid.

23. Ibid.

CHAPTER III

REHABILITATION PROGRAMMES AND IMPEDIMENTS

ADMINISTERING THE REHABILITATION PROGRAMMES
OF BONDED LABOUR & IMPEDIMENTS

Denial of wage or payment of a wage less than at the minimum rates notified by the Government in respect of schedule, employment or less than the rates obtaining in the market (where no minimum wage rates have been notified) is the first consequence of this unequal exchange relationship. There could be many other consequences such as - as mentioned earlier -

- a) denial of the freedom of movement in any part of the territory of India,
- b) denial of the choice of alternative avenues of employment,
- c) forfeiture of the right to earn a reasonable price on one's labour or the product of such labour.

These consequences may exist individually or collectively. But existence of a creditor - debtor relationship and the debtor mortgaging his service or the services of any of the family members for any length of time with one of the consequences as depicted above, is enough to determine the existence of the bonded labour system. It is not necessary that all the consequences should be in existence together.

In its historic judgement delivered on the writ petition No. 2135 (filed by Bandhua Mukti Morcha) on 16th December 1983, the Supreme Court has given a very broad liberal and expansive interpretation of the definition

without, however, altering it and rather retaining the essential spirit of it. According to this interpretation, the creditor and the debtor represent two diametrically opposite sections of the society. The debtor is poor, weak, and lacking resources whereas the creditor is rich, strong, influential and resourceful. If the debtor is rendering certain services to the creditor free of cost, i.e. without any remuneration, he is not doing it out of charity or catholicity but out of some economic consideration for the creditor. According to the interpretation given by the Supreme Court of India, it is not necessary to prove beyond doubt the element of debt/loan/advance in the creditor-debtor relationship: Such an element can always be implied or assumed. To explain it in the words of Justice Shri P.N. Bhagwati (Former Chief Justice of India)

Ordinary course of human affairs would show, indeed judicial notice can be taken of it, that there would be no occasion for a labourer to be placed in a situation where he is required to supply forced labour for no wage or for nominal wage, unless he has received some advance or other economic consideration from the employer and unless he has received some advance or other economic consideration from the employer and under the pretext of not having returned such advance or other economic

consideration, he is required to render service to the employer or is deprived of his freedom of employment or of the right to move freely wherever he wants. Therefore, whenever it is shown that a labourer is made 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 is so chooses, but unless and until satisfactory matter 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.¹

Thus the Court has come to the conclusion that denial of the minimum wage by itself is enough evidence of the existence of the forced labour and that forced labour is merely a variant of bonded labour to person working for wages would not accept anything short of the minimum wages notified by the government unless he owned some economic obligation to the person under whom he works.

1. From the Judgement of Justice Ghagawati - 16 December 1983, in Supreme Court of India, in the case of Bhandaria Mukti Morcha vs. Union of India and Others.

The question which remains to be answered is what is the identification of bonded labour or bonded labour system. Which is deemed to have been fully abolished by law since 24th October 1975 when the Bonded Labour System (Abolition) Ordinance was promulgated? Though legally abolished, it exists in many forms, in agricultural and non-agricultural employment alike.

There is not one, but a host of factors responsible for the origin, growth and perpetuation of the system. A highly stratified social structure based on artificial considerations of caste, community and religion, lack of avenues of stable employment, difficult nature of the landscape and soil which diminishes returns on investment in land and productivity, concentration of landholdings. In the hands of a few at the cost of many, unaccompanied by resources or inputs of development like irrigation, quality seeds, fertilizers etc. according to a scientific proportion, mortgage of land for obtaining loans and advances for ceremonial or subsistence expenditure which leads to alienation and conversion of small and marginal farmers into landless agricultural labourers, non-registration or share-croppers and absence of any machinery for adjudication of their disputes resulting in their absence of an employment guarantee scheme in most of the state/Union Territories (as in Maharashtra) resulting in large scale migration (which, linked with system of debts

leads to bondage in alien soil) are some of the easily identifiable factors responsible for such an unfortunate situation.

Amidst such a difficult situation the identification of bonded labour can not be viewed as the same as identifying voters with indelible ink as in an election. In a democracy or as plain counting of heads as in a census operation. Identification of the bonded labourers in its time sense and ultimate analysis is discovery of a non-being, an exile of civilization who, though a human being has been reduced to a non-entity on account of social discrimination and economic exploitation.

Impediments:

Equally Half-hearted and ad hoc has been the approach towards the release of bonded labourers once identified as such. A very formal, rigid and legalistic approach is being followed in most states. For every case of release, after the preliminary survey/identification reports are received from the field agencies, a case record is opened. In the Court of the Executive Magistrate who is notified by the State Government to try all cases under the Bonded Labour System (Abolition) Act, Prima facie, there is nothing objectionable in this but when this leads to an endless process of trial with an elaborate procedure for recording of evidence, it acts to the detriment of the bonded labourer who, on account of his

poverty, illiteracy and backwardness, can never stand up to the tyranny of law and rigidities of the legal process. The correct and a more practical approach to the problem would be to hold a summary trial immediately on receipt of reports from the concerned agencies (including voluntary agencies) so that identification and release can be simultaneous. In all such summary trials, it may be desirable to segregate the bonded labourer from the bonded keeper so that the former could be taken into confidence and made to disclose certain facts of his life with freedom and self assurance on the basis of which the trying Magistrate can come to the conclusion that he is a bonded labourer and must, therefore, be set free forthwith. If there is resistance from the bonded labour keeper even after the order of release has been passed by the Magistrate, prosecution must be launched against him under the relevant provisions of the Bonded Labour System (Abolition) Act.

Rehabilitation Programmes:

Identification and release generally mean for a bonded labourer a world of freedom. But associated with that freedom is a world of uncertainty and insecurity which a freed bonded labourer can hardly face on his own courage and confidence. The choice between the world of bondage and security (which was more illusory than real) and the world of freedom and insecurity is hard and difficult one. The abolition of slaves in America after

the civil war had witnessed a large number of slaves going back to their masters when they were confronted with this type of situation of uncertainty and insecurity.² Viewed in this background, a released bonded labourer would always like to go back to his former master and the bondage associated with it even in the absence of any coercion unless he is assured of something tangible to fall back upon.

The rehabilitation programmes must be based on two aspects i.e. physical and psychological. Physical rehabilitation is essentially economic whereas Psychological rehabilitation has to be built up through a process of assurance and reassurance. The freed bonded labourer must be assured and reassured that he is a human being, a free citizen of a free country and like any other free citizen, he is entitled to certain inalienable human rights, to certain irreducible barest minimum needs, facilities and amenities of life. The first prerequisite, of psychological rehabilitation is that the freed bonded labourer must be wrenched away from the old habitat and be rehabilitated at a place where they will no longer be subject to the village. Unless they are psychologically assured and reassured that after release from the bondage debt will not regulate their destiny any longer, there is every possibility that they will prefer sliding back into debt bondage.

2. Sunil K.P. of Human Bondage, Illustrated Weekly of India, New Delhi, June 1 1986, p.8.

Psychological rehabilitation must go side by side with physical and economic rehabilitation. How complex and difficult is the task of promoting both has been lucidly and yet forcefully summed up in the address of Sri K. V. Raghunath Reddy, former Minister of Labour, Government of India, in the Lok Sabha. While introducing the Bonded Labour System (Abolition) Bill on 27th January 1976.

A freed labourer will not have inputs for production or any supply of credit; he will neither have any professional skill that would enable him to pursue unindpendent livelihood, even where installed in a profitable activity, he will have no income during the period of gestation. The bonded labourer who is used to a world of domination and servitude will not obviously be aware of his rights. At times he may not even like to undergo the strenuous process of economic rehabilitation and may even prefer reversion to thralldom.³

The freed bonded labourer hither to an escile of the civilization needs an access to the modern world. He needs to familiarise himself with the latest trends in development so that he may assimilate himself fully with that development process. He needs a friend and a

3. Mishra Laxmidhar: Identification, Release and Rehabilitation of Bonded Labourers, Social Action January-March, 1987, p.9.

guide who can help him usher him into the mainstream of modern development process. The example of the Government of Uttar Pradesh who have appointed fifty four project workers through their Tribal Project Authority under the Hill Area Development Department is one worthy of being emulated by other State Governments. Such project workers have provided a bridge between the needs, urger and aspiration of the freed bonded labourers and the Tribal Project Authority and have been able to bring about an awareness and some perceptible change in the life-style of Koltas of Jaunsor Babar and Dehradun, Uttarkashi and Tehri-Garhwal districts.⁴

Basically there are three phases of rehabilitation:

- a) immediate physical subsistence after release,
- b) short-term measures to help to start a new life by way of allotment of a house site, assistance for the construction of a house, allotment of a plot of agricultural land with a pair of bullocks, agricultural implements and other inputs such as seeds, fertilizers, pesticides to be initially made available free of cost, provision of avenues of gainful employment, regular payment of minimum wages notified by Government etc.

4. Report of the Commissioner of SC/ST, Government of India, New Delhi, 1986, p.

c) long-term measures such as land development, arranging short-term and medium-term credit, provision of total animal husbandry and veterinary cover including insurance of productive assets, training in acquiring new skills and developing existing skills through TRYSEM, providing a remunerative price support for the minor agricultural and forest produce, ensuring literacy of the children of freed bonded labourers and other family members under both formal and non-formal literacy programmes, ensuring health, medical care, immunisation and nutrition of family members including pregnant mothers and children, and protection of civil rights particularly of those freed bonded labourers who, by virtue of their being born in lower castes, have been victims of social discrimination.⁵

If the identification of bonded labourers is like the discovery of non-beings, their rehabilitation is as good as resuscitating them from the morass of poverty, deprivation and subjugation and giving them a status of beings so that they may also be able to assimilate themselves into the mainstream of a civilized human society to realise the dignity, beauty and worth of human existence.

5. Mishra Laxmidhar, Op. Cit. Ibid., p.10.

The question is how can this be done and how is this being done? In other words, what is the inadequacy and effectiveness of the existing programmes of the Government and other agencies in achieving the object of a permanent rehabilitation?

As the former Labour Minister had put it, 'socio-economic legislation is bound to be reduced to a dead letter, if appropriate steps are not taken on the economic and social front. The Bonded Labour System (Abolition) Ordinance was promulgated on 24th October, 1975, and the legislation was passed by both Houses of Parliament on 9.2.1976 with many laudable objectives. Neither the Act nor the Rules have defined the parameters of rehabilitation of freed Bonded Labourers. For nearly two years after the enactment of the law, there were a number of isolated efforts, and ongoing schemes for the socio-economic advancement of the weaker sections of society, including bonded labourers belonging to the SC and ST community. But their impact was at best peripheral. Against this background, the Centrally Sponsored Plan Scheme was introduced with the approval of the Planning Commission in 1978-79.⁶ The scheme provided for a total subsidy of Rs. 4,000 per released bonded labourer, 50 percent of which is given as Central Assistance, the remaining 50 percent being met by the State Government

6. Sharma, G.B., Law as an Instrument for Abolition of Bonded Labour, IIPA Quarterly, 23 (3) 5 July, 1977, p.736.

concerned. The assistance is to be given for financing the cost of land-based, non-land-based and art/craft/skill-based schemes which are to be formulated at the block level, processed through the collector of the district and presented before a Central Screening Committee at Delhi for approval after which the respective Central and State share of assistance is to be released for four instalments.

With the best of intentions, the scheme suffered from many deficiencies. The schemes formulated at the block level had to travel all the way to Delhi for approval by the Central Screening Committee. This involved a lot of time and cost. Most of the schemes were practically imposed on the beneficiaries without taking their preferences and needs into account. Because of the unduly long time-lag, the preference, if any, of beneficiaries underwent change and the scheme lost its relevance. Release of funds in each instalment was conditional on the submission of utilisation certificates for the previous instalment. A productive asset is an entity; it can not obviously be divided into four parts to be supplied the beneficiary. The question of submission of a utilization certificate for one part of the asset is, therefore, inconceivable. It is not clear as to how such an elementary requirement could be overlooked while formulating the original scheme in 1978.

It is indeed encouraging to note that in appreciation of the above limitation and constraints the earlier scheme has been considerably revised, simplified and liberalised. By an administrative order issued by the Director-General (Labour Welfare) on 6th July 1983, all rehabilitation schemes are to be screened and approved by the State Governments concerned and the requirement of formal submission of schemes to the Central Screening Committee has been dispensed with. After the sanction of the scheme by the Screening Committee, the State Government will release the States' full share of the grant to the District Magistrate concerned in one single instalment, subject to the condition that the grants released for that district earlier, have been fully utilised. A copy of the release order will be sent to the Ministry of Labour on the strength of which the Ministry will release the full Central share in one instalment.⁷

Community Approach to the Programmes:

When analysing various studies one can find out certain disquieting features in the implementation of the rehabilitation programmes. To start with, the approach has been to treat the programme in isolation as the programme of a particular Ministry/Department in a casual manner and not with any social commitment as a rational programme deserves.

7. A Study of Policy Legislation Bonded Labour, IIPA, New Delhi, 1982, p. 81.

Secondly, the Block and Tahsil authorities have been burdened with a plethora of programmes such as IRD, NREP, RLEGP, distribution of land to the landless, schemes for social and economic advancement of members of the SC & ST etc. These programmes are time bound and target-oriented. Enormous amounts of money have been placed at their disposal for timely execution of these programmes. In their anxiety to adhere to the fulfilment of the time bound targets, they, with all their human limitations, formulate rehabilitation of the beneficiaries into account. Thus often the freed bonded labourers become human guinea pigs in the experimentation of a large number of programmes actually meant for them. In other words, "the programmes become target-oriented rather than target group oriented in the true sense of the term".

Thirdly, a total promotive and protective cover is needed from the officers of the forest, fisheries, animal husbandry, veterinary and other allied departments for the successful implementation of assets based programmes. Unfortunately, however, with a poor infrastructure consisting of a small number, want of medicines and concentrates, absence of organised efforts to conscientise the beneficiaries (who are ignorant and illiterate) about the proper upkeep and maintenance of assets with a view to making them mini animal husbandrymen,

it has not been possible to provide such a cover on a long-term basis with the results that very often providing assets becomes a liability.

Fourthly, rehabilitation efforts can not be successful in the absence of proper infrastructure represented by good roads, transport and communications systems, absence of avenues for a sound market and existence of a network of malfunctional middlemen who operate like parasites to take away the limited benefits of rehabilitation to their advantage. Convergence of large number of units of assistance to a group of beneficiaries at the same point also takes away the competitive character of these units and diminishes the return on the investment. What is required, therefore, is a carefully and imaginatively formulated scheme with all the forward and backward linkages and keeping an eye on the type of infrastructure already available.

Very often the freed bonded labourers who come from the lowest rung of the social ladder and represent the extremes of poverty and deprivation are unable to exercise the option or choice of a particular scheme which may be most profitable to them. In such a situation, the machinery responsible for the formulation of their rehabilitation schemes will have to put itself in their place and plan a programme of action which will be acceptable to them and will be in their best interest.

Fifthly and most importantly the climate or the environment in which these programmes are being implemented continues to be unfavourable. It is well known that the bonded labour system was promoted by the erstwhile village landlords or money lenders. Even after their release, these elements which continue to dominate the village life and economy would be very much hostile to the freed bonded labourers and can not easily be reconciled to the new set-up where the latter acquire the status of free economic agents. It is evident that the programmes may not succeed in the areas which continue to be dominated by these elements.

In a highly stratified society, based on the artificial considerations of caste, community and religion, an individual beneficiary-oriented approach has severe limitations when the beneficiary comes from the lowest strata and is deprived of many opportunities of life on account of his birth and status in society. Despite the sincere efforts of the Government machinery to place him above the poverty line or to secure his social and economic advancement, he finds it difficult to withstand the organised onslaughts against him and his family members by the more influential and resourceful sections of the society. His poor social and economic background does not make him, or plans for his rehabilitation, easily acceptable to banks and financial institutions. On

account of the ignorance and illiteracy of the beneficiary and also on account of the difficult situation in which he is placed, he lacks the capacity to bargain for his rights and to absorb the gains of development. In particular he finds it difficult to fight back against scores of middlemen who like parasites, are out to derive all the gains of progress to their maximum advantage.

As against this, a group or community approach development has many advantages.⁸ Firstly, by identifying a number of beneficiaries and bringing them to one common point for rehabilitation, it promotes social integration. Secondly, it facilitates pooling of resources from a number of agencies and integrating them for a common purpose at a common point for a qualitative and permanent rehabilitation. Through such an integrated approach, a number of functions can be combined such as land development by way of terracing and levelling, provision of inputs like dug wells, lift irrigation. Points, efficient and scientific management of water and soil, procurement and disposal of agricultural produce at remunerative prices etc. Thirdly, it ensures economy of scale and better returns on the investment on account of scientific management. Fourthly, banks, and other financial institutions come forward and lend their services in support to all group or community efforts to development,

8. Arora(Ed.), Social Costs of Bonded Labour, Indian Academy of Social Sciences, Allahabad, 1977, p.180.

as recovery of finances is better assured. Fifthly, it makes possible the task of participation of a number of departments, governmental, semi-governmental and non-governmental agencies in all such joint or group efforts, assuring better support from a linkage with governmental agencies. Sixthly, it facilitates formal education, health and medical care, immunisation and nutrition of children of freed labourers at one common place. Lastly, the process of the enforcement of the provisions of the protection of Civil Rights Act and many other legislations meant for the welfare and benefit of these sections of society is carried on more smoothly.

Such a group or community approach to rehabilitation can, like the individual beneficiary approach, also be a land-based, asset-based and craft/skill based scheme; a compact patch of land preferably away from the main 'bastee' of the erstwhile feudal landlords can be identified and the freed bonded labourers rehabilitated there. Initially they may be made to work as agricultural labourers on payment of minimum wages to develop the land by reclamation, terracing, levelling etc. All inputs of land development such as irrigation, seeds, fertilizer etc., may be made available to them free of cost.

CHAPTER IV

A CASE OF KODAIKANAL

CHAPTER 4

A CASE OF KODAIKANAL

Kodaikanal and its peoples

Kodaikanal is a premier hill station of Southern India, long sought after eagerly, by foreign and Indian elite for its healthy climate; by the people of the plains, as a refuge from nature-created plagues and man made cruelties and, by the business, for the commercial value of its forests.

The Kodaikanal Taluk, covering an area of 1002 Sq. Km. lies over the Palni Hills, an eastward off-shoot of the Western Ghats, divided into two geographically distinct zones, the upper and lower palnis. The lower Palnis, a confused jungle of peaks, separated from each other by densely wooded valley, average 8000 to 5000 ft. in height. The upper Palnis with elevations ranging from 6000 ft. to 8000 ft. are considerably under and consists largely of rolling grassy downs. Evergreen forests are found all along the valleys.

The population of Kodaikanal is the historical accumulation of a series of invasions and migrations from the plains, Indians as well as foreign. There have always been some settlements of the locals, who were basically dolmen-builders. These were very likely defeated and they intermarried with the earliest migrant tribals the Paliyans and Puliayans. Later came, in the 14th & 15th centuries. One conquering Vellalas from Coimbatore area,

making the Paliyans and Puliayans their Serfs. The next wave of immigrants was during the 17th & 18th centuries, of people escaping the burden of heavy taxation under the rule of Vijaynagar, the Marathas and the Mysore Muslims. And in the early 19th century Cholera epidemics drove more plains people into the hills and many villages were established also in the upper Palins.

The foreign invasion can be dated as back as 1821 when Lieutenant B. S. Ward, a British officer surveyed the Palni Hills. The first explorers were British officials of the Plains, starting from 1834 followed by numerous government officials and missionaries. By 1890 Kodaikanal Town had become a recognised hill station, with a considerable resident population of both Europeans and Indians.

The population of Kodaikanal Taluk was 83584 in 1981, a 16.97% increase over 1971 population. Total number of households was 15719 in 1971. Workers of all kinds constitute 41% of the total population. Of these a big majority (52%) are involved in livestock, forestry and plantation work.

The most recent wave of immigrants into the Kodai Hills are Sri Lankan repatriates. Reliable estimates of this segment of population hardly exists. The coupes (the camps) the residing places of many Sri Lankan repatriate labourers are

in the upper Palnis at an average height of 2400 metres. They are situated in the area beyond Berijan Lake 25 kms. from Kodaikanal. This area has the highest incidence of fog in the Hills, practically throughout the year and it can be intolerable in winter. The winter fog and monsoon rains truly turn the area into a miserable site for Human living.

The forests of Kodaikanal indeed deserve a special mention here. They have been earlier restricted, to isolated woods in sheltered valleys, known as 'sholas'. Later with the European settlers came the cultivation of exotics. Some of the commercial trees introduced were several species of Eucalyptus and Wattle.

The Wattle and Eucalyptus plantations managed by the forests department have displaced large tracts of indigenous vegetation and serve only the interests of big industry. Organised efforts have been made in the past to promote these interests by the exploitation of cheap labour of the repatriates. The Kodai Hills have been standing witness to the disastrous disorder that has been introduced into the ecological system and to the defacement of the Human dignity of the repatriate labourers. Besides the question of bondage there is an equally important issue of ecology. The history of the Wattle and Eucalyptus trees in the Palni Hills dates back to the first half of the 19th century. The Eucalyptus was brought from Australia with the idea of making the hills inhabitable. Its large scale plantation served to drain the marsh and to ward off insects. The Wattle, too is of Australian origin.

Human Bondage in Kodai Hills:

There are about fifty traditional villages in Kodai Hills. They consists of different castes mostly engaged in agriculture. The landless coolies among them are mostly the Maadharis (Cobblers). The Maadharis are around 1000 families, evenly distributed in the villages. In each village, they literally live at the bottom of the village. The gutter of the whole village usually flows through their streets. They own no property, except their huts built very closely in a small area in each village. There is no scientific study or survey of the bondage. It is imperative to illustrate a few incidents to prove that the system existed in Kodai Hills.

In the Gundapatty area of Upper Hills, the agricultural labourers from caste people work less hours and are paid higher wages than the Maadharis. A caste labourer starts the work at 8 A.M. and completes at 3 P.M. while Maadhari youth who joins work with him could have the work only at 5 P.M. But at the same time while the former gets Rs. 15/- the latter is paid only Rs. 10/- as wages. In the same way the Maadharis women works more hours and gets Rs. 5/- only while the caste women get Rs. 10/- for less hours of work. They are given noon meal. A petty shop owner of Pulhur Village sold Kerosene to the Maadharis at the rate of Rs. 20/- per liter during Diwali 1989. In same village, when the government offered housing scheme to the Maadharis the latter were forced by the people to say that they did not require houses. In Kawunji village, though the houses are built; the Maadharis are still unable to enter because they are situated little above the caste village.

Centuries of bondage has made Maadharis a silent group that they answer no question about their sorry state. Because of their reserved nature and physical closeness to caste habitation, no attempt has still be made at their liberation.

Bondage of Tribals in Lower hill Plantations:

Lower Hills are scattered with coffee estates and many tiny tribal habitations. The estates are owned by Nadars of Pattiveeranpatty and Muslims of Aayakudi in the plains. The labourers are usually the tribals of Paliyans and Pultyans. Again there is no systematic study of these tribals in bondage in coffee plantations. Yet through our little contacts, we can say the following on their bondage. The Paliyans, a type of primitive tribe, are living under the most inhuman conditions in the estates on the Kodai-Palni road. Their number may run into thousands. Though the locals can say many things about these tribals, the moment one tries to ask them about the tribal quarters, they are reluctant to say anything. A seven Km. trek below Melpallam village brings forth the most shocking encounter with those poor tribals. Their huts are made up of plantain leaves. They are greatly surprised to see an 'outsider'. Untill recently no stranger has ever attempted to come and see them. There are about ten families. 'We are in this bondage for ages. We are working in the Bose Rowther estates'. says an old man. About their wage system, Valliammal, an elderly

lady, showing some red, broken rice, says. This is our wage'. Men get 3/4 measure of rice and women get less than that. Even that is given only when we go for work 'regularly'. Do they all have to go for work?

'You see that boy... even he has to go for work'- they showed a very small boy, Nakan. Totally bereft of the spirit of joy or life associated with such a young age, the boy looks at us with sterile looks. His hands and legs look miserable with multiple wounds caused by working with a mad-axe. 'How much do you get?' we ask him, without raising his head he mutters' 1/4 measure of rice, sir'. 'We are not even aware of our age sir', continued the old man. "We used to live in some other estate. But we were chased out. Now we are here....'We are never allowed to live near any road for the fear of incurring adverse publicity against our owners'.

What do they do when they need clothes? 'We starve. The supply of rice will be stopped. We will be given Rs.50/-. We are used to wearing only one clothe all through the year. It makes no difference. You may be surprised to know that we do not have an extra shirt to change. Even if we want extra provisions like salt or oil, we have to stop the supply of rice and beg for some cash from our owners'. 'In case we cannot go for work due to illness etc., that will be the end of our stay here. But we cannot also leave as we wish'.

How much do they owe their owners? 'Oh, you can count the hairs in our head but it is impossible to count the amount of money we owe them' answers Muthammal and adds, 'I might owe around Rs. 150/-. Is it possible to pay this amount in this life? Another old man says: 'My family is working here for the last three generations. Our condition is not at all known to the outside world. Even if some upright government officials come in search of 'tribals' our owners manage to hoodwink them saying that there are none. If somebody else dares to come and helps us, hired goondas will teach them a lesson. I wonder how you manage to come here. Is it true that the government is having lot of schemes like us?' he asks eagerly. All of them are indebted in various measures to their owners. Years of labour has not paid back their debts. Most of them are illiterate. A young man, Alyyanar, narrates: 'I am working here from my boyhood days. There were no schools nearby. The government officials who tried to put up some schools were chased away by our owners. We are eager to study... but what to do? We are living here without even a small plot to bury our dead. We have to bury our dead in places available and forget them. There is no hope'.

Bondage of Repatriates in Upper hills Forests!

Between 1968 and 1984 about 4.5 lakh Tamil plantation workers from the cool hill regions of Sri Lanka were poured out on the sultry shores of Rameswaram like sewage

from a metropolitan city. Since their landing in the holy island till reaching distant centres of rehabilitation in the arid regions of Ramnad, Pudukottai, Trichi, Tinnelveli and South Arcot, the ignorant repatriates were preyed upon by hordes of vultures in the forms of customs and rehabilitation officials and housing contractors. As they arrived at their final destinations predetermined by the Government, they were stripped of everything, that they brought from Sri Lanka and everything offered by Indian Government as rehabilitation assistance, only to find themselves at the end as a lamb caught in a dry well. While the disenfranchisement of a million plantation labourers by the Ceylonese Government was unjust and the Shastri-Sirimavo agreement of 1964 to transport more than half a million of them to India was still worse, the rehabilitation measures offered to them by the Indian Government were the most mindless and heartless.

Mindless first, because while 84% of repatriates were estate workers who knew nothing except plucking tea leaves, 72% of them were granted what are called business loans in total disregard of lack of any experience or ability among the beneficiaries to do any business. Government rehabilitation programme, in the second place, was heartless because most of the assistance was channelised through a labyrinth of corrupt bureaucrats and exploiting contractors.

The last but not the least of the hordes of human vulture to descend on the impoverished and alienated repatriates were the vile labour contractors from Kodai Hills. The latter came with bright promises of comfortable life adequate pay, ample supplies of food materials and free medical and school facilities, and carried away hundreds of gullible repatriates in their lorries covered with thick canvas into the deep forests beyond the serene Berijam lake to peel wattle bark and load eucalyptus logs for the companies of Tan India Ltd. and South India Viscose. Contrary to the lofty promises made earlier, what the repatriates met with in the dark Berijam forests was tragic. According the findings of a Supreme Court Commission's Research Team, in 1986.

'Unduly delayed payment of wages, excessive debts, arbitrary fines, illegal deductions, compulsory donations and unpaid labour were quite common phenomena in the coupes; Increasing debts, restrictions on freedom of movement and of employment have kept many labourers in bondage'. The higher-ups were only too willing to put the whole Government machinery at the service of Tan Indian Company and its contractors. Senior officials tried to force Mr. Pizada to relent but to of no avail. Impervious to all pressure from above, the latter stuck to the rule of law. Mr. Madhavan Nambiar, Collector of Anna District of which, Kodaikanal is a division, who initially gave the green

signal to Mr. Pirzada to start the inquiry, compelled to do a volte face, ordered the Sub-Collector within few hours of his return from a training programme in Kerala to stop all proceedings against the contractors and Tan India and withdrew the file on the matter from the Sub-collector, announcing a de novo inquiry by the District Revenue Officer. The Collector also advised Mr. Pirzada not to enter the coupes. District Forest Officer (DFO) Mr. Krishna Pillai, posting a posse of forest guards to prevent pressmen and social workers from entering N.M.R. coupe, threatened to have Mr. Pirzada arrested if the latter set foot in the forest.

Under official protection, Tan India contractors started intimidating poor labourers in other coupes of Parikombai, Idambankari and 22 pits to make them sign a petition to the Government that they were not bonded. But as they refused, the contractors threw all repatriate workers out of job and forced them to starve (stopping food supplies) and thus taking the number of unemployed and starving labourers to around 150 families in all four Tan India coupes. They also got pressmen (visiting an interior coupe at Idambankari) beaten up by few local labourers. The contractors also arranged a demonstration by local labourers, coming from neighbouring Periyakulam valley who were petty farmers seeking seasonal employment, in front of Collector's office at Dindigul to prove that there was no bonded labour under them.

Tan India also bought the support of local politicians of ruling parties. AIADMK and Congress-I and used them to disturb the public inquiry on April 15, 1986 - by Supreme Court - appointed Bachcha Commission. In addition to employing a team of mercenary lawyers from Madras to generate fear and confusion in the minds of ignorant labourers during the Commission inquiry. Tan India appealed to the Supreme Court for a modification of the Commission alleging bias in inquiry and requesting removal of Mr. Pirzada and Mr. T.N. Gopalan both of whom according to the Company had already taken sides with the labourers, the former by his action and the latter by his writing in favour of labourers.

As the dust raised by the tumultuous storm of bonded labour struggle was just settling and the hearing in the Supreme Court on the findings of its Commission was about to start, the Government of Tamil Nadu hurriedly transferred the Sub-collector Mr. Pirzada to an innocuous post in Tiruvannamalai which was later reversed by the Supreme Court. Unable to undermine politically and legally Mr. Pirzada and his actions in favour of defenseless labourers, the State was frantically in search of something to malign him.

A Battle Royal On Kodai Hills:

Madras Association for information, Training and Improvement (Maitri - meaning friendship) is a voluntary organisation set up in 1970's to serve the hundreds and thousands of Sri Lankan Tamil repatriates landing in Mandapam Camp. Maitri rescued repatriates from the clutches of cheating porters and exploiting traders, provided emergency medical help, conducted nursery school for children and made available all possible information concerning rehabilitation measures offered by the Indian Government. Visting the Kodai Hills in late 1970s, the President of Maitri discovered to his dismay the pathetic condition of repatriate labourers in Tan India and Viscose coupes in Berijam forests. As a result, a branch of Maitri was opened in Kodaikanal to relieve the misery of the unfortunate repatriate labourers in coupes through the provision of medicine, warm clothes, nutrition and nursery school.

Later Maitri made a survey of the 200 families in Tan India coupes and found seventy five percent of them wanting to be settled somewhere else permanently in Kodaikanal. Hence, Maitri started exploring ways and means of extricating them from coupes around the middle of 1985. But the labour contractors of Tan India company, Mr. B. Gurusamy and Mr. P. Rajasekharan, got scent of their efforts and became more strict and cruel to them.

It was at this stage Maitri brought together some social activists and lawyers from Kodai town and Madurai to submit a petition to the Sub-collector of Kodaikanal to free these labourers. Acting on the petition, the Sub-collector, Mr. Gumihal Singh Pirzada, I. A. S., visited the N.M.R. Coupe (one of the four Tan India coupes) on March 7, 1986 and saw with his own eyes the sorry spectacle of repatriate labourers which was later aptly portrayed by Mr. K.P. Sunil of Illustrated Weekly (June 1-7, 1986) in the following words: Their emaciated faces are pinched, reflecting abject poverty. "Their clothes are in tatters, and the cold wind bites into their flesh. Their shivering bodies carry the marks of unhealed wounds sustained in the course of rigorous work in the thick jungles. Their eyes are sunken and lack luster, depicting a sad tale of callous exploitation and of starvation."

Unable to trust his eyes, Mr. Pirzada conducted a confidential inquiry during the week with coupe workers and other social workers of Kodaikanal on the contents of the March 3rd petition. Finally, convinced that the 44 families of N.M.R. Coupe were bonded, he ordered their release in his order No. 1686/85 A5 dated March 10 and also the payment of their back-wages by the contractors (Mr. B. Gurusamy, his partner Mr. P. Rajasekharan and Mr. S. D. Mohideen) the raw material manager of Tan India Ltd. before the evening of March 11.

State Protection to Inhuman Oppression:

Soon after Mr. Pirzada's order, the contractors started swinging into action and rushed telegrams to their political patrons like Mr. R.M. Veerapan who was also then Forest Minister, alleging illegal detention and extraction of bribe by Mr. Pirzada. And finally when Mr. Pirzada's younger brother Mr. Yadavinder Singh Pirzada was in Kodaikanal on a family visit, the Government arrested Mr. Yadavinder on September 24, 1986 at Mr. Gurnihal's residence on the allegation of having terrorist links. The intention of the State to insult Mr. Gurnihal was evident from the pomp and publicity with which the arrest was executed.

Unique - Collaboration of Forces of Liberation:

As mighty economic and political powers were ranged against the exiles from civilization entrapped in forests of oppression, immense support to uncover long-hidden layers of cruel exploitation and to facilitate the final victory of truth and justice sprang spontaneously from a variety of quarters.

On the legal front, the young and energetic advocate Mr. Henry Tiphagne and his friends Ms. Sathyamurthy, Mr. Premraj and Mr. Sekhar from Madurai worked hard day and night to establish the prevalence of bondage under Tan India contractors.

Senior advocates Mr. Palai N. Shanmugam and Mr. P.V. Bakthavachalam, contacted by Mr. Henry, offered not only their expert advice but also put up their appearance at Kodaikanal to threaten and bend the recalcitrant District and State administration whenever it harassed defenseless labourers favouring blatantly powerful Tan India. In Delhi, senior Advocate Mr. Govinda Mukhoty and Advocate Mr. S.K. Bhattacharya, giving voice to the sufferings of the voiceless labourers in the highest Court of the land, brought to fruition their efforts in the distant woods.

The groanings of the orphans of Kodai forests were brought to the ears of general public by the mass-media. As soon as they sensed pressure on Mr. Gurnihal to go back on his act of releasing bonded labourers Matri sent urgent telegrams to editors of different dailies and weeklies expressing fear of imminent transfer of Mr. Pirzada from Kodaikanal and dangerous attacks on released bonded labourers. The passionate, the flery correspondent of Indian Express Mr. T.N. Gopalan landed in Kodai in no time and published the prophetic article 'A battle Royal on Kodaikanal Hills' on March 16, 1986 in Madurai edition of Express. Then flowed a stream of reporters and correspondents, free-lance writers and photographers turning the exiles of the Earth the subject of discussion.

Soon after the Supreme Court order of April 1, 1986 - a spurt of journalistic activities erupted, with the regional dailies and weeklies giving the issue wide publicity, even to the extent of serialising it. The National Media, too, not to be left behind, jumped into the fray, and kept the issue alive till the hearing of the case by the Supreme Court in the last week of June. The Indian Express Magazine minutely portrayed 'The Forest of Exploitation' (May 11), the Deccan Herald sharply pointed out 'The Inhuman condition of Workers in Kodaikanal' (June 8). The Illustrated Weekly and India Today highlighted 'Of Human Bondage' (June 1-7) and of 'Inhuman Bondage' (June 15) and Frontline picturesquely painted the bonded labourers 'Breaking out of Bondage' (June 14-17). The media coverage given by these and scores of other dailies and news-magazines, not only exposed before the public the problem and the intransigent attitude of the State Government and their allies, but also brought tremendous pressure on the system to bow down to the dictates of reason and the demands of justice.

To counter the offensive onslaughts of contractors in the political field, a series of protests and public meetings were set in motion. About 50 released bonded labourers landed in front of District Collector's office in Dindigul on March 18 morning demanding immediate relief and rehabilitation. On March 30, there was a

public meeting in Kodaikanal Town addressed by Mr. T.N. Gopalan and Mr. Henry who just then returned from Delhi after arranging for the filing of the bonded labour case in the Supreme Court by senior advocate Mr. Govinda Mukhoty through the Bandhua Mukti Morcha of Swami Agnivesh. Educational institutions, workers unions, welfare organisations, villagers, activists and opposition - politician were mobilised to bear witness and submit reports before the Supreme Court Commission on the bondage of repatriate labourers in coupes.

On April 29, there was again a public meeting addressed by Advocate and veteran Communist Mr. Palai, N. Shanugam and other politicians bombarding the intransigence of State and District Administration. 'May 1, being Worker's day, was another occasion for workers' unions and the DMK party to stage separate public meeting in favour of the coupe labourers. The Gandhi Kamaraj and DMK party presidents and Mr. Henri Tiphagne, the General Secretary of the Madurai PUCI, released press statements, and the opposition party legislators made attempts to grill the ruling party on this issue in the assembly session in April-May'. As the level of providing relief, they collected donations from students, bought provisions and distributed them to the starving labourers through their own student representatives.

At the intellectual level, they made a study of the conditions prevailing in coupes and submitted objective reports to the Sub-collector. Finally, they showed their moral commitment to the development of humanity by bearing witness before the Supreme Court Commission to the pathetic state of coupe labourers.

The way a few hundred workers living in isolation in the forests outside Kodaikanal have been able to attract the attention of the highest court in the land is an example of the activist role the Supreme Court is playing in cases relating to the poor, wrote Mr. Thomas Abraham, appreciatingly of the Supreme Court. The response of the Supreme Court to the shrill cry of the wretched of the Earth was prompt and firm. It appointed a Commission of inquiry constituted of a young Muslim Social worker, a retired Christian judge of the High Court and retired Hindu IAS officer symbolising both variety and unity. The Commissioners worked with extraordinary patience listening to every little story and finally coming to a mature judgement. They were assisted by a team of young social scientists and enumerators who made a detailed study of conditions of labourers in coupes.

Finally unexpected union among the oppressed labourers of Tan India coupes emerged with few days of beginning the struggle. These labourers from their ancient days in the plantations of Ceylon till the present struggle

were always divided, suspicious of each other and vying with one another to please their oppressive masters for petty favours. The repatriates plight might have gone unnoticed for more years, had not Sub-collector Mr. Pirzada acted decisively, if it were not for him, we would all be in there, says Yesu of the NMR coupe, pointing to the stagnant pool of water which provides the colony with its drinking water. The Sub-collector was the first member of the District Administration ever to visit them, wrote Mr. Thomas Abraham in Frontline, (June 1986). Sub-Collector Mr. Gurnihal Singh Pirzada played a key role in the whole issue. He was an island of solid support in the vast ocean of State opposition to uncovering of inhuman bondage in dark forests.

If not for his courage and conviction, the money and muscle power of the rich could have hushed up the whole bonded labour issue in the area, and the exploitation could have continued unabated as ever before, wrote Dr. Gnana Robinson, Principal of Tamil Nadu Theological Seminary in Madurai.

The credit should go to Swami Agnivesh, President of Bonded Labour Liberation front for knocking at the portals of Supreme Court, not only in the beginning of the battle but also untiringly whenever offensive moves were made by the opponents.

Swami also made a visit to the freed bonded labourers urging them to continue their holy struggle against all oppression and exploitation, and addressed the public of Kodai town on July 31, 1986 blasting the attempt of Tamil Nadu State to go back on its commitment to the Supreme Court by diluting the promised scheme of bonded labour rehabilitation. Prestigious local educational institutions like Kodaikanal International School, Bhavan's Gandhi Vidyasram and Presentation Convent School played a commendable three pronged role during the bonded labour struggle, probably unheard of in the history of elite educational institutions. In the above background, all the families under Tan India contractors joining in a matter of few days the starving 44 families of N.M.R. coupe in their attempt to throw off the yoke of slavery was something unheard of in their history. Throughout the battle, they fought as one man, fearing neither their past oppressors nor the new ones who appeared in the form of forest guards and police officials.

Thus a battle of liberation was fought with the spontaneous collaboration of a variety of persons, organisations and groups which is unique in the history of oppressed and exploited humanity.

Elements of Bondage and Violations of Human Rights:

Through their separate findings, both the Supreme Court Commission in W.F. 574/86 and S.C. Order 3.4.86, and

the Social Research Team commissioned by it identified a number of elements of bondage and human right violations in Tan India coupes.

1. The Forest Department periodically conducts headcounts of bisons in Kodai Hills but no census of the repatriate coupe workers of Kodai has ever been attempted. There has been no voter registration done in the coupes. No ration card has been issued to the labourers. They are really a marginalised people, not full-fledged citizens of the largest democracy in the world.
2. The debt trap in which these labourers are caught in the deep forests has been set by the unholy alliance of different exploitative forces, namely, the contractors, sub-contractors, the mistris, the shopkeepers and the doctors who are the friends and associates of the contractors. The morsel of food in this trap is multi-scented:
 - a. the initial travel advance;
 - b. the intermittent cash advances for the day to day expense and the daily supply of ration food for sheer survival;
 - c. the debt money the labourers owe the contractors and the shop-keepers and the doctors; and
 - c. other economic considerations like provision of free housing, clothes and blankets (which must be returned should a labourer dream of quitting the coupe).

3. The labourers have been forced to sign stamped blank papers to be used later by the contractors against them. This is another form of force meant to keep the labourers under the subservience of the contractors.
4. The presence of contractors minions is noted in every coupe, threats and abuses are common. Uncooperative workers have been roughed up by the hired hoodlums of the contractors. Workers visiting Kodai Town on days other than those fixed by the contractors have been accosted, abused and sent back to the coupes.
5. Freedom of speech has been restricted. Informal get togethers of two or three families have been discouraged. The labourers say: If it goes on in this way, we might soon lose the faculty of speech.
6. An overwhelming majority of the labourers (about 90%) do not have freedom to seek alternative employment. A few who dared, did not get their interview cards delivered to them in time. The labourers have no address of their own. Their mail arrives at the contractors' office and is then forwarded to the Coupes.

7. Coupe labourers do not enjoy freedom of movement. All the members of a family are not allowed to go out together for fear that they would run away. Even when a labourer has to go to Kodai for medical treatment he/she has to leave behind his/her spouse or child. Cases of patients being accompanied by contractors' agents and not by their own family members are common.
8. Even marriage cannot be celebrated except on days approved by the contractors and even then attendance is restricted to the closest relatives. The dead are not allowed to be properly cremated but buried in total disregard for the religious sentiments of the labourers. Work is resumed immediately thereafter.
9. An examination of the services performed by the coupe labourers and the prevalent payment patterns clearly point to the presence of
 - a. services without wages;
 - b. services for wages below the minimum fixed by Government in relation to similar work, and
 - c. services for nominal wages.

The Commission and the Research Team found that the contractors and the company had consistently violated the Articles 14, 17, 19, 21, 23 and 24 of the Indian

Constitution and had flouted various labour laws; Workmen's Compensation Act of 1923, Payment of Wages Act of 1935, Industrial Disputes Act of 1947, Minimum Wages Act of 1948, Payment of Bonus Act of 1965, Contract Labour (Regulation and Abolition) Act of 1970, Bonded Labour System (Abolition) Act of 1976, and similar Acts.

There was no doubt that the State Machinery, too, had miserably failed in enforcing these legislations. The Supreme Court Commission wrote:

The workers had been denied the freedom of movement guaranteed to every citizen under Article 19 of the Constitution.

It is the fundamental right of everyone in this country assured under the interpretation given to Article 21 by the Supreme Court in Francis Mullin's case to live with human dignity, free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life's breath from the directive principles of state policy and particularly clauses in (e) and (f) of Article 39 and Article 41 and 42 and at the least therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and

dignity, educational facilities, just and human conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity". It is also the evidence before us that expenses incurred during child birth of the women in these families, will have to be met by the women's husbands and advance taken for such a purpose is deducted from the wages due to those families. It is also the evidence before us that women after child birth are not allowed to take sufficient rest to recoup their health and when any women, who after a child birth remains at home for some period of time the mistry of the contractors would come and pester her to return to work. These and the other facts which we have already referred to with regard to the living conditions in which these people are living, clearly indicate violations of Article-21.

Article 23 of the Constitution prohibits traffic in human beings and beggar and other similar forms of forced labour, the end part of this Article declares that a contravention of this provision shall be an offence punishable in accordance with law. This article is intended to prevent persons being compelled to work against their will. The evidence before us clearly indicates that these labourers could not leave their employment according to their choice but were compelled by various factors to continue to work under these contractors in spite of the

sufferings which they have been undergoing. The evidence before us shows that when any person or family wanted to leave the coupe and go back to the plains, the contractors would insist on their returning in good condition the blankets that had been given to them and also the clothes which used to be given to them during Deepavali.

Further more, after the unlawful deductions were made in their wages as already stated by us, labourers and the families would be left with insufficient money to leave the place and seek employment elsewhere. One could notice that in some of these cases, after the deductions had been made by the contractors, the labourer was shown to owe money to the contractors, and without clearing of that debt he cannot leave. In fact in the annexure to the writ petition a statement of calculations of wages due to these 44 families has been attached and a perusal of it shows that some labourers are shown in it as owing money to the contractor vide serial Nos. 7, 12, 15, 21, 23, 25, 28, 33, 34, 36, 38, 39, 42, 43 and 44 i.e. in 17 cases out of the total of the total of 44. A chit dated 29.11.85 addressed to one V. C. S. (V. C. Sundararaj) a mistry under the contractors was produced before us. In this chit a request has been made to V. C. Sundararaj to indicate through the bearer of Chit, Senthil, the amount of wages due on account of peeling of bark, the cost of rice supplied, the bowsaw given, the blanket and clothes issued. The

chit further states that only after settlement of the accounts by the company the person concerned could take away his things after showing the chit given by the company. By these devices these labourers have been forced and compelled to continue their work under the contractors despite the miserable working and living conditions they have been experiencing for many years.

In the socio economic survey conducted by 30 enumerators a number of children below 14 years were found to have been employed in this hazardous occupation of extracting wattle bark from trees. The survey reveals that 23 children below the age of 14 are working in Tan India coupes accounting for 4.62% of the total number employed. The report also shows that in addition, many more children below the age of 14 accompanied their parents for work on wattle trees. The work which these labourers have to perform is to strip the bark of wattle trees having a certain circumference upto a height of about 8 feet while the tree is still standing and then to cut the tree at the base leaving a stem at a height not exceeding 15 cms. above the ground level, with a bowsaw and to fell the tree and then to strip the bark in the upper part of the stem and the branches of the tree after it had been felled. Bark has to be peeled even from the stumps, for thicker bark would be found at such low level. Use of axes is strictly forbidden. A number of people complained

before us that instances of serious injuries caused by the falling of trees during such operations, and of cut injuries sustained during the use of sharp instruments while debarking the tree, were quite a number. Therefore the occupation is a hazardous one. Therefore Article 24 has been violated.

There has been a total non-implementation of the Contract Labour Act of 1970 and rules thereunder resulting in complete violation of the Act. The payment of Bonus Act, 1965 will be applicable to the contractors establishment of Padmanabhan and Company in so far as they are employing well over 20 persons in their establishment. Non-implementation of the provisions of this law has resulted in denial of bonus to these persons for the last several years. If, as has been stated by the Income Tax Officer in his communication to the Sub-collector, the peeling charges paid by Padmanabhan and Co. during the years 1981, 1982 etc., is well in excess of Rs. 20000/- a year, and as these peeling charges cannot but be wages paid to these employees, then, at the minimum rate of 8 and 1/3% bonus for each accounting year will work out to nearly 2,00,000/- per year for all the employees. This is the extent of benefits that the workers have been deprived of in respect of a single enactment.

The operations of peeling wattle bark and the cutting and stacking of the logs definitely constitute an activity which falls squarely within the ambit of the definition of the term 'Industry' defined in Sec.2(j) of the Industrial Disputes Act 1947. All the persons peeling the barks or engaged in the task of cutting and stacking the logs would be 'workmen' as defined in Sec.2(s) of the same Act. The provisions of the Industrial Disputes Act, 1948 would thus be applicable to this situation and we feel that these workmen can take recourse to sub-sec..2 of Sec.33 (c) of the Industrial Disputes Act, 1947 by filing claim petitions against the employer for all the amounts they are entitled to receive from the employer. It may also be noted that Sec.33(2) does not impose, unlike Sec.33(1) any time limit within which such claims will have to be preferred.

V. Demands of Rehabilitation and Justice:

Principles of Rehabilitation:

The Bonded Labour System (Abolition) Act, 1976 has given us a wise warning that unless the freed bonded labourers are properly rehabilitated, there is every chance of their slipping back to bondage, because they would prefer crumbs of bread for survival to the harsh realities of eking out an independent living. With this in mind, the Supreme Court of India, in its judgement of

Bandhua Mukti Morcha vs Union of India, directed the Government of Haryana "to draw up a scheme for 'a better and more meaningful rehabilitation of the freed bonded labourers' in the light of the guidelines set out by the Secretary to the Government of India, Ministry of Labour, in the letter dated September 2, 1982", addressed to the various State Governments. These guidelines contain four main features that go into the making of the bonded labour rehabilitation programme a meaningful reality.

- a. Psychological rehabilitation must go side by side with physical and economic rehabilitation.
- b. The Physical and economic rehabilitation has 15 major components, namely, allotment of house-sites and agricultural land, land development, provision of low cost dwelling units, agriculture, provision of credit, horticulture, animal husbandry, training for acquiring new skills and developing existing skills, promoting traditional arts and crafts, provision of wage employment and enforcement of minimum wages, collection and processing of minor forest produce, health, medical care and sanitation, supply of essential commodities, education of children of bonded labourers and protection of civil rights.

- c. There is scope for bringing about an integration among the various Central and Centrally sponsored schemes and the on-going schemes of the state Governments for a more qualitative rehabilitation. The essence of such integration is to avoid duplication, i.e., pooling resources from different sources for the same purpose. It should be ensured that while funds are not drawn from different sectors for different components of the rehabilitation scheme are integrated skillfully; and,
- d. While drawing up any scheme/programme of rehabilitation of freed bonded labour, the latter must necessarily be given the choice between the various alternatives for their rehabilitation and such programme should be finally selected for execution as would meet the total requirements of the families of freed bonded labourers to enable them to cross the poverty line on the one hand and to prevent them from sliding back to debt bondage on the other".

Demands of Justice:

On the basis of above principles and according to the demands of justice, a string of recommendations

were placed before the Supreme Court by both its Commission and the research team in their respective documents:

- * The bonded labourers must be released forthwith;
- * Relief materials (food, clothing and medicine must be rushed to the coupe sites by the government;
- * The workers must be given all financial arrears which came to an average of more than Rs.5,000/- per family;
- * From the more than 1000 acres of land available in the Kookkal area in Kodaikanal taluka, each family can be allotted 2 acres for growing tea, and suitable subsistence must be provided till the first crop of tea can be harvested;
- * The contract system must be abolished forthwith, and instead the wattle and blue gum plantations should be run either by the forest department or by publicly owned corporations like the Plantation Corporation;
- * Each family freed from bondage must be provided with housing and other facilities in a centrally located area;
- * The wattle and blue gum should also be included along with tea, coffee, rubber, chinchona and

cardamom for coverage under Plantation Labour Act, 1951, as this will facilitate the workers to enjoy the benefits accruing from the Maternity Benefit Act 1961, the Payment of Gratuity Act, 1972, the Workmen's Compensation Act 1923 etc.,

- * It is proposed to the State Government to explore the possibility of constituting a labour court in Kodaikanal;
 - * The defaulters must be punished according to the laws of the land;
- The Sub-Collector must be retained in Kodaikanal to supervise the whole process of rehabilitation.

Problems for Rehabilitation:

The Tamil Nadu government, conscious of having lost the battle against the coupe labourers, made the following promises in its second supplementary affidavit on 9.8.1986:

- I. Instead of the various kinds of schemes earlier ordered, all the 157 families will be brought uniformly under the "Milch Animal Scheme", as sought for by them. Each family will be provided with two suitable milch animals.

II. The labourers' families have said that they cannot make a viable living unless each of them is provided with suitable extents of cultivable lands in such a manner as to enable them to live together. The Government of Tamil Nadu have conceded this request and decided to assign 2 acres of cultivable land each to the 157 families, contiguously in Kookkal areas.

III. The representatives of the labourers have also requested that they be provided with housing sites. Accordingly, the Government of Tamil Nadu have decided that each family will be provided with up to 3 cents of land as house sites in kukkal area. The Government of Tamil Nadu will also give them assistance to enable them to build houses for themselves.

Thus, it is respectfully submitted that the Government of Tamil Nadu have, besides providing the affected families temporary relief measures from 28.6.86 (as ordered in G.O.Ms.No.1624, S.W. Dept., dated 28.6.86) till date, also now comprehensively provided for the permanent rehabilitating of all the 157 families in a viable manner and in accordance with their own wishes.

Rehabilitation: Performance and Failures.

State's performances:

In a bitter memorandum to the authorities at the end of 1987, the released families meticulously listed all promises of the State Government at various points of time and its failure to fulfill them. In May 1986, Mr. Madhavan Nambiar, then Collector of Anna District, speaks in the presence of the Supreme Court Commission of 2400 acres of land available for agricultural and housing purposes in Gundupatty area of Kodaikanal Taluk. A DRO survey in July that year scales down the available acreage to 2000, only to be reduced again to 550 in a 'resurvey'. In October, the Government promises to assign fertile agricultural land and house-sites in two months. Suddenly in September 1987 the Government turns around and says "sorry, not enough land at Gundupatty, be content with one acre per family for the moment. The other acre will come by and by..." and this in the vicinity of Gundupatty, severed from civilisation except for a tortuous hilly horse-path. Now it is instructive of the scheme of things to learn that the district administration has not been able to find 364 acres of cultivable land for the 157 families in the entire Kodai range, and this in a place where encroachments by the elite are documented and on the increase. The 'elite' incidentally, includes a former Chief Justice of Tamil Nadu. In the beginning of 1988, two years after

their release, Mr. Mritunjay Sarangi, the Successor of Mr. Nambiar, unable to find the required acreage in Kodai free of any encroachment, split the 157 free families into three groups - one settled in Keelakkottai which is 10 kms away from Dindigul the headquarters of Anna (now renamed Quiaid-E-Milleth) district, another in Ellepatti in Palani Taluk of the same district and yet another of Gundupatty.

Court's Performance:

If one consider the performance of the machinery for justice, can find nothing praiseworthy after the initial Orders. Former Chief Justice Mr. P.N. Bhagwati tells anyone who cares listen that the signal success of public interest litigation is exemplified in the Kodai bonded labour. In an interview to a Calcutta weekly he said: As a result of judicial intervention, the families were freed from bondage, rehabilitated, given pattas of land for cultivation and provided with medical facilities. (Sunday, March 15-21, 1987). The Supreme Court disposed of the Writ Petition filed by Bandha Mukti Morcha headed by Swami Agnivesh of the issue of October 16, 1986, commending the rehabilitation scheme promised by the Tamil Nadu government. It remarked in its final Order: "We have no doubt that the scheme will be implemented

properly, and effectively". As one see above, none of these statements are borne out by the facts. As the court praised the various programmes promised by the government and disposed of the case, it uttered not a word of caution for either the government which had balked at the release of the labourers or for those who had held the repatriates in bondage.

The freed labourers and their friends wrote to the Chief Justice after the disposal of the case, wondering how the judges could remain silent on the role of the contractors and Companies, on the need for constituting special labour court at Kodaikanal to settle the claims of the labourers, on the need for special enactments extending the provision of the Plantation Act to Wattle plantation, on the abolition of contract labour in the deals (as recommended by its own inquiry commission). But none of these questions were answered. And what mechanism did the Court institute to supervise the rehabilitation? Mr. Mahaboob Batch of the SDO in Madurai who headed the inquiry Commission withdrew into the background after the submission of the report though the Court had specifically directed him to keep in the Kodai hills. It took the administration nearly two years just to assign them pattas. Now two years after the assignment of pattas, how many families have taken possession of their lands?

Here are the latest data: 31 out of the 77 families in Gundupatty area are unable to enter the land allotted to them. The RDO of Palani still promises to identify the land for 13 of the 59 families settled in Ellapatty. Thus it has taken the administration nearly four years just to assign them land, and how long more would it take before the land assigned is made cultivable and cultivation starts, or any employment-generation scheme gets going? Coming to housing, of the 157 houses to be built, 29 have been completed, 26 are at the roof level and the rest at the plinth level. While the freed labourers complain that the Young India Project (the voluntary agency incharge of execution of the programme) has not expedited the house construction work, the YIP says that because of non-receipt of funds from CAPART (the government financing agency), it is unable to complete the works.

Mr. Shaktikant Das, the former Collector, says that out of Rs.12,85,830/- sanctioned towards housing Rs.12,01,000/- has so far been released by the CAPART to YIP and that it is not correct to say that the delay in completing the houses is due to funds availability. The Government's subsidy for two milch animals to each of the families is waiting in the banks for last four years

since the labourers cannot grow the animals without the basic amenities of shelter, feed and transport. It transpires then after 4 years, the lot of the Kodai repatriates released from bondage has not seen any great improvement. While the voluntary agency incharge of rehabilitation lays the blame on the shoulders of the administration for the tardy progress, the Government machinery - whether it is a hostile Madhavan Nambiar as Collector or a concerned Sarang or Shaktikant Das in that post, moves at its own time-tested pace even as the so-called beneficiaries are going to seed, a tab on the rehabilitation programme. Mr. Gurnihal Singh Pirzada was transferred soon after the disposal of the case and no serious attempt was made for rehabilitation of the freed workers though the Court had ordered in June 1986:

'We would direct Gurnihal Singh Pirzada to look after the interests of these workmen and to see that they are provided food, clothing, shelter and medical help... until such time as proper measures for their long term rehabilitation are implemented'. However, it is clear that the Court does not really care. According to Kodaikanal Taluk office report of 1986, 232 bonded labour families of Tribals and Madharts in lower hills were freed 10 years ago during the Emergency and settled

near Vadakavunji village on the Palani-road. They were given two acres of land and Rs.500/- each plus loans from the Land Development Bank. Now barely 48 of these families live there and the whereabouts of the rest are not know. Will history repeat itself? It is through persistent struggles that the repatriate labourers released from bondage in the upper hill forests of Kodaikanal could make even the very little progress they have seen so far. They are determined to see that history does not repeat itself and that every aspect of Government promise concerning their rehabilitation is fulfilled. Their friends who got the State government commit itself before the Court to grant dole till the labourers reap the first fruits of rehabilitation are also standing by them equally determined.



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Map of kodaikanal

PERIYAR

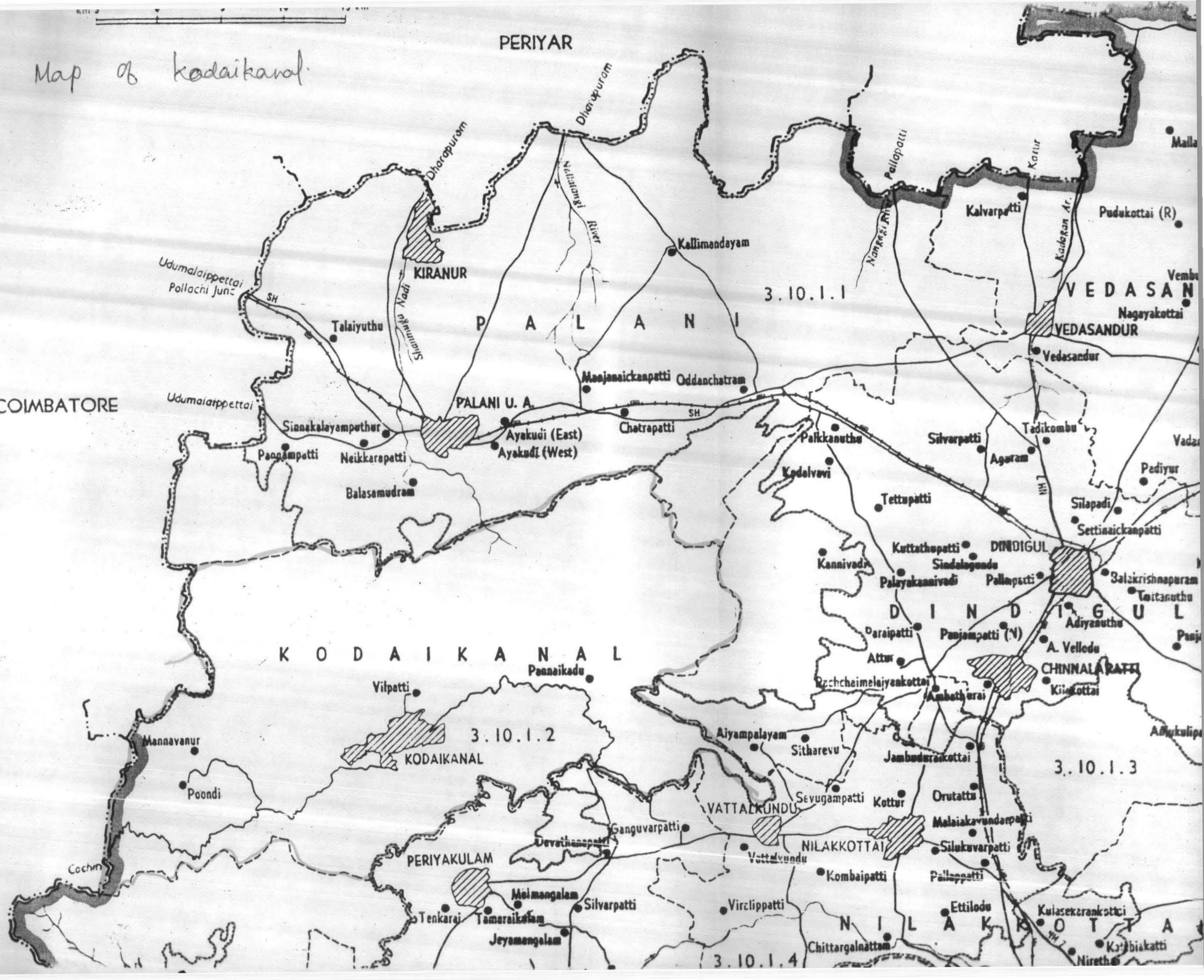
COIMBATORE

10'

30'

10'

15'



KIRANUR

PALANI

PALANI U. A.

K O D A I K A N A L

K O D A I K A N A L

PERIYAKULAM

3.10.1.1

3.10.1.2

3.10.1.3

3.10.1.4

VEDASAN

VEDASANDUR

DINDIGUL

D I N D I G U L

CHINNALARAFI

VATTAKUNDU

NILAKKOTTAI

N I L A K K O T T A I

CONCLUSION

CONCLUSION

As the dissertation pictures that the Bonded Labour problem has much deeper roots than what it appears at the facade. Indian history which tells about the hierarchy in the society, subjugation and subordination of aborigines by the invaders, the formation of shudras or Dasas, the perverted Varnashrama Dharma and rigidity in the caste system are some of the founding factors which gave basis to these problem.

The upcoming and incoming social orders and religious faiths like Buddhism, Christianity or the Islam could not change the basic character of the Hindu society that acted as a breeding ground to social inequality and alienation of man from man. The differences which could narrow down naturally have widened during colonial rule, which had adopted 'divide and rule' as a guiding factor for their success. The new education system promulgated by the British for selective people and its link with the Government jobs made the position even more worse. The Zamindari and land revenue system along with the administrative structure of the British clearly split the Indian society into classes further.

The problem of bonded labourers was taken in isolation and efforts were made to tackle the same like a

normal day to day affair. Its deep rootedness or the seriousness in terms of human rights or even humanitarian aspects was totally overlooked. Various acts were passed with unidentified powers given to the administration. That gave the chance for majority of administrators to just by-pass the problem and a hard time for a few who were sensitive enough to take a stand against it. It is strange that such an important and deeprooted problem was just brushed aside.

The majority of the released bonded labourers belong to backward and economically weaker sections like Scheduled castes and Scheduled Tribes and other backward classes. Therefore one can conclude that the social backwardness of scheduled caste and scheduled tribes and other backward classes has led to bonded labour. The social inequalities and contradictions are very wider between the lower castes and upper castes. This is one of the main causes of the growing bonded labour system.

The large number of socially backward groups are still victims of the caste based occupational society. These socially backward groups have become for centuries dependant groups on the other upper castes and who are in the custody of upper caste communities.

By preventing richer and more selfish groups in society from exploiting the innocent and poor sections, by continuous surveys, vigil, possible instant action, wherever necessary the bonded labourers could be liberated. Moreover, without initiating the poor section a sense of self respect and self help, it would be really be difficult to relieve them from the clutches of bondedness. This has been proved since the Indian Independence.

The Bonded Labourers have widely different socio-economic background. There is no uniform guideline for the social and economic rehabilitation of the freed bonded labourers. The basic approach behind any such rehabilitation effort, should, however be need based and development oriented. In other words, viability of a particular rehabilitation scheme from the point of view of the special needs of the freed bonded labourers which again are determined by social, environmental, cultural, topographical and economical conditions must be examined and ensured. They must necessarily be given the choice between the various alternatives for their rehabilitation and such programmes should be finally selected for executions as would meet the total requirements of the bonded labourers families to enable them to cross the poverty line to debit bondage. At the same time, the bonded labour system is part of the caste system unless

efforts are made for removing the caste system, the bonded labour system would not be solved.

At the time of releasing of the bonded labourers, the major requirement is the recording of the statement of them and the supportive statements. Thereafter, the concerned authority declares the labourer free. This release is effected on the prima facie evidence provided by the debtor. No judicial or quasi-judicial inquiry is to be held at this time - it is an administrative inquiry. On the basis of this inquiry the labourer should be told by the competent authority that he/she has been freed. An identity card, alongwith the release certificate must be issued to him. If the release of bonded labourers is to be effected with any seriousness, along with their release they should be granted immediate relief, with shelter in transit camps, wherever necessary.

The role of Tehsildar and the District Magistrate is a crucial one. As is common knowledge, in all bureaucratic functioning the inclination and the wishes of the superior officials always weigh on the minds of their subordinates. In this case, the 1976 Act has given the District Magistrate the key role in deciding the cases. His interests, therefore, are very likely to influence the inquiry conducted by the Tehsildar. In a number of cases that were lodged against the

creditor had been kept pending for years and later on decided in favour of the creditors.

Another area requires attention is that the way in which proceedings are carried out when the cases are lodged. No special prosecutor is usually appointed for these cases. As a result, the bonded labourers, most of whom are illiterate, ignorant, having no experience of the law and its functioning have been confronted by polished and experienced defence lawyers. The penal provisions of the Bonded Labour Act have almost become a dead letter of the law, unfortunately, the court too has failed to emphasise the need to enforce these provisions to the extent to which it was needed under the circumstances. One must not forget that the bonded labour being an aspect of 'forced labour' which is not only prohibited by Article 23 of the Constitution but also an offence punishable under law. The Act makes it a cognisable offence and entrust the responsibility to a district Magistrate to eliminate the bonded labour or any other form of forced labour from his district. There is a separate chapter on penalties for offences committed under the Act. And the District Magistrate or any other officer designated by him can prosecute and punish the offenders by following a summary procedure. Despite these stringent provisions of the law, almost no perpetrator of an

offence under this Act has been connected. The Act contemplates the holding of a simultaneous summary trial along with the process of release of a bonded labourer from the clutches of his master. Such a release implies identification of offender as well. By not punishing the offender, the District Magistrate not only violates the legal but also the constitutional mandate. The failure on this front is also one of the important reasons why the incidence of bonded labour instead of being contained, if not eliminated, has now grown into the stature of a monster.

After rehabilitation main problem would be to ensure that the bonded labour is not forced to return to his earlier state. The Act of 1976 laid down the entire responsibility of ensuring that this does not happen on the District Magistrate who would be helped in this respect by Vigilance Committee. These Committees are virtually non-existent. They must be reconstituted and asked to perform their duties as assigned by law.

The provision of minimum wages in the area is a must. This will contain extreme poverty and exploitation. The labour will get adequate return for its productivity. Once minimum wages are enforced, loss of access to cheap labour would reduce the temptation on the part of landed people to make them bonded. An attempt should also

be made to impart education so that necessary awareness may be created to curb extravagant expenditure on traditional occasions. In this endeavour voluntary organisation will be of much help to them. Active mass mobilization of the affected labourers as well as the people of the area is also required. Besides they must be organised on the line of a trade union. This will generate the requisite political consciousness and inculcate in them leadership qualities and skills required for fighting social and political battles.

The concept of public interest litigation taken recourse to by many voluntary agencies and social activists before the High Court and the Supreme Court for the process of identification, release and rehabilitation of bonded labourers. They take recourse to public interests litigation as they find the law enforcement agencies to be insensitive, unresponsive and ineffective. In the process many heart-rending stories of injustice, discrimination and exploitation involving many unfortunate sections of oppressed humanity come to light. There are a few voluntary agencies and social action groups who can approach the courts and pursue a cause dear to their hearts with zeal, courage and determination. The story of oppression, deprivation and exploitation is endless and it is futile to expect that voluntary

agencies and social activities can reach all such cases and pursue them with passion and vigour. The courts are also saddled with a large number of routine cases and can ill afford to entertain more and more public interests litigation cases.

The intervention of voluntary organisations in the field of bonded labour is noticed from the mid seventies which has increased in the eighties. Among such voluntary organisations one could mention the names of -

1. Bandhu Mukti Morcha - Led by Swami Agnivesh.
2. Nehru Yuvak Kendra - in U.P.
3. Chhatisgarh Krishak - in Madhya Pradesh.
Majdur Sangh.
4. Shram Jivi Sangathan- in Maharashtra.

Governments efforts should be primarily concerned with employment generation. This can be done by pumping more money into the rural economy through remunerative prices for agricultural produce, provision of easy and soft credit facilities, extensive construction or restoration of small and minor irrigation and power projects, land restoration and afforestation programmes on a war footing and land reforms, especially implementation of ceiling laws, all of which will generate more employment and put

more purchasing power in the hands of the rural people. This will ensure the capacity to pay competitive wage and leads to accumulation of capital in the rural areas, which in turn would lead to multiple investment in agriculture, animal husbandry and allied industrial or commercial activities and stop urban migration. Employment guarantee scheme and Rojgar Yojana NREP, RLEGP, DWCRA etc. with modifications could be good schemes for improvement of conditions of wage labour.

Laxmidhar Mishra suggested three aspects of rehabilitation programme, physical, psychological and economic component. For rehabilitation, the mental awakening of the bonded labourer concerned is necessary. There should be a sea-change in the attitude of the bonded labourer regarding his approach to life. He should have confidence in his own abilities and strive hard for his new method of earning livelihood.

Land reforms, must be given more importance than it is given at present. The reforms should be properly implemented throughout the country, this would solve various problems of our country including bonded labour. All land owners should be made to declare the number of bonded labourers, the particulars of the duration, the working conditions and the number of persons as required under the Statistics Act of the Government of India. The

bonded labourer should be entitled for three years of average minimum backwage, which should be paid by the land owner. Failure should be treated as a loan and a liability on the property of the owner. They should be treated as tenants under the Land Reforms Act.

All steps to desettle them as honoured citizens should be undertaken without any delay. The state Governments should also be asked to investigate the still existing forms of bonded labour in their respective states and to bring them under the ambit of the law.

All the welfare measures should be implemented within a fixed time limit. Without such drastic structural measures very little can be done to rehabilitate even the released bonded labourers.

Modern states have established a complex web of institution for the governance of class-divided societies, extraction of surplus value and exploitation of the real producers is not possible without the protection of the human societies clearly shows that the producers of social wealth have resisted and struggled against exploitation the exploitation class has found that the coercive apparatus of the state is not always adequate to confront the anger of the deprived and the oppressed.

The concentration of economic power has serious social and political consequences. It can subvert the political system and distort social goals. Hence concentration of economic power should be checked, this is possible only with the help of coercive power of the government.

The democratic experiment in India has not succeeded in secularizing policies because political leadership does not possess the necessary capability to intervene actively against the existing traditional social categories. Politics has become reflective of caste and religious social loyalties. In this passivity of politics which has obstructed the secularization process in India. The penetration of caste in politics has made the state apparatus biased in favour of some castes and against other caste. The role of the caste is not confined to the elections alone, it is extended to the actual operation of the state apparatus.

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