

Chapter 8
Bonded
Labourers
The Changing Nature
of Bonded Labour
in India



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Jagir Singh is the second of four siblings, all of whom work as siris, or bonded labourers, in the village of Poonian in Punjab. His father, Gajjan Singh, now dead, was also a bonded labourer.

Jagir was a child when he started working as a siri, and has worked for multiple employers in his lifetime, against advances taken from them to meet his daily expenses. Raises would usually come in the form of another landlord offering to pay a higher price for his labour. The new employer would buy Jagir's debt from his current employer, paying Jagir the difference. Jagir is illiterate; his employers would keep records of the amount owed to them, and Jagir never questioned them. Ignorance about the amount that was owed to the employers and taking on further credit to meet emergencies, such as funeral expenses for his father's death, meant that Jagir has never been able to fully discharge the debt owed to his employers, even though he was bonded to one of them for close to 25 years.

At present, Jagir is working with a landlord called Harjit Singh, a previous employer's son, for ₹20,000 a year, against which he has taken multiple advances, amounting to between ₹8,000–9,000. As before, Jagir has no records of these transactions and Harjit is not an easy master. Once, when Jagir took leave for two days on account of an illness, Harjit Singh came to his home and beat him brutally, after which he was dragged to the cattle shed and tied to a chain with the buffaloes for two days without any food or water. The villagers witnessed this incident but did not come forward to rescue Jagir. Since then, Jagir has not dared to take even a day of leave.¹

1. Introduction

The Indian economy has experienced high growth rates in recent years as a result of a booming services sector that employs skilled workers.

The inequity of this growth story, however, often gets sidelined from both scholarly and public attention. Agricultural growth has been minimal, even though it employs half the country's workforce. The economy has grown in a way that continues to put wealth in the hands of a select few who can participate in the highly productive industries. It is also becoming increasingly apparent that the mobility and opportunity that these select few enjoy are, to a great extent, determined by birth. Sukhdeo Thorat observes: 'While exclusion does result in the denial of economic opportunities—such as access to capital assets, development of skills, and education—the originating cause is not lack of income, productivity, or merit but rather the individual's group identity.'² Similarly, Anirudh Krishna also writes in his paper on social mobility that 'the conclusion cannot be avoided that an urban professional elite is being reproduced, with the sons and (increasingly) the daughters of salaried and self-employed professionals themselves joining higher education and higher-status occupations in the largest numbers.'³ There is increased resistance to employing labour formally, denying them various protections that would otherwise accrue to them. Only 14 per cent of the total workforce is formally employed in India.⁴ It is not surprising, therefore, that many of those who miss out on these opportunities due to an accident of birth are engaged in low-status work, often in unacceptable conditions where health and safety norms are not respected, and minimum wages are not paid. Coercive tactics and collusion are used to restrict their mobility and keep labour underpriced. Collectivization of labour is discouraged and, with the overlay of social relations between castes, religions and class, this labour force, to a large extent, lacks the agency to exercise the right to freely choose the nature of its employment and to demand better pay and working conditions.

Jagir Singh's story at the beginning of this chapter is illustrative of the lives of a significant number of workers who do not have the privilege of being born into the sort of households that form the formally employed 14 per cent. As recently as

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December 2013, two labourers from the Kalahandi district of Orissa, who had been recruited for a job in Chhattisgarh under false pretenses, were reported to have had their hands brutally chopped off by the contractor when other members of their group escaped their captors.⁵ While the severity of the penalty varies from case to case, it is not uncommon for captive workers to be punished to 'set an example' and to turn labour against each other.

These workers are trapped in a labour relationship in which the worst forms of impunities in recruiting, engaging and retaining labour are manifested. Labour is kept in bondage (an exploitative form of forced labour⁶) through coercion, and on occasion even physical violence. While agricultural bondage is the most prevalent form of labour bondage, the non-agricultural sector also employs the following categories of bonded labour: workers in stone quarries, migrant labour, brick kiln workers, *joginis* and *devdasis*, fishermen, building and construction labour, forest labour, *bidi* workers, carpet weavers, potters, weavers, head loaders and child labour engaged in match and fireworks factories.⁷ Bonded labour in India are referred to by many different names, such as *hali*, *siri*, *gothi*, *gassi-gullu* and others, depending on the region.

The first exhaustive survey of bonded labour, carried out jointly by the Gandhi Peace Foundation and the National Labour Institute in 10 states in 1978–79, estimated the total number of bonded labourers in the agricultural sector in India at 2.62 million.⁸ A recent report by the Walk Free Foundation states: "The country with the largest estimated number of people in modern slavery is India, which is estimated to have between 13,300,000 and 14,700,000 people enslaved."⁹ The United States Trafficking in Persons Report of 2013 estimates that the numbers of those in forced labour due to debt bondage range between 20 and 65 million.¹⁰ Jan Breman has estimated that the segment of the workforce that is trapped into indebtedness amounts to about 10 per cent of the total workforce, or close to 50 million people.¹¹

The persistence of bonded labour in a country could be attributed to the lack of legislative and constitutional safeguards, but this is not the case in India. The Constitution of India clearly upholds the Right against Exploitation by banning all forms of trafficking and forced labour.¹² The Parliament has also exercised its power to enact a legislation with respect to labour bondage through the Bonded Labour System Abolition Act, 1976 (hereafter BLA). Through this act, all labour was freed and discharged from any obligation to bondage. Despite its progressiveness, the BLA has had very limited success, particularly in the context of the increasingly changing nature of bonded labour in India. It has also failed to address the enabling conditions that make bondage possible, and is more responsive than preventative. This is partly as a consequence of the inadequate consideration of what constitutes bonded labour, but much more because of the tendency of states to deny the existence of bondage, poor identification and continued prevalence of the enabling conditions of bonded labour, which have been problems that have dogged the administration of the BLA from the very beginning. As a result, conditions of labour bondage, far from being obsolete, continue to exist, even thrive, in nearly all parts of India and in multiple industries.

The remaining chapter is arranged as follows: Section two looks at how labour bondage has evolved over time and how contemporary bonded labour arrangements are typically organized. Section three then discusses some noteworthy characteristics of bonded labour arrangements, such as which sections of society are most vulnerable to labour bondage, the factors that push labour into bondage and the factors that sustain the practice of labour bondage. Section four looks at the role of public action in influencing state action for eradicating labour bondage. This is followed by recommendations for state action, specifically in reforming the framework to eradicate bonded labour in the light of contemporary bonded labour arrangements. Last, the chapter ends with a brief introduction to the idea of decent work as essential to any response towards total eradication of bonded labour in all its forms.

2. The Changing Nature of Labour Bondage

Bonded labour relationships in India are embedded intricately in systems of patronage or coercion, and are a product of caste hierarchies, class relations, a colonial history and persistent poverty. Breman has identified several characteristics of classical bondage in agriculture. First, bondage was both economic and social in nature, and dictated by the feudal social structures prevalent in the countryside. Additional forms of coercion like custom and social practice were in play, and indebtedness was one criterion among many others. Second, patronage¹³ was a key element in these relationships. The landlord wielded both power and prestige from the number of bonded labourers he could keep. Third, bondage was not only lifelong but was also intergenerational. Fourth, the landlord could lay claim to the labour of other members of the family of the bonded labourer. Fifth, wages were in kind and extremely low, making the possibility of release unlikely.

In traditional forms of bonded labour, patronage assumed an important role in the employer–employee relationship, and there was little or no role for intermediaries. This meant that although the labour relations were exploitative and coercive, the employer took responsibility for minimal survival allowances and in some cases even granted property rights to the employee. With the commercialization of agriculture in the 20th century, the labour relationship was significantly altered. While the system of patronage all but disappeared, the landowning classes retained control of labour power by monopolizing the sources of production and consumption credit in the rural areas. Indebtedness of the labourer to credit provided by the employer therefore became the foundation for a long-term exploitative relationship between the debtor and the creditor, as the labourer had little in the way of assets to pledge in place of his or her own body and labour power.

In recent times, with the decline of feudal arrangements and the contractualization and casualization of labour,¹⁴ the institution of bondage has assumed a more economic, although equally exploitative, form. Neo-bondage can be classified using the following criteria: first, the reason for

bondage is essentially economic in nature and the element of patronage in employer–employee relationships is on the decline; second, bondage is seen in migrant workers and there is an element of interstate or intrastate seasonal movement; third, indebtedness has become the primary reason for bondage (although the practice of postponement of payment of wages to prevent labour from escaping such arrangements is also common); fourth, other players like labour contractors (for example, *jobbers* and *jamadars*) play a crucial role in organizing and monitoring the labour force; fifth, employment is time-bound; and sixth, the landlord or employer does not implicitly control the labour power of other members of the indebted family.¹⁵ However, the amount of credit extended to the one who contracts the debt, often a man, depends on the number of hands recruited. This forces him to then also bring along other members of his family, including children, as labour power.

A report of the International Labour Organization (ILO) provides an example that is particularly illustrative of this kind of labour arrangement. In the report, the terms of engagement of brick kiln workers in Tamil Nadu are described as follows:

Here, much of the workforce is migrant labour, and a central feature of recruitment and labour force management is the payment by labour agents of wage advances during the rainy season at the workers' place of origin. The advances are substantial, often equivalent to between three and seven months of a family's earnings. Work is arduous, with extremely long hours, normally for six days per week. At the end of the season, workers are remunerated on a piece rate basis. Should part of the advance remain unpaid, as is often the case, the worker is obliged to return to work at the same kiln the following season. For their part, labour agents receive a commission from the kiln owner on every thousand bricks produced.¹⁶

Even bonded labour arrangements in agriculture have assumed these characteristics and evolved from the more traditional relationships. A typical arrangement in the agricultural sector involves

a labourer taking an advance from a farmer, and in return becoming bonded to that farmer for a specified period. Advances are taken in cases where large amounts of money are needed up front, for example, in the case of marriages, religious ceremonies or medical emergencies. The amount of advance and duration of the bondage differ, but in most cases the bonded labourer works extremely long hours without any leave, performing whatever tasks are required in the fields or at the farmer's home. In case the labourer misses a day of work, the farmer usually adds a monetary penalty to his or her loan. Since he or she can't seek work anywhere else, the labourer is also completely dependent on the farmer for any monetary or in-kind assistance, all of which are also added on to the loan. As a result, by the time a labourer finishes with the initial period of bondage, he or she ends up owing a substantial sum to the farmer. In the absence of funds to repay this loan, the labourer is often forced to work for the farmer for an additional year, during which he or she slips even further into debt for the reasons already mentioned. Due to the unfavourable conditions of the loan and the opaque way in which it is administered, it is extremely difficult for the labourer to escape from this cycle of bondage. In some cases, bonded labourers may pay off their debt by taking an advance from another farmer and becoming bonded to him. However, completely freeing oneself from bondage requires repaying the entire amount that a farmer claims is due to him, which in most cases is not possible for the labourer. This type of arrangement, referred to as debt bondage, is purely economic in nature and has no element of mutual aid or preferential treatment that was a feature of traditional bonded labour relationships.

Geeta Menon describes this transformation as one where a landlord–serf relationship¹⁷ that existed previously has gradually taken the form of a contractor–slave wage labour relationship. Breman also believes that this change has had a negative impact on the minimum livelihood security and related social protections offered under the traditional bonded labour relations. While the terms of the engagement have remained exploitative in essence, the decline in the element of patronage and increasing importance of the debtor–creditor dynamic have also exonerated the employers from bearing any responsibility

for the wellbeing of their employees. However, wages have not risen sufficiently to compensate for the added burden that this has imposed upon the employees themselves, although the medium of payment has become cash, rather than kind.

It is important here to note that while classical and neo-bondage exist in their pure forms, many kinds of bondage exist that exhibit characteristics of both and others besides. What is common, however, to all forms of bondage is the forced prevention of labour from realizing its full market value, equal to or above minimum wage. Not everyone paid below minimum wage is bonded, however (this is addressed later when reviewing what should be recognized as bondage). One important feature of newer forms of labour bondage is that the labourer can be bonded to multiple employers during his or her lifetime. While this allows for some freedom from patron–client relationships, and the ability to change one's employer, it does not always lead to freedom from conditions of bondage. In the case of debt bondage, for example, often the only way for the worker to escape such a labour arrangement is to be bought out by another creditor and be bonded to him, instead. In addition, whereas newer forms of bondage are shorter-term in nature, this is not always an advantage as it is also a way for employers to evade responsibility towards investing in a healthy and productive labour force. Last, the changing nature of bonded labour has done little to upset traditional hierarchies of caste and gender, which, as Barbara Harriss-White and Nandini Gooptu argue, continue to affect 'the tasks most people do, the kinds, terms and conditions of the contracts they are offered and either settle for or refuse.'¹⁸

What needs to be acknowledged is that the process of labour bondage is a dynamic one—unacceptable conditions of work are constantly replicated and multiplied, evolving to adjust to contemporary values and opportunities, abetted by society and state. Throughout history, a common thread of social or economic dependence of the labour force on the employers has characterized such labour arrangements. This dependence is maintained through labour practices whose chief purpose is to reduce the opportunity cost of labour by restricting its freedoms.

3. Characteristics of Bonded Labour

Some of the key characteristics that define and perpetuate the continued existence of bonded labour in India are discussed in detail in the following paragraphs.

3.1 Demographic and Social Identity of Bonded Labourers

3.1.1 Historically Disadvantaged Groups

Traditional caste rules mandate forced labour from certain communities. Caste is one of the foundations of the bonded labour system and remains a key feature of bondage even in non-agricultural industries today. The lack of access to their own land, combined with this expectation to perform free labour and the threat of violence and economic boycott against those who challenge their expected social roles, keeps many Dalit families in bondage and a perpetual state of poverty.¹⁹

There is a strong overlap between the community of Dalits and Adivasis and victims of bondage. According to the Gandhi Peace Foundation and National Labour Institute survey, 87 per cent of bonded labourers were from the Scheduled Caste (SC) or Scheduled Tribe (ST) communities.²⁰ A survey commissioned by the Planning Commission in 2009 also found that nearly 83 per cent of rehabilitated bonded labourers belonged to SC or ST communities.²¹ In Punjab, it is estimated that nearly three-fourths of bonded labourers are from the same caste—the Mazhabi Sikhs.²² A study by Aide et Action of three districts of Orissa, to which a high proportion of people migrate to work in brick kilns, stone crushing and construction, found that about 84 per cent of the surveyed households were SCs or STs. Those 'who are considered as most backward and vulnerable community in Odisha . . . constitute higher percentage of migrant families'.²³

On the other hand, government officials and contractors of bonded labourers generally belong to the higher castes. Some members from the Other Backward Classes (OBCs) have also been known to be owners of brick kilns, stone quarries, etc., and recruit labour in bondage. Regardless, creditors and employers are almost invariably literate, comparatively wealthy and relatively more powerful members of the community.²⁴ It would not be an exaggeration to say that labour bondage

draws greatly upon feudal social relations and the caste system.

3.1.2 Gendered Nature of Bondage

Gender distribution varies depending on the sector of activity. While studies have found that the victims of bonded labour in general are overwhelmingly male,²⁵ the prevalence of women and children in bondage is higher in certain occupations such as floriculture and *bidi* making.²⁶ Women, and often children, are also recruited heavily as domestic help and for the sex trade.

Even when only the husbands are bonded, the women of the household are severely affected by this arrangement. As men have gendered advantages in accessing state and community support, employers have less control over their male workers, which enables them to escape from bonded labour relations. Women are then compelled to take up agricultural work at whatever terms that are offered, to repay the debt taken by the male members of the family, and ensure continued access to consumption credit from the employers. Even payment of advances is influenced by the gender of the bonded labourer—a study in Andhra Pradesh showed that while men under bonded labour arrangements were paid advances of ₹5,000–7,000 a year, women were only paid ₹2,000–3,000 for the same duration.²⁷ Similar gaps in advances paid to men and women have been reported in other states.

3.1.3 Child Labour and Bondage

While children bonded in agriculture are often family members of adult bonded labourers, pushed into such arrangements in a desperate move to discharge their family's debt, children also form a huge proportion of the non-agricultural labour-force trapped in bonded labour arrangements. Aside from children working as domestic help, some non-agricultural industries with a prevalence of bonded child labourers include carpet weaving, *bidi* making, and silk and silk sari production. According to a report of the Human Rights Watch in 2003, it was estimated that in just the three states of Karnataka, Uttar Pradesh and Tamil Nadu, there were more than 350,000 children working in the silk industry alone, most of whom were recruited as bonded labour.²⁸ The study found that work hours

for these children could be as long as 14 hours a day for six or seven days a week, and that they were highly susceptible to work-related health problems, including respiratory diseases, skin infections, severe burns, and hearing and vision loss, among others. The total number of children working in bonded labour arrangements is estimated to be close to 15 million, according to an earlier report.²⁹

3.2 Push Factors for Bondage

An important distinction between slavery and bonded labour arrangements is that despite the heavily exploitative nature of the arrangement, many people who are bonded have ‘chosen’ that form of employment. However, this cannot really be called a free choice as it is undertaken either under conditions of extreme distress or coercion. Given this backdrop, some of the main reasons for people continuing to get into bonded labour arrangements are now discussed.

3.2.1 Skewed Distribution of Resources

The skewed distribution of resources, particularly restricted access to land and water, plays a significant role in determining the ability of the rural poor to make free labour choices. As the mainstay of the rural economy continues to be agriculture, the consequences of this uneven distribution are made all the more severe by mechanization, high seasonality of employment in agriculture, depletion of forests, and the absence of secure and regular avenues of non-agricultural employment.

Table 8.1 shows that the share of landless and marginal (≤ 1 hectare) landholders among Dalits is significantly higher than other social groups. Research by CES in 2011 in Andhra Pradesh, Punjab, Orissa and Rajasthan similarly found that a low asset base, including landlessness or marginal landholdings, was a common feature across communities prone to bonded labour in

Table 8.1 Landholdings by Size for Different Social Groups (% of Total Landholdings)

	Landless	Marginal	Small	Medium	Large
Overall	8.3	72.6	9.7	6.5	3.0
Dalits	8.6	83.5	4.7	2.4	0.8
Adivasis	10.1	66.4	13.0	8.3	2.2
Other Backward Classes (OBCs)	8.0	71.4	10.5	7.0	3.1
Other Social Groups	7.9	67.2	11.2	8.7	5.0

Source: National Sample Survey Organization (2012), ‘Employment and Unemployment Situation among Social Groups in India’, *NSS 66th Round (2009–10)*, New Delhi: Ministry of Statistics and Programme Implementation.

Landlessness Among Sahariya Households in Baran, Rajasthan

Landholdings have an important impact on the propensity of Sahariya households to sustain themselves without slipping into bondage. Measures adopted in recent years to redistribute land among Sahariya families and provide them with land title (*pattas*) for forestland occupied by them under the Forest Rights Act of 2006 have had mixed success. As a result, a large number of families continue to remain landless. According to a 2012 government survey, 16,217 families out of an estimated 21,000 Sahariya households in Kishanganj and Shahabad tehsils of Baran district have landholdings. However, only about 13,972 (66 per cent of all households) have actual ownership of their land, whereas a total of 2,245 families have been allocated land but do not have possession of it due to a number of reasons—the administration has been unable to take actual possession of the allotted land, or the allotted land is available but has not been measured and handed over to Sahariya families by the administration, the land has been illegally occupied by others. A second avenue for the provisioning of land to Sahariya families is the granting of *pattas* for forestland already in their possession, as per the norms of the Forest Rights Act. On this front too, progress has been slow. Out of a total of 3,089 applications, only 538 *pattas* have been awarded, while the remaining applications are either still being processed by the Gram Sabhas or have been declared to be void at the sub-district and district levels.

Source: Based on data compiled by Sankalp, an NGO working with the Sahariya community in Baran, and provided to CES researchers in September 2012

these states.³⁰ Landlessness, combined with lack of access to formal credit, is a major push factor for susceptibility to labour bondage.

Dalit and Adivasi communities have also been historically disadvantaged with respect to ownership of non-agricultural assets. One significant marker of this is their limited ability to participate in self-employment and non-agricultural business activities. In 2009–10, only 30.8 per cent of Dalit households and 44 per cent of Adivasi households in rural areas were self-employed, compared to 51.3 per cent and 57.5 per cent for OBCs and other social groups, respectively. In urban areas, 26.2 per cent of Dalits and 23.3 per cent of Adivasis were self-employed, significantly lower than OBCs (36.8 per cent) and other social groups (36.2 per cent).³¹

3.2.2 Illiteracy

Illiteracy plays a crucial role in the inability of bonded labourers to break out from the vicious cycle of bondage. The Gandhi Peace Foundation and National Labour Institute survey estimated that between 90 and 94 per cent of bonded labourers were illiterate.³² Among rehabilitated bonded labourers covered in the Planning Commission survey in 2009, about 76 per cent were found to be illiterate.³³ For children of bonded labourers, high levels of poverty and the need to supplement the family income mean that they have few opportunities to gain an education. The situation is particularly dire for bonded child labourers and children of migrant bonded labourers, for whom educational access is virtually non-existent. Without education, bonded labourers are often unable access alternative non-exploitative employment opportunities.

3.2.3 Food Insecurity

The food security status of bonded labourers is also extremely precarious, and often bondage is adopted as a coping mechanism for absolute hunger. Among rehabilitated bonded labourers surveyed for the Planning Commission Report, about 92 per cent of respondents who took a loan reported doing so to cater to the family's food requirements.³⁴ Such a situation occurs because in many cases the poorest and most vulnerable remain uncovered by government food and livelihood schemes. Even among already rehabilitated bonded workers

covered in the Planning Commission survey, only 43.7 per cent reported having a Below Poverty Line (BPL) ration card. Moreover, once they are bonded, workers receive little or no wages in hand, since much of the earnings are deducted against the advance taken. This lack of income furthers adds to their food insecurity. Hunger and malnutrition is therefore widespread among bonded labourers, particularly those belonging to already vulnerable communities like the Musahars and Sahariyas.

3.2.4 Lack of Access to Formal Credit Markets

The existence of bonded labour and specifically debt bondage has been traced to the under-development of credit markets, leading to heavy dependence by the rural poor on their employers or landlords for consumption and production credit, in return for which they surrender their labour power. Arnab Basu and Nancy Chau too, in examining the link between credit–labour interlinkages and bonded labour, found that credit markets are better developed in countries without debt bondage.³⁵ If the degree of asymmetry in credit access is large enough, interlinked credit–labour transactions induced by market imperfections and poverty can be identified as the main cause of bonded labour in agrarian economies.

The major causes for indebtedness are emergencies, like deteriorating health or the sudden death of a family member, the need for basic necessities such as food, construction or repair of houses, and social occasions such as marriages and festivals.³⁶ The rural poor have little access to institutional credit and, where it is available, it has to be supplemented by loans from local moneylenders, who are generally from upper caste groups and charge extortionary rates of interest, taking advantage of the debtor's vulnerability by manipulating repayment terms and records. In many cases, the home is mortgaged against the amount taken from the moneylender. To repay the moneylender and save the home, the labourer will sometimes take money from a labour contractor in the form of a large advance, which then needs to be paid off through a bonded labour arrangement.

Amit Bhaduri has directly linked bonded labour and related exploitation to the interlinking of credit, land and labour markets between the same landlord and tenant.³⁷ In these situations, the

landowner's gain is derived from sharecropping, and from extortionary rates of interest charged from indebted tenants. As a result, landowners have little incentive to invest in technological improvements that raise labour productivity, as the income derived from the increase in production as a result of technological improvements is less than the income that is derived from providing usurious loans to the sharecropper.

This is particularly relevant for tribals, as increasing land alienation, displacement and de-forestation destroy their traditional means of earning a livelihood. This creates the need for credit, which then leads to them migrating in search of work or becoming indebted to landlords and repaying them through their labour, often under conditions of bondage.³⁸ In Orissa, for example, a survey by Action Aid and 20 other organizations in Malkangiri district estimated that thousands of tribals were working as bonded labourers for rich landed moneylenders. Their lands were almost entirely mortgaged or expropriated by non-tribals, and in the absence of any other source of credit, they were forced to rely on loans from landlords. Many received no wages, apart from some food and clothes, while others received wages as low as 10 per cent of the mandated minimum wage. Even when standard wages were paid, most of this was adjusted against the interest on the loan taken from the employer.³⁹

3.3 Factors that Sustain Bondage

There are very strong factors at play that sustain the idea of labour bondage despite legal and constitutional provisions to deter it. Some of the key factors that define and perpetuate the continued existence of bonded labour in India are now discussed.

3.3.1 Recruitment of Migrant Workers and the Role of Intermediaries

The United Nations considers those subjected to bondage to be of 'servile status'.⁴⁰ There are important differences between slavery and bonded labour, such as the fact that many bonded labourers voluntarily opt for such an employment arrangement (although, as discussed earlier, this cannot really be called a free choice.) At the same time, there are also important similarities in the

processes of recruitment and the exploitative terms that typify them. After the abolition of slavery, the British contracted indentured labour to work in various parts of the country, and even shipped them as cheap wage labour to other Asian and African countries, where conditions were harsh and wage payments erratic and low. Many died in transit and some even upon arrival in the host country, if they could not successfully adapt to the unfamiliar location. This is not unlike the recruitment practices used to engage migrant labour today, a large number of whom end up in conditions of bondage.

Migration and free movement of labour can be highly advantageous to the employer and employee, especially in terms of balancing supply and demand between regions with surplus labour and regions with labour scarcity. However, in recent times, migration has become increasingly de-linked from its presumed function of balancing the interlocational or intersectoral availability and scarcity of labour. The same sector or region can both import and export labour, simultaneously. Migrants often cost less than locally hired labour, are easier to control and can be laid off easily. This is partly because migrants are also less likely to be organized and assert their labour power through collective action. Economically advanced states like Andhra Pradesh are host to a large numbers of migrant workers under conditions of bondage from the impoverished states of Orissa, Chhattisgarh and Jharkhand. At the same time, Andhra Pradesh also exports migrant workers under similar conditions of bondage to other states. When denied jobs in their native region, labourers are forced to migrate in search of jobs, which perpetuates a vicious cycle of migration. Breman has termed this new phenomenon 'circuits' of labour.⁴¹ For many of these migrant workers, the period of work is fixed beforehand to deny them bargaining power and ensure employers' control over labour. At the same time, the employer is at full liberty to lengthen the terms of the contract and will often use coercion to enforce these terms.

Away from their native regions and often in locations with an unfamiliar language and on the outskirts of the city, survival for migrants becomes even more of a challenge. They are kept in sub-human conditions, lacking proper shelter and surviving on a diet that is lacking in nutrition and is a fraction of

what is required for heavy manual labour. To keep the migrant indebted, a certain part of the migrant's salary is often withheld on the pretext of the labour provided being insufficient to repay the debt or advance taken by the labourer. This is, in reality, a means to force him or her to return the following work season, which ensures a stable labour supply for contractors throughout the season.

The intermediary is an important, almost inseparable, part of the process of recruiting migrant workers. The intermediary is ultimately responsible for providing a continuous supply of reliable workers for the employer at pre-determined wages, for payment of advances and for keeping labour docile by whatever means necessary. For this task, the intermediary will be rewarded for the number of hands recruited and/ or for the output produced. Sub-contracting, a common practice today, leads to even greater distance between the employer and employee due to the existence of multiple layers of intermediaries. There is no direct engagement between the employer and employee, and consequently no related long-term responsibility on the part of the employer to invest in creating a healthy and productive labour force. As a result, the employer considers the labour force as expendable and readily replaceable, with little thought to its welfare and working conditions.

3.3.2. Use of Coercion and Collective Action by Employers

The question remains as to why a person would choose to stay in bondage, if other options of employment are available. Employers continue to use all means necessary, legal and illegal, to keep labourers from asserting themselves. When labourers are not formally employed, they remain hidden from official sight and many of the rights that should accrue to them are sidestepped by employers. Power relations between employer and employee are such that there is little scope for prosecution of employers, even when such practices come to light.

There is a necessity to recognize that bonded labour, in its very broadest sense, stems from the employer's ability to reduce the labourers' opportunity cost by limiting their alternatives in terms of employment. This is even more easily

done when labourers are informally employed. Adam Smith wrote of employers being 'always and everywhere in a sort of tacit, but constant and uniform combination'.⁴² Employers often collude to ensure that labourers remain trapped in what is an unfair exchange. Tom Brass cites several examples to illustrate this, including one of a quarry owner in Bihar who agreed not to employ labourers when they were released from bonded labour arrangements in the agricultural fields of another employer. While bonded labourers are vulnerable and collective action among them is a rare phenomenon, employers⁴³ often resort to both interindustry and intraindustry collective action to keep labour in bondage. As a result, workers are prevented from taking up a job with another employer under better conditions, forcing them to continue with the bonded labour arrangement.

3.3.3 Indifference of State Machinery

There is, on the one hand, a greater understanding of our moral duties towards those engaged in productive activities.⁴⁴ On the other hand, due repeatedly to official denial and indifference, the eradication of the practice of bonded labour has been a challenge. The Supreme Court judgment in the *Bandhua Mukti Morcha* case was clearest in its indictment of the government:

*It is not the existence of bonded labour that is a slur on the administration but its failure to eradicate it and moreover not taking the necessary steps for the purpose of wiping out this blot on the fair name of the State is a breach of its constitutional obligation.*⁴⁵

After the 1970s and 1980s governments routinely denied the problem of bonded labour, despite evidence to the contrary. In 2002, the director general of Labour Welfare in 2002, Manohar Lal, claimed that governments had virtually solved the problem of bondage:

As of today, we can say as the central government as from our information from the states, there are no bonded labourers to be rehabilitated . . . This is a happy situation

*when states say there is no bonded labour and Vigilance Committees are meeting regularly—and they are very responsible people.*⁴⁶

Independent studies and civil society organizations have constantly challenged this position by demonstrating with clear empirical evidence the widespread existence of bonded labour in India.⁴⁷ Even when labour bondage is acknowledged, the numbers quoted by the government put the number of bonded workers at a fraction of the number estimated by various independent studies, and point to continued laxness in identification on the part of the state. While identification has obviously been a problem regarding less recognized forms of contemporary bondage, even traditional bondage continues to persist and thrive.

4. Role of Public Action⁴⁷

Collusion among employers of bonded labour often extends to middlemen and state machinery, such as local police and administration. Bonded labour, on the other hand, is unorganized, making it nearly impossible for the worker to escape the bonded labour arrangement without external assistance. As a result, a negligible proportion of bonded labourers have been released, even fewer have been rehabilitated and almost no employers have been prosecuted for employing labourers in conditions of bondage.

While many of the guidelines for state action have been recommended time and time again, there has been little change in the official response to the challenge that bonded labour presents. Successes, though limited and only in some isolated cases, have largely been a result of public pressure from non-governmental organizations (NGOs) and civil society groups, who have helped organize bonded labourers into collectives and given them the agency to demand a better quality of life than they have been forced to accept in the past. Volunteers for Social Justice (VSJ), an NGO in Punjab, filed more than 2,000 cases on behalf of both local and migrant bonded labourers in agriculture, brick kilns and other sectors, a majority of whom were from the Dalit community. Between 1998 and 2004, VSJ was able to secure the release of 1,832 bonded labourers.⁴⁸ Similarly, since 2010, more than 200

Sahariya families in Baran district of Rajasthan have refused to work as bonded agricultural labourers, and instead found work under the Mahatma Gandhi National Rural Employment Guarantee Act, assisted in their efforts by the NGOs Sankalp and Jagrut Mahila Sangathan.⁴⁹

These experiences and many others suggest that in the absence of such public action that gives bonded labourers agency through collectivization, and holds the government accountable, many such workers will remain at the mercy of an indifferent state, indefinitely bound to inhumane labour arrangements with the owners of capital, who respond only to market pressures to reduce the cost of production.

It is, however, important to note that while public action has a large role to play in organizing bonded labour, a responsive local administration is necessary to ensure that bonded labour arrangements are completely dismantled, and the freed labourers are provided alternative sources of livelihoods with control over the factors of production. This can help them fully overcome their dependence (both social and financial) on their erstwhile employers. Srivastava cites an example where bonded labourers released from the stone quarries in Pudukottai were organized into co-operative societies, in which women held positions of authority, and these societies were given quarrying contracts. The money received as part of their rehabilitation package was pooled to purchase trucks. They were further supported by the state authorities, with the Government of Tamil Nadu amending the rules of the prevailing Mines and Minerals Act of 1957 in order to allow bonded labourers to have lease rights over the stone quarries.⁵⁰

In fact, successful rehabilitation is next to impossible without support from the local administration, as it often involves proactive measures to respond to challenges that may or may not have been anticipated at the time of release. In the absence of appropriate government recognition and rehabilitation, these bonded labourers remain extremely vulnerable to retaliation from their former employers, and to lapsing back into bondage. In the case of the Sahariya families of Baran, as of September 2012, only 51 bonded labourers had been officially released by the district

administration, and of these just 17 had received the rehabilitation package they were entitled to.⁵¹ Similarly, only four out of the 1,832 cases of bonded labour released through VSJ's intervention in Punjab were rehabilitated, and none of the employers was prosecuted.⁵²

What is necessary, then, is continued work by civil society groups in monitoring this issue and making it a part of public consciousness, while pressurizing the administration to recognize and eradicate the practice of all forms of labour bondage. The National Human Rights Commission (NHRC) Annual Report of 2000–01 states: 'The promotion and protection of human rights cannot gather momentum without the fullest co-operation between the Commission and NGOs. They are the Commission's most natural allies and most honest critics.'⁵³ With a more proactive role for the NHRC, vigilance by NGOs and the fullest co-operation of a sensitive state, there is a chance that labour bondage can finally be universally recognized as an atavistic practice that must be condemned and the institutions supporting it completely dismantled.

5. Recommendations for State Action

5.1 Broadening the Definition of Labour Bondage

Ravi Srivastava has noted that India has the honour of being the first country in South Asia to enact legislation against bonded labour.⁵⁴ B. N. Yugandhar has referred to the Bonded Labour System (Abolition) Act, 1976 as one of the best pieces of central legislation passed in India since independence.⁵⁵ The primary objective of the BLA was the abolition of bonded labour systems and of customary practices that sustain labour bondage. The BLA facilitates this by discharging labour from any liability to repay bonded debt, restoration of property lost as a result of bonded debt and the penalization of creditors who accept payments against a bonded debt. Its strength lies in its unambiguity—it clearly defines bonded labour, makes it a criminal offence, transfers the burden of proof to the creditor, and fixes responsibility for the identification, release, rehabilitation and resettlement of bonded labour.

However, the BLA fails to consider incidences of bondage that do not necessarily fall within the narrow confines of a traditional debtor–creditor relationship. In some cases, for example, wages are withheld and paid in a lump sum at the end of the working period, in order to discourage the worker from leaving before the end of the stipulated period. The definitional shortcomings of the BLA become particularly problematic in the context of the increasingly changing nature of bonded labour in India. The narrowly defined nature of bonded labour in the BLA has allowed the Government of India to avoid addressing contemporary forms of bondage. While the poor identification of traditional bondage is largely due to state denial, it is also extremely important to review the BLA against the changing conditions of the Indian labour market, and especially challenges related to neo-bondage. This, of course, must not be taken to imply that more conventional forms of forced labour associated with the labour market have disappeared or are less pressing concerns.

The contemporary Indian bonded labour contract is defined by time-bound and often seasonal contracts, largely economically and not socially driven contractual relations. Often, the entire labour contract is organized through a labour contractor who moves large populations of labour from one part of the country to another. If these features are the most salient aspects of labour bondage in contemporary India, then the key regulatory challenge is the extent to which the BLA provides an adequate framework to address this situation.

The National Commission on Rural Labour Report⁵⁶ as well as the Sankaran Committee Report⁵⁷ have addressed this issue by suggesting an amendment to the definition of the bonded labour system in a manner that does not regard debt as a mandatory component of bonded labour. Building on their definition, it is proposed that bonded labour be said to exist when non-payment of minimum wage *is combined with* any of the following: an advance or debt, restraint on physical liberty, restraint on changing employment or the forced prevention of labour realizing its full market value. This way of defining bonded labour will cover labour or service relations involving both the payment of an advance and the promise

of payment of wage as a lump sum at the end of the agreed contract. This also ensures that bonded labour is not considered co-terminus with forced labour or slavery, and unfreedoms that are peculiar to bonded labour arrangements can be dealt with under the provisions of the BLA.

5.2 Identification

In the *Bandhua Mukti Morcha* case in 1984, the Supreme Court specifically exhorted governments not to hide incidences of bonded labour.

*One major handicap which impedes the identification of bonded labour, is the reluctance of the administration to admit the existence of bonded labour, even where it is prevalent. It is therefore necessary to impress upon the administration that it does not help to ostrich-like bury its head in the sand and ignore the prevalence of bonded labour.*⁵⁸

District administrations have sometimes been known to free a bonded labourer of his or her debt, but not recognize him or her as a bonded labourer, which in itself is an inconsistent stance. It is totally unreasonable to expect bonded labourers to identify themselves as such, especially given limited access to information about labour rights, lack of alternatives and fear of retaliation by employers. Identification must therefore necessarily be the responsibility of a government body with a clear understanding of what constitutes labour bondage, and the authority to recommend release and rehabilitation.

In *PUCL v. State of Tamil Nadu*,⁵⁹ the state of Tamil Nadu claimed that there were only stray incidences of bonded labour in the state, and the Supreme Court appointed a Commission to enquire into the matter. The commission estimated in its 1995 report that there were over 1 million bonded labourers in Tamil Nadu, of which 10 per cent were children, spread over 23 districts and across 20 occupations.⁶⁰ This prompted the Supreme Court to direct other state governments to initiate enquiries in their states as well. However, recognizing that it was not best placed to determine and monitor the scope of the problem, the Supreme Court, through a direction in this case, handed over the task of monitoring and implementing

its directions to the NHRC in 1997. Since then all state governments have been directed to file status reports in a prescribed format with the NHRC every six months.⁶¹

The Supreme Court's decision to hand over monitoring and oversight of the incidence of bonded labour to the NHRC was expected to drastically reduce the incidence of bondage. However, the current provision fails to account for the definitional issues considered so far and the political challenge of states' reluctance to admit to the existence of bondage. To address this, there is need to statutorily strengthen the role of the NHRC and give it a more proactive role in ensuring the implementation of this law.

The role of the NHRC within the BLA is envisaged as similar to that of the 'The National Commission for Protection of Child Rights (NCPCR) under the Right to Education (RTE) Act, as the apex body to supervise, monitor and oversee the implementation of the BLA Act.⁶² The act could specify duties owed to the NHRC by other key implementing authorities envisaged in the structure of the BLA. These would include the authorities appointed by the state governments for implementing provisions of the act, and Vigilance Committees to assist the district administration in the implementation of various aspects of the act, especially relief and rehabilitation. Since states have been particularly lax in making appointments to these bodies and ensuring that vacancies are filled up in a time-bound manner, provisions could also be made to permit the NHRC to make appointments and fill up vacancies. In addition, the NHRC could also be given a supervisory role to ensure that Vigilance Committees have sufficient numbers of experienced and credible non-official members and that the committees meet regularly.

5.3 Streamlining the BLA with Other Related Laws

Currently, the BLA is just one of the statutes that can address the practice of labour bondage. This is even more true for contemporary forms of bonded labour that are not universally recognized as bondage, and so fall under a plethora of other acts. Not only does this make the eradication of the practice of bondage difficult, it actively denies labourers engaged in non-traditional forms of

bondage the same benefits as those engaged in traditional forms of bondage.

Previously, contract labour and migrant labour that was subjected to bondage was excluded from the BLA's definition and instead came under the Contract Labour (Regulation and Abolition) Act, 1970 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. However, by way of subsequent amendment, the BLA specified that labourers under both these acts are also to be covered by the definition of a bonded labour system if they are subjected to situations defined to fall under such a system. A similar revision is suggested in the BLA for related statutes like the Minimum Wages Act, 1948 and the Child Labour (Prohibition and Regulation) Act, 1986.

While this exercise would go some way towards recognizing the presence of bondage in contract and migrant labour, in practice these forms of bondage suffer from the same neglect and denial as traditional bondage, with the additional burden of not being recognized as bondage at all by concerned authorities, who continue to take a narrow view of bondage during identification exercises. The streamlining of the acts, thus, should be accompanied by the sensitizing of those charged with the implementation of the law and the official acknowledgement of these contemporary forms of bonded labour.

5.4 Release and Rehabilitation of Bonded Labour

Due to the unique circumstances of released bonded labourers and their vulnerability to slipping back into bondage, the BLA must remain the primary vehicle for their rehabilitation. An important change that must be introduced in the the BLA is a provision in the administration of the act that incorporates release certificates on the basis of which rehabilitation becomes an irrefutable claim. The district magistrate must ensure that processes of bonded labour are enquired into and release certificates issued. Not complying with this duty must entail a civil penalty in the form of a fine.

The Supreme Court's injunction in the *Bandhua Mukti Morcha* case provides clear instructions for a rehabilitation plan, which calls for psychological, social and economic rehabilitation. The court also

felt that freed bonded labour must be involved in the shaping of schemes of rehabilitation, which will enable them to cross the poverty line, on the one hand and, on the other, prevent them from sliding back to debt bondage. At a minimum, the court felt that the plan should mandatorily include psychological rehabilitation to accompany social and economic rehabilitation.⁶³

At an administrative level, the rehabilitation plan must include preferential access to various central and centrally sponsored schemes, and supplementary schemes of the state governments. Some suggested interventions are: all released bonded workers should be given Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) job cards on priority; if they do not own their homesteads, they should be given first priority for free housing under the Indira Awaas Yojana; if they do not own agricultural land, they should be provided with land for cultivation; all children (who may be bonded themselves, or the children of released bonded workers) should get admission in SC/ST hostels or be admitted to local schools, if necessary after organizing residential bridge courses under the Sarva Shiksha Abhiyaan. It is indisputable that these measures would necessitate greater integration between various departments of government involved with social welfare issues and NGOs working with bonded labourers.

Availability of easily accessible formal credit should form an integral part of any rehabilitation plan, to prevent released labourers from slipping back into bondage. A large majority of bonded labourers do not apply for release as they are either too afraid of their employers to stop working for them or are uncertain about who to depend on in case of financial emergencies in the future.

6. Enforcement of Minimum Wages and the Idea of Decent Work

One of the chief reasons that the release and rehabilitation of bonded labour has been unsuccessful until now is the lack of understanding about why labour continues to be engaged in conditions of bondage. While coercion plays a large part in recruitment and in keeping labour in bondage, the lack of alternatives for earning a livelihood under decent work conditions is a far graver problem, often leading men, women and

children to willingly surrender their labour power under conditions of bondage as the only viable means of survival.

In fact, it would not be an exaggeration to say that none of the previous recommendations can be truly successful in guaranteeing a dignified existence to bonded labourers and those vulnerable to being trapped in bonded labour arrangements in the absence of a policy that guarantees payment of minimum wages for working

households, facilitates creation of employment at the right quality and skill level, guarantees minimum social security for all as a safety net, and insists on decent and dignified employment relationships. These interventions, under the broader ambit of the idea of 'decent work', are discussed in greater depth in the chapter on Labour Markets in this report.

Notes and References

1. Excerpt from Centre for Equity Studies (undated), 'Withering Hope—A Study on Bonded Labour in Orissa, Rajasthan, Andhra Pradesh and Punjab', Unpublished Research Paper.
2. Sukhadeo Thorat (2007), 'Economic Exclusion And Poverty In Asia—The Example of Castes in India', *2020 Focus Brief On The World's Poor And Hungry People*, Washington: International Food Policy Research Institute, p. 1.
3. Anirudh Krishna (2013), 'Making It in India: Examining Social Mobility in Three Walks of Life', *Economic and Political Weekly*, vol. 48, no. 49, p. 9.
4. National Commission for Enterprises in the Unorganized Sector (2009), *The Challenge of Employment in India: An Informal Economy Perspective*, New Delhi: NCEUS.
5. 'Orissa: Hands of 2 labourers Chopped off', *The Indian Express*, 17 December 2013, <http://archive.indianexpress.com/news/orissa-hands-of-2-labourers-chopped-off/1208477/> (accessed 8 May 2014).
6. See for example, the International Labour Organization, *Forced Labour Convention*, 1930, no. 29.
7. International Labour Organization (1993), 'Report of the Committee of Experts on the Application of Conventions and Recommendations', presented at the International Labour Conference 80th Session, Geneva, 2 June 1993, p. 103.
8. Gandhi Peace Foundation and National Labour Institute (1979), *National Survey on the Incidence of Bonded Labour: Preliminary Report*, New Delhi: National Labour Institute. (Henceforth shortened reference for 'Gandhi Peace Foundation and National Labour Institute' is GPF and NLI, respectively.)
9. Walk Free Foundation (2013), *Global Slavery Index 2013*, Walk Free Foundation, <http://www.globalslaveryindex.org/report> (accessed 10 May 2014), p. 7.
10. US Department of State (2013), *US Trafficking in Persons Report 2013: Country Narratives—India*, <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215481.htm> (accessed 11 May 2014).
11. Jan Breman (2010), *Outcast Labour in Asia: Circulation and Informalization of the Workforce at the Bottom of the Economy*, New Delhi: Oxford University Press.
12. Article 23, *Constitution of India*, 1950.
13. Breman defines patronage as a 'pattern of relationships in which members of hierarchically arranged groups pose mutually recognized, not explicitly stipulated rights, and obligations involving mutual aid and preferential treatment. The bond between the patron and client is personal, and is contracted and continued by mutual agreement for an indeterminate time'. See Jan Breman (1974), *Patronage and Exploitation: Changing Agrarian Relations in South Gujarat, India*, Berkeley, CA: University of California Press, p. 18.
14. Jan Breman (1996), *Footloose Labour: Working in India's Informal Economy*, Cambridge: Cambridge University Press.
15. Jan Breman, Isabelle Guerin and Aseem Prakash, eds (2009), *India's Unfree Workforce: Of Bondage Old and New*, New Delhi: Oxford University Press.
16. International Labour Organization (2009), *Cost of Coercion*, Geneva: ILO, p. 17.
17. Geeta Menon (2005), 'Changing Agrarian Relations: Labour Bondage in Karnataka', *Labour File*, vol. 4, no. 3.
18. Barbara Harriss-White And Nandini Gooptu (2001), 'Mapping India's World Of Unorganized Labour', *Socialist Register*, vol. 37, p. 90.
19. Human Rights Watch (2003), *Small Change: Bonded Child Labor in India's Silk Industry*, New York: HRW, p. 9. (Henceforth shortened reference for Human Rights Watch is HRW)

20. GPF and NLI (1979), *National Survey on the Incidence of Bonded Labour*.
21. Socio-Economic and Educational Development Society (2009), *Report on Bonded Labour Rehabilitation Scheme Under Centrally Sponsored Bonded Labour System (Abolition) Act, 1976 in the States of Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh*, New Delhi: Planning Commission of India, p. 17.
22. Manjit Singh (2006), 'Analysing the Effectiveness of the Programmes for the Eradication of the Bonded Labour System in Punjab', *Working Paper V*, New Delhi: Centre for Education and Communication.
23. Aide Et Action–South Asia (2012), *Access to Education, Nutrition and Protection of Children of Migrant Workers*, Migration Information & Resource Centre, Odisha: Aide Et Action–South Asia, p. 16.
24. For more information on the connection between caste and bondage, see, for example, Human Rights Watch (2001), 'Caste Discrimination: A Global Concern', Paper presented at the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August–8 September 2001.
25. The GPF and NLI survey estimated that 97.5 per cent of bonded labourers were male. GPF and NLI (1979), *National Survey on the Incidence of Bonded Labour*.
26. See Felix Sugirtharaj and Siraj Sait (1995), cited in Ravi Srivastava (2005), *Bonded Labour in India: Its Incidence and Pattern*, Geneva: International Labour Organization.
27. Bhaswati Chakravorty (2004), *Gender Issues in Bonded Labour: A Study of Rangareddy District, Andhra Pradesh*, New Delhi: International Labour Organization.
28. HRW (2003), *Small Change*, p. 18.
29. HRW (1996), *The Small Hands of Slavery: Bonded Child Labour in India*, New York: HRW, p. 2.
30. Centre for Equity Studies (undated), 'Withering Hope'.
31. National Sample Survey Organization (2012), 'Employment and Unemployment Situation Among Social Groups in India', *NSS 66th Round (2009–10)*, New Delhi: Ministry of Statistics and Programme Implementation.
32. GPF and NLI (1979), *National Survey on the Incidence of Bonded Labour*.
33. SEEDS (2009), *Report on Bonded Labour Rehabilitation Scheme*, p. 18.
34. *Ibid*, p. 23.
35. Arnab K. Basu and Nancy H. Chau (2004), 'Exploitation of Child Labor and the Dynamics of Debt Bondage', *Journal of Economic Growth*, vol. 9, no. 2.
36. Centre for Equity Studies (undated), 'Withering Hope'.
37. Amit Bhaduri (1973), 'Agricultural Backwardness Under Semi-Feudalism', *The Economic Journal*, vol. 83, no. 329.
38. Ravi Srivastava and S. K. Sashikumar (2003), 'An Overview of Migration in India, its Impacts and Key Issues', Paper no. 2 at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, Dhaka, 22–24 June 2003.
39. Harsh Mander (2003), 'In Bonded Servitude', *Frontline*, 18–31 January 2003.
40. Debt bondage was defined by the UN Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices of 1956 as, 'the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined' (Article 1[a]). The same convention considers that all persons subjected to debt bondage are persons of servile status.
41. Breman (1996), *Footloose Labour*.
42. Adam Smith ([1776] 2001), *An Inquiry into the Nature and Causes of the Wealth of Nations*, Raleigh, NC: Hayes Barton Press, p. 59.
43. Tom Brass (1999), *Towards a Comparative Political Economy of Unfree Labour: Case Studies and Debates*, London: Frank Cass Publishers, p. 34.
44. Numerous international treaties and conventions have called for the abolition of slavery and of all forms of forced labour. The Universal Declaration of Human Rights (UDHR) of 1948 reaffirmed the principle that 'no one shall be held in slavery or servitude' (Article 4) and upheld the right to 'free choice of employment' (Article 23[1]).
45. *Bandhua Mukti Morcha v. Union of India and Ors.* (1984), AIR SC 802, p. 133.
46. HRW (2003), *Small Change*, p. 50.
47. For a detailed summary of such evidence, see the section on 'Incidence of Bonded Labour by Sector', in Ravi Srivastava (2005), *Bonded Labour in India: Its Incidence and Pattern*, Geneva: International Labour Organization.
48. Jay Singh (2004), cited in Srivastava (2005), *Bonded Labour in India*.
49. Anumeha Yadav (2013), 'Baran's Sahariya Adivasis Reap the Harvest of their Struggle Against Slavery', *The Better India*, 25 March 2013, <http://www.thebetterindia.com/6981/barans-sahariya-ativasis-reap-the-harvest-of-their-struggle-against-slavery> (accessed 11 May 2014).
50. Srivastava (2005), *Bonded Labour in India*.
51. Based on data compiled by the NGO, Sankalp, and provided to CES researchers in September 2012.

52. Jay Singh (2004), cited in Srivastava (2005), *Bonded Labour in India*.
53. National Human Rights Commission (2000–01), *Annual Report*, http://nhrc.nic.in/ar00_01.htm (accessed 27 April 2014).
54. Srivastava (2005), *Bonded Labour in India*.
55. B. N. Yugandhar (2011), 'Bondage to Freedom', Unpublished Research Paper.
56. National Commission on Rural Labour (1991), *Report of the National Commission on Rural Labour*, vol. 1, New Delhi: Ministry of Labour and Employment.
57. National Human Rights Commission (2001), *Report of the Expert Group on Bonded Labour*, New Delhi: NHRC.
58. *Bandhua Mukti Morcha v. Union of India and Ors.*, p. 133.
59. *PUCL v. State of Tamil Nadu and Ors.*, CWP 3922 of 1985.
60. Report of the Commission on Bonded Labour in Tamil Nadu (1995), prepared in connection with *PUCL v. State of Tamil Nadu and Ors.*
61. S. Muralidhar, senior advocate, Supreme Court, was deputed by the commission to study the submissions of affidavits by the states and submit a status report to the commission. His report, filed in 1998, has given a state-wise status of the filing of the affidavits. Affidavits filed by only four states, namely, Kerala, Madhya Pradesh, Tamil Nadu and Uttar Pradesh, were found to have been comprehensive enough to enable the commission to monitor follow-up action. Eleven states and eight union territories had not filed their affidavits until that point. The affidavits filed by the remaining states were found to be lacking in many aspects.
62. The National Commission for Protection of Child Rights (NCPCR) has been chosen as the monitoring agency under Section 31 of the Right to Education Act. Along with NCPCR, the State Commissions and Right to Education Protection authorities are also responsible for monitoring. Some of the measures taken by NCPCR include: (a) establishment of an RTE Division within NCPCR, (b) appointment of state representatives to assist NCPCR, (c) maintaining a web-based portal for registering and tracking complaints online, and (d) social audits and public hearings to be conducted at regular intervals.
63. *Bandhua Mukti Morcha v. Union of India and Ors.*