

## UNDERSTANDING BONDED LABOUR IN INDIA: FROM THE PAST TO LIBERATION STRATEGIES

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### **Abstract**

This research article explores the widespread issue of bonded labour in India. It traces its historical origins, examines its current forms, and suggests ways to liberate those affected. The study looks into the terms used and the systematic exploitation that characterizes this modern form of slavery. It shows how bonded labour has evolved from ancient times to the present, including its presence in the colonial era. The definitions of bonded labour, slavery, and forced labour are discussed, considering both their similarities and differences. International perspectives are included, with alarming statistics from organizations such as Human Rights Watch, the International Labour Organization, the Walk Free Foundation, and the Trafficking In Person Annual Report.

The research reviews the extent of bonded labour nationally, incorporating findings from significant surveys by organizations like the Gandhi Peace Foundation, the National Sample Survey Organization, the National Commission on Rural Labour, and the National Human Rights Commission. Special attention is given to limited studies on bonded labour in Tamil Nadu, shedding light on historical studies, child labour, the Sumangali Scheme, and recent RTI disclosures. The study explores the types of bonded labour in India, highlighting its shift from agriculture to non- agricultural sectors and examining social traditions, exploitation based on vulnerability, and the challenges faced by migrant labourers.

To understand the complex reasons behind bonded labour in India, the research analyzes economic causes such as lack of land, unemployment, poverty, and debt, along with social factors like the caste system, illiteracy, and customs. The study also closely examines the current realities and trends of bonded labour in Tamil Nadu, focusing on economic aspects like advances, wages, and power dynamics between owners and labourers. Living conditions, healthcare access, limited freedom, and long work hours faced by bonded labourers are underscored.

The research concludes by suggesting a comprehensive liberation process, covering identification, release, rehabilitation, and prosecution of offenders. The roles of District Magistrates, Periodical Surveys, Vigilance Committees, and Revenue Divisional Officers are emphasized as crucial components. The importance of periodic surveys, empowered Vigilance Committees, swift release mechanisms, and offender prosecution is stressed to effectively dismantle the system. Rehabilitation is considered vital to prevent relapses into bondage and promote sustainable livelihoods, aligning with national and international initiatives.

**Keywords:** Bonded Labour, Liberations Strategies, Systematic Exploitation, Slavery, Economic Causes, Liberation Process, Rehabilitation, Tamil Nadu

## **1. Introduction**

### **1.1. A Constitutional Promise Unfulfilled**

The preamble to the constitution of India, crafted in 1950, lays down the noble ideals of justice, liberty, equality, and fraternity for all citizens. However, despite these constitutional assurances, the insidious specter of 'bonded labour' continues to violate the basic rights of millions, curtailing their access to fundamental entitlements (Walk Free Foundation, 2024).

### **1.2. Bonded Labour: A Contemporary Form of Slavery**

The entrenched system of bonded labour, a longstanding social evil, preys upon millions of vulnerable workers in India, exploiting their socially and economically deprived conditions. This nefarious practice, often referred to as a contemporary form of slavery, has persisted since ancient times, adapting to different forms and names across regions and industries.

### **1.3. Terminological Variations, Unchanging Exploitation**

While bonded labour may be known by various names such as beggar, unlawful compulsory labour, contract labour, debt bondage, or serfdom, the essence of abuse, exploitation, denial of freedom, rights violation, and discrimination remains consistent. The terminological nuances may vary, but the exploitative nature endures.

### **1.4. Systemic Exploitation: A Cycle of Abuse**

Marked by abuse and discrimination, this modern-day slavery systematically targets individuals from socio-economically disadvantaged communities, subjecting them to deplorable working conditions. Seeking inexpensive labor, employers leverage the vulnerability of these individuals, trapping them through advances and exploiting them for profit.

### **1.5. Debt as Shackles: Forcing Labour into Inhumane Conditions**

Employers, using debt as a coercive tool, compel labourers to work under stringent restrictions on movement and employment, often receiving below-minimum wages or no wages at all. The system capitalizes on the worsening living conditions of people, coercing them into extended work hours for meager or nonexistent pay.

### **1.6. Perpetual Challenge: Implementation Gap and Social Nexus**

Despite robust constitutional provisions and legislation, the implementation of anti-bonded labour mechanisms faces significant gaps. Bonded labour intertwines with pressing social issues like poverty, illiteracy, unemployment, underemployment, landlessness, migration, economic exploitation, human rights violations, and social discrimination (Important India, 2015). The normalization of this exploitative system within communities underscores its insidious persistence, particularly among lower socio-economic demographics (Bishnoi, 2007).

## **2. Objectives**

1. To trace the historical evolution of bonded labour in India, exploring its roots in ancient civilizations, the colonial period, and its impact on contemporary society.
2. To review the extent of bonded labour at the national level, integrating findings from key surveys and reports, with a specific focus on Tamil Nadu.
3. To explore the types of bonded labour in India, identifying patterns in both agricultural and non-agricultural sectors, and examining the impact of social traditions and vulnerability-based exploitation.

4. To examine why bonded labour continues, distinguishing between economic and social factors.
5. To explore current situations and patterns of bonded labour in Tamil Nadu, focusing on the economic, living, and working conditions of affected individuals.
6. To propose a comprehensive liberation process, covering identification, release, rehabilitation, and prosecution of offenders

### **3. Methodology**

This research uses a multi-disciplinary approach, combining historical analysis, legal reviews, and empirical data from national surveys and case studies. Primary data comes from surveys by government bodies, human rights organizations, and independent researchers. Secondary data is drawn from scholarly articles, legal documents, and international reports on bonded labour. The study focuses on both national and regional perspectives, with specific attention to Tamil Nadu. Qualitative analysis is complemented by quantitative data to provide a comprehensive understanding of the complexities of bonded labour in India.

### **4. Tracing the Historical Footprints of Bonded Labour in India**

The history of bonded labour in India is deeply ingrained, spanning from ancient civilizations to the colonial era and leaving a lasting impact on the socio-economic fabric of the nation. This examination reveals the evolutionary stages of bonded labour and its far-reaching consequences.

#### **4.1. Ancient India: The Seeds of Bonded Labour**

In ancient India, the Harappa period (2600-1900 B.C.E) witnessed the emergence of slavery during the Mohenjo-Daro civilization. Slaves were sourced from war prisoners, voluntary submissions, children born into slavery, gifts, and individuals forced into servitude due to debt repayment failures (Sen, 1999, pg. 559).

#### **4.2. Vedic Period: The Aryans and the Dawn of Caste-Based Bondage**

During the Vedic period (1500–500 B.C.E), the Aryans engaged in wars, capturing defeated aborigines and treating them as slaves referred to as "dasa." Cattle farming was a major industry, and many slaves toiled in these conditions, treated as property without property rights (Pandey, 2013).

#### **4.3. Mauryan Period: Political Changes and Forced Labour**

The Mauryan Period (322 – 298 B.C.E) brought political, social, and economic transformations. Forced labour, known as Kayika, became prevalent, with workers repaying loans through daily wages, creating dependency and lower wages (Dingawaney & Chaudhary, 1981 pg. 2).

#### **4.4. Post-Mauryan Period: Caste System and Bonded Labour**

Post-Mauryan India witnessed the consolidation of the caste system, with Brahmins promoting social divisions. The caste system enforced bonded labour, particularly targeting lower castes like shudras, creating a normalized system of servitude (Kara, 2012 pg.17).

#### **4.5. Medieval Period: Sultanates and Mughals Continue Exploitation**

The Medieval Period, starting with the Turkish conquest in 1206, saw the enslavement of war prisoners and generational slaves. The Mughal Empire utilized slaves for domestic purposes, and despite Akbar's efforts to discourage taking war prisoners as slaves, various forms of slavery persisted (Kara, 2012 pg. 21).

#### **4.6. Colonial Period: British Rule and Systemic Exploitation**

The Colonial Period began with the establishment of the East India Company in 1612. The British rule witnessed the evolution of different forms of bonded labour, including "Rural Indebtedness and Hereditary servitude." British rulers expanded slave trades to port cities, and bonded labourers were supplied to British colonies and plantations (Mishra, 2011 pg. 32).

#### **4.7. A Legacy of Exploitation**

The history of bonded labour in India is a complex narrative, intertwining economic changes, social structures, and colonial influences. Understanding this historical trajectory is crucial to address the persisting challenges of bonded labour in contemporary India.

### **5. Nature and Concept of Bonded Labour: A Complex Phenomenon**

Bonded labour, a multifaceted issue, intricately affects the lives of economically deprived individuals and vulnerable communities, exhibiting various dimensions.

#### **5.1. Obligation: Economic and Social Dimensions**

Obligation, a pivotal aspect, compels individuals into dependency for survival. Economic obligation arises from irregular employment, unemployment, or insufficient income, pushing individuals into economic hardship. Unforeseen needs, such as marriages or medical emergencies, force labourers to take advances ranging from Rs.3000 – 10000, exploiting their vulnerable conditions (Reddy, 1995). Social obligation, rooted in societal expectations based on birth, community, or caste, historically perpetuates the tradition of lower castes serving the upper caste for minimal or no wages. This societal dynamic disproportionately affects SC and ST populations, compelling them to depend on affluent owners for survival. These dual obligations often lead to the trap of bondage until the advance is repaid.

#### **5.2. Force: Informal Contracts and Exploitative Conditions**

Force, another integral element, emerges when an individual receives an advance, creating an informal contract between the owner and labourer. This agreement allows owners to exploit the advance, compelling labourers to work under exploitative conditions. Lower caste labourers are often coerced into working for upper caste owners, creating situations where entire caste groups are subjected to forced labour. Physical, sexual, verbal, and mental abuses are common, with labourers forced to reside within the workplace despite the proximity of their villages.

#### **5.3. Denial of Rights: Stripping Human Dignity**

The inhumane system of bonded labour strips labourers of their rights, demeaning human dignity (NHRC, 2005). Owners exploit labourers, denying their employment rights, freedom of movement outside the workplace, fair wages, and the right to sell goods at market value. Bonded labourers are constrained from engaging in alternative work or participating in family events, facing severe punishment for non-compliance. Even after repaying advances, leaving the worksite requires additional repayment with exorbitant interest, perpetuating the cycle of exploitation.

### **6. Definitions of Bonded Labour: Unraveling the Complexity**

Defining the bonded labour system proves to be a challenging task for authors, who often navigate through the intricacies of slavery and forced labour. Various commissions, national and international conventions, and the Bonded Labour System (Abolition) Act, 1976 (BLSA, 1976) have contributed to the evolving understanding of bonded labour in India.

The Royal Commission on Labour in India, 1931, described bonded labour as a scenario where

a labourer borrows money from a landlord under a contract to work until the debt is repaid. Despite capturing elements of borrowing, contracts, and generational bondage, this definition falls short by not encompassing the restrictions imposed on bonded labourers.

The Commission for Scheduled Caste and Scheduled Tribes, in 1971-1972 and 1972-1973, defined bonded labour as a practice where a person pledges themselves or a family member against a loan, working for the creditor until the debt is discharged. This definition highlights the prolonged nature of the relationship and the dependence on the creditor.

The later definition by the Commission for Scheduled Caste and Scheduled Tribes in 1976-1977 refined the understanding, stating that individuals forced to work for a creditor under an agreement, with wages lower than the prescribed minimum wage, would fall under the bonded labour system.

The BLSA, 1976, defines bonded labour as any labour or service rendered under the bonded labour system, encompassing various elements such as agreements, advances, family involvement, low wages, and generational bondage.

### **6.1. Definitions of Slavery, Forced Labour, and Bonded Labour: Interconnections and Distinctions**

Debates on slavery, forced labour, and bonded labour often oscillate between considering them as synonymous or distinct concepts. While definitions may differ in phrases and cultural nuances, they share fundamental elements, portraying the trade of humans as property and the consequent inhumane treatment, restrictions on freedom, and labour exploitation.

The Slavery Convention, 1926, defines slavery as the status or condition of a person over whom any or all powers attached to the right of ownership are exercised. Forced labour, as per the Forced Labour Convention, 1930, is defined as work or service extracted under the menace of any penalty and for which the person has not offered themselves voluntarily.

The BLSA, 1976, encompasses various forms of exploitation, including bonded labour, forced labour, and other inhumane practices, reflecting a broader perspective. The Indian Constitution, Article 23, prohibits traffic in human beings, begging, and other forms of forced labour, showcasing a comprehensive approach.

In legal judgments, such as the "Asiad Workers Case," the Supreme Court of India has acknowledged that bonded labour is a form of forced labour. The emphasis on eradicating all forms of forced labour, as articulated in the BLSA, 1976, underscores the need for a unified approach to combat exploitation.

The discussion on the definitions of slavery, forced labour, and bonded labour highlights both commonalities and distinctions. While circumstances, sectors, and typologies may vary, the core concepts and the overarching narrative of human exploitation remain constant across these terms.

## **7. International Perspectives on Bonded Labour**

Comprehensive international studies on bonded labour remain limited, complicated by the use of varied terms such as slavery, forced labour, and human trafficking. Despite these challenges, exploring the definitions of these terms reveals underlying similarities, contributing to a nuanced understanding of the issue.

### **7.1. Human Rights Watch (1996): Child Labour in India**

The Human Rights Watch conducted a significant nationwide survey in 1996, focusing on child labour in India. The findings shed light on the magnitude of the problem globally, with India hosting the largest number of working children. Shockingly, an estimated 60 to 115 lakhs children engage in labour for survival, and around 15 lakhs of them are identified as working under bonded labour conditions. Factors such as parental influence, caste or community pressures, and economic deprivation coerce these children into servitude, settling debts ranging from Rs. 1500 to Rs. 2500.

### **7.2. ILO's Global Survey on Forced Labour (2012)**

On a global scale, the International Labour Organization (ILO) conducted a survey in 2012, revealing alarming statistics on forced labour. The study identified 20.9 lakhs victims of forced labour worldwide, emphasizing the escalating crisis, surpassing the ILO's 2005 global survey. Sectors such as agriculture, construction, domestic work, and manufacturing witness 68 per cent of victims enduring labour exploitation. Forced sexual exploitation affects 22 per cent, while 10 per cent face state-imposed forced labour. The study also highlights a gender dimension, with women and girls constituting 55 per cent of victims compared to 45 per cent males.

### **7.3. Walk Free Foundation's Global Research (2014)**

The Walk Free Foundation's 2014 research spanning 167 countries provides valuable insights into forced labour. The study estimated a staggering 35.8 lakh individuals enduring forced labour conditions globally, with 71 per cent from countries including India. India, with 14 lakhs forced or bonded labourers, experiences various forms of exploitation, impacting vulnerable groups such as Scheduled Castes, Scheduled Tribes, religious minorities, and migrant workers. Industries affected range from brick kilns to domestic servitude, reflecting the diverse manifestations of the bonded labour system.

### **7.4. TIP Annual Report (2014): India's Challenge**

The Trafficking In Person (TIP) Annual Report in 2014 underscored the severity of bonded labour in India. The report estimated 20 to 65 lakhs people subjected to bonded or forced labour, designating India as a significant source, destination, and transit country. Victims are coerced into working in industries like brick kilns, rice mills, agriculture, and embroidery. Disturbingly, vulnerable groups, including Dalits, tribal communities, religious minorities, and women from minority groups, constitute 90 per cent of trafficking victims. The report recorded 2612 cases of forced labour and 2010 cases of bonded labour in 9 northern states of India.

## **8. Extent of Bonded Labour at the National Level: A Comprehensive Review**

### **8.1. Pervasive Bonded Labour: The 1978 Survey**

The Gandhi Peace Foundation and V.V Giri National Labour Institute embarked on the first national study on bonded labour in 1978, surveying 1000 villages across 10 states. Shockingly, the findings revealed a vast prevalence, with 26.2 lakhs bonded labourers. Notably, a significant majority, 86.6 per cent, belonged to Scheduled Castes (SC), and 61.5 per cent to Scheduled Tribes (ST). Illiteracy plagued this population, with 90 to 94 per cent lacking formal education. The entrapment was primarily attributed to advances or bonded debt, affecting half of those ensnared. Intriguingly, 45 per cent of bonded labour proprietors were from the Caste Hindu, and an additional 15 per cent from Backward Caste.

### **8.2. NSSO's 1977-1978 Examination: Beyond Agriculture**

The National Sample Survey Organization (NSSO) delved into bonded labour during 1977-1978, estimating 3.45 lakhs individuals ensnared in 16 states. Noteworthy was the revelation that bonded labour transcended agriculture, extending its grip into non-agricultural sectors. However, the survey, primarily focused on employment and unemployment, offered limited insights, omitting those with wages falling significantly below minimum standards.

### **8.3. NCRL's 1991 Survey: Predominance in Agriculture**

The National Commission on Rural Labour's 1991 survey underscored agricultural bondage as the primary form of bonded labour in India. High prevalence correlated with elevated rural labour figures, insufficient irrigation facilities, and inadequate infrastructure. The study highlighted bonded labour not only in agriculture but also in diverse sectors like rock quarries, brick kilns, fish farms, carpet weaving, beedi manufacturing, and even commercial sex work. Migration patterns were identified as a significant contributor to agricultural bondage.

### **8.4. NHRC's 2010 Estimation: Identifying and Rehabilitating**

The National Human Rights Commission (NHRC) in 2010 estimated and rehabilitated 2,86,000 bonded labourers under the Bonded Labour System (Abolition) Act, 1976 in India. High occurrences were noted in sectors such as brick kilns, rock quarries, beedi manufacturing, carpet making, match and fireworks production, pottery, construction projects, and bonded child labour in sericulture processing. Agricultural bondage was prominent in states including Andhra Pradesh, Bihar, Haryana, Karnataka, Maharashtra, Orissa, Punjab, Tamil Nadu, and Madhya Pradesh.

### **8.5. Alarming Statistics: 2009-2010 Annual Report**

The Ministry of Labour and Employment's Annual Report for 2009-2010 presented alarming statistics, identifying and releasing an estimated 2,88,123 bonded labourers in India. Of these, 2,68,161 labourers received rehabilitation under Centrally Sponsored Schemes by the Central and State Governments of India. These findings underscore the persistent prevalence of bonded labour across diverse sectors in the country, necessitating sustained efforts for eradication and rehabilitation.

## **9. Limited Studies on Bonded Labour in Tamil Nadu**

Comprehensive studies on bonded labour in Tamil Nadu are scarce, and the existing studies are dated, spanning over two decades. This lack of recent research underscores the need for up-to-date assessments of the prevalence and conditions of bonded labour in the region.

### **9.1. Supreme Court Commission's Study (1995)**

In response to Writ Petition No. 3922 of 1985, the Supreme Court of India appointed a two-member commission, Dr. Felix Sugirtharaj and Mr. Siraj Sait, to investigate bonded labour in Tamil Nadu. The 1995 study identified a substantial 1 lakh bonded labourers across various industries in the state, shedding light on the widespread nature of the issue.

### **9.2. Bhukunth and Jerome's Study on Bonded Child Labour**

A study conducted by A. Bhukunth and Jerome focused on bonded child labour in the brick kilns of Tamil Nadu. The findings revealed that children were often compelled to work in lieu of adult workers, with brick kiln owners providing advances ranging from Rs. 5000 to Rs. 20000 per family. The seasonal nature of brick kiln work pressured labourers, including children, to swiftly repay debts, highlighting exploitative practices within the industry.

### **9.3. Mohanasundaram's Analysis of Sumangali Scheme**

Mohanasundaram's study in 2007 delved into bonded labour in Tamil Nadu, particularly analyzing the effectiveness of programs targeting the Sumangali Scheme in the textile industry. This scheme, impacting girls and young women from economically deprived communities, promised employment and marriage assistance after a three-year contract. The study revealed instances of restricted movement, unsanitary working conditions, and the denial of marriage assistance if labourers left before completing the stipulated contract period.

### **9.4. RTI Revealing Bonded Labour Statistics (2014)**

A Right To Information (RTI) filed by a researcher in 2014 with the Department of Tribal Welfare in Tamil Nadu uncovered critical insights into the prevalence of bonded labour. The RTI disclosed that 3776 bonded labourers were identified and released in different districts of Tamil Nadu from 2005 to 2014. Thiruvallur, Kancheepuram, Krishnagiri, Thiruvannamalai, and Villupuram emerged as districts with the highest numbers of identified and released bonded labourers, totaling 2736 cases. This information highlights the persisting challenges in eradicating bonded labour and the need for continued efforts to address the issue.

## **10. Exploring the Typology of Bonded Labour in India: An Overview**

Despite the growing awareness surrounding bonded labour in India, the subject remains inadequately explored on a national level. This lack of comprehensive scientific studies has left a considerable gap in understanding the nuances of bonded labour across different sectors. Existing data, although limited, reveals a multifaceted landscape where bonded labour is not confined to specific industries but permeates both agricultural and non-agricultural domains.

### **10.1. Bonded Labour Dynamics: Shifting Patterns**

Traditionally, the majority of bonded labourers were identified in the agricultural sector. However, recent trends suggest a noteworthy shift in patterns, with bonded labour now prevalent in both urban and rural non-agricultural industries. This evolution challenges the stereotypical view of bonded labour as solely an agrarian issue, emphasizing the need for a nuanced understanding of its diverse manifestations.

### **10.2. Agricultural Bonded Labour: Sharecropping Exploitation**

In the agricultural sector, bonded labour often takes the form of sharecropping. Scholars like Ray (2004) describe sharecropping as an exploitative system where landowners permit tenants or labourers to use their land for agricultural purposes. Unfortunately, the majority of the harvest is claimed by the landowners, leaving labourers in a perpetual cycle of debt and bondage.

### **10.3. Non-Agricultural Bonded Labour in Unorganized Sectors**

Non-agricultural bonded labour is pervasive in India's unorganized sectors, particularly in small-scale industries. Labourers in these sectors often receive partial wages weekly and the remainder upon completing seasonal work. This practice indirectly restricts their freedom of movement, and attempts to leave before completion result in inadequate payment. The unorganized sectors, such as rice mills, brick kilns, rock quarries, and others, witness a prevalence of bonded labour, as reported by The Supreme Court of India (People Watch, 2001).

### **10.4. Modernization Impact on Agricultural Bonded Labour**

The advent of modernization has imposed demands on the labour force, compelling individuals to work forcefully in the agricultural fields of landowners. This coercion, driven by force, debt,



deceit, and compulsions, underscores the harsh conditions faced by agricultural labourers (Srivastava, 2005). Modern agricultural bondage, as highlighted by Mishra (2012), results from fixed marginal rentals and borrowing money as an advance for cultivation.

#### **10.5. Social Tradition: Caste-Based Bonded Labour**

Bonded labour in India is perpetuated by social traditions, with caste-based occupations being a significant contributor. Lower caste members are compelled to perform low-status labour, perpetuating social and economic deprivation. Dalits and tribes, according to IDS (2012), often find themselves bound by caste-based bondage prevalent in both agricultural and unorganized sectors.

#### **10.6. Bonded Labour Based on Vulnerability: Children, Women, and Migrant Labourers**

Despite the implementation of the Bonded Labour System (Abolition) Act, 1976, vulnerable groups, including children, women, and migrant labourers, continue to be victims of bonded labour. Children, as young as six years old, are forced into bondage alongside their parents for various reasons, including familial debts and exploitation (Prasad, 2007). The prevalence of child bonded labour is alarmingly high, with specific sectors like textiles exploiting underage workers.

#### **10.7. Commercial Sexual Exploitation as a Form of Bonded Labour**

Commercial sexual exploitation exploits the vulnerability of women, children, and sometimes men, forcing them into prostitution. Victims receive advance money from traffickers, pledging their labour for repayment. Women, aware or unaware of their fate in the sex industry, are coerced to stay due to debt repayment, with threats, beatings, and document retention preventing escape (Belser, 2005).

#### **10.8. Migrant Bonded Labour: Exploitation in Movement**

Migrant bonded labour arises when labour contractors promise defined work periods to migrant labourers. Unfortunately, these promises often turn out to be false, leaving migrant labourers in indebtedness and bondage. The prevalence of migrant labour has surged in the last decade, with cheap labour being a primary motivator for employing migrants in unorganized sectors. Odisha, a key source state for migrant labourers, witnesses significant exploitation, particularly among seasonal migrants (Daniel, 2015; Anderson, 2004).

### **11. Causes Underpinning Bonded Labour in India**

Despite the concerted efforts through legislative frameworks like the BLSA (Bonded Labour System Abolition) over four decades, bonded labour remains deeply entrenched in India. This persistence indicates the existence of robust and multifaceted factors contributing to the initiation, sustenance, and exacerbation of bonded labour practices. A comprehensive analysis reveals two major categories of causative factors: Economic Causes and Social Causes.

#### **11.1. Economic Causes**

##### **11.1.1. Landlessness and Vulnerability**

Ownership of land is intricately linked to stable income generation. The Social Economic and Caste Census (SECC) (2011) indicates that approximately one-third of rural households are landless, compelling individuals to rely on daily wage manual labor. This vulnerability to precarious employment increases the likelihood of falling into bondage, particularly when

financial emergencies force laborers to borrow money.

### **11.1.2. Unemployment and Underemployment**

Widespread unemployment, especially among the youth, is a prevailing issue in India. The Census of India (2011) reveals that over 20 percent of individuals aged 15-24 are unemployed. Underemployed individuals often resort to borrowing money during the typical six-month employment period, pushing them towards indebtedness and, subsequently, bonded labour.

### **11.1.3. Poverty and the Debt Cycle**

Poverty, measured through indicators like literacy, gender relations, and basic needs provision, is a primary cause of bonded labour. Severe poverty forces individuals to borrow money during emergencies, trapping them in a cycle of debt. The Anti-Slavery International (2012) highlights that 81 percent of bonded labourers take loans due to insufficient funds, leading to their entrapment in bonded labour.

### **11.1.4. Indebtedness in Urban Areas**

Historically associated with agriculture, indebtedness is now prevalent in urban unorganized sectors. Millions, including children and women, find themselves in debt bondage in various urban worksites, further emphasizing the shift in the geography of this economic cause (Ercelawn and Nauman, 2004).

## **11.2. Social Causes**

### **11.2.1. Caste System and Exploitation**

The deep-rooted caste system plays a pivotal role in perpetuating bonded labour. The Hindu caste structure, with its discriminatory practices, relegates certain groups, notably Dalits and tribes, to lower social and economic status. The Anti-Slavery International (2012) and Gandhi Peace Foundation surveys affirm that a significant majority (80-98 percent) of bonded labourers are from these marginalized communities.

### **11.2.2. Illiteracy and Limited Opportunities**

Inadequate education, a basic right and foundation for development, is a significant cause of bonded labour. Illiteracy restricts individuals to unstable and seasonal jobs, increasing dependency on wealthy owners for borrowed money. Franciscans International (2012) identifies an inadequate education system as a major contributor to widespread bonded labour in India.

### **11.2.3. Customs and Traditions as Enablers**

Customs and traditions, as highlighted by the Bonded Labour System (Abolition) Act, 1976, significantly contribute to the existence of bonded labour. Wealthy sections of society exploit these traditions, forcing indebted labourers to pledge their labor due to an inability to repay debts. Practices like caste-based occupations and the Devadasi system create vulnerability to bondage, perpetuating the prevalence of bonded labour in rural India.

## **12. Contemporary Realities and Trends of Bonded Labour in Tamil Nadu**

The issue of bonded labour in Tamil Nadu is marked by intricate and multifaceted factors that shape its contemporary reality. In accordance with the Bonded Labour System (Abolition) Act (BLSA) of 1976, five major elements define the nature of bonded labour, shedding light on the nuanced dimensions that contribute to its persistence today.

### **12.1. Advance - The Shackles of Bonded Debt**

The concept of 'advance' or 'bonded debt' emerges as a critical economic element governing the lives of bonded labourers. Owners leverage advances, whether in cash or kind, to compel labourers into restrictive arrangements, curbing their freedom and violating their rights. Illiteracy among labourers becomes a tool for exploitation, as owners manipulate documentation, adding to the challenges faced by the already vulnerable workforce. Various advance patterns, including those received by the labourer, their spouse, or even through other labourers acting as guarantors, contribute to the perpetuation of bonded labour.

### **12.2. Wages - A Mirage of Promises**

Wage patterns within the bonded labour system exhibit significant variations across worksites, regions, and seasons in Tamil Nadu. The promised wage, often inflated during recruitment to lure labourers, serves as a deceptive tool. Deductions against the advance, coupled with illiteracy, result in significantly reduced wages for labourers. Documentation, often manipulated by owners, and deferred payment schemes further exacerbate the economic exploitation of bonded labourers.

### **12.3. Owners - Power Dynamics and Exploitation**

Owners, wielding substantial influence and often politically well-connected, are key players in perpetuating bonded labour. While there are exceptions, exploitation remains prevalent due to the economic benefits derived from cheap labour. Owners employ middlemen, known as meastries, to locate vulnerable individuals, promising them employment, shelter, and facilities. These owners exploit the economic vulnerabilities of targeted villages, where livelihood opportunities are minimal.

### **12.4. Middle Men - Bridging Exploitation**

Middlemen, or meastries, act as intermediaries between owners and labourers. They play a crucial role in recruiting labourers, often receiving commissions for each pair brought to the worksite. Meastries also serve as guarantors for advance money, adding another layer to the exploitation. Some meastries engage in corrupt practices, receiving additional benefits for their involvement, while others may be coerced into assuming the financial burdens of escaped labourers.

### **12.5. Living Conditions: The Struggle for Shelter and Safety**

Living conditions at worksites for bonded labourers are characterized by extreme deprivation. Shelters, often a mere single room spanning 25 to 50 square feet, are shared by entire families of 2 to 4 labourers, lacking basic amenities such as bathrooms or water facilities. In fields like tree-cutting, sugarcane-cutting, and agriculture, temporary huts made of sacks become makeshift homes, exposing labourers and their children to the dangers of snake and insect bites. Some are compelled to reside in the corridors of government buildings, facing eviction by hostile villagers. Brick kilns witness labourers living in precarious structures made of broken bricks, posing safety threats.

### **12.6. Medical Facilities: The Absence of Healthcare Access**

Despite working in hazardous conditions, bonded labourers are often denied access to medical facilities at worksites. In emergencies, limited access is granted to doctors closely associated with owners or located near the worksite premises. Financial constraints further exacerbate the situation, as labourers are not provided money for medical care, and if given, it is added to their

existing advances.

### **12.7. Restricted Freedom: A Life of Constraints**

Bonded labourers experience severe restrictions on their freedom of movement and employment, enforced through various means. Prohibitions include visiting native villages, meeting parents and relatives, participating in family events, celebrating festivals and national holidays, and going to marketplaces. These restrictions are executed through outright prohibition, selective permission for one family member to leave, or conditional leave, requiring prior permission from owners.

### **12.8. Long Hours of Work: Exploiting the Labor Force**

The Government Minimum Wage Act of 1948 stipulates fixed wages for an 8-hour workday. However, bonded labourers are coerced into working for a minimum of 12 to a maximum of 16 hours a day, often without receiving due overtime compensation. This extended workday translates to double the wages, as per regulations, further highlighting the exploitation faced by these vulnerable workers.

### **12.9. Tracking Mechanisms: Escaping the Shackles**

Attempting to break free from the clutches of bonded labour, some labourers escape to their native villages. However, owners, associates, and maestries employ tracking mechanisms, including verbal and physical abuse, to force their return. The financial burden of tracking, encompassing fuel, food, and other expenses, is often added to the original advance amount, exacerbating the economic entrapment.

### **12.10. Verbal, Physical, and Sexual Abuses: Silent Suffering**

Owners resort to various forms of abuse, utilizing vulgar language, physical violence, and even sexual assault to assert control. Lower-caste labourers face discrimination, with instances of beatings and confinement. In extreme cases, physical mutilation has been reported. Female labourers are particularly vulnerable to sexual abuse, forced to work in environments where harassment is prevalent. The intersection of verbal, physical, and sexual abuses perpetuates a culture of silent suffering among bonded labourers.

## **13. The Comprehensive Process of Bonded Labour Liberation**

The fight against bonded labour encompasses a multifaceted approach, involving four critical processes: Identification, Release, Rehabilitation, and Prosecution of offenders. This section elucidates the significance of each step and its pivotal role in reshaping the lives of those entrapped in the clutches of bonded labour.

### **13.1. Identification: Unveiling the Veil of Exploitation**

The identification of bonded labourers is a complex task, as these individuals often hail from economically deprived and socially vulnerable communities. This process involves various procedures and authorities, including the Authority in-charge, Vigilance Committee, Periodical Survey, and Awareness Programme. Elements such as bonded debt/advance, below-minimum wage, restricted freedom of movement and employment, and constraints on selling goods act as indicators for identifying bonded labour. However, the hesitancy of trapped labourers to come forward due to fear and a lack of trust in authorities poses a major challenge.

### **13.2. Role of District Magistrate: Executive and Judicial Dimensions**

The District Magistrate assumes a dual role in the elimination of bonded labour. As an Executive Magistrate, the District Magistrate is involved in the identification, release, and

rehabilitation processes. Simultaneously, as a Judicial Magistrate, they are responsible for filing cases against offenders, prosecuting them, conducting inquiries, and issuing judgments. The empowerment of the District Magistrate, particularly the Revenue Divisional Officer (RDO) in Tamil Nadu, underscores the pivotal role they play in dismantling the system.

### **13.3. Periodical Surveys: Illuminating the Dark Corners**

In 1996, the Supreme Court of India mandated a survey on bonded labour to gauge the prevalence of this issue. The survey identified 28,916 bonded labourers across several states, showcasing the need for periodic assessments to understand the evolving landscape of bonded labour. The Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers allocates funds for such surveys, emphasizing their crucial role in providing data for informed decision-making.

### **13.4. Vigilance Committee: Guardians of Liberation**

Section 13 of the Bonded Labour System (Abolition) Act, 1976, underscores the formation of Vigilance Committees in all districts. Comprising District Magistrate, individuals from SC/ST communities, social workers, and representatives from official or non-governmental organizations, these committees serve as watchdogs. Their functions include identifying bonded labourers, facilitating social and economic rehabilitation, and safeguarding released labourers from potential abuses by offenders.

### **13.5. Release: Swift Liberation for Timely Justice**

The release of bonded labourers must be expeditious to prevent potential intimidation or relocation by worksite owners. Revenue Divisional Officers (RDOs) are authorized to enquire into complaints and, upon confirming the presence of bonded labour elements, issue executive orders for their release. The RDO's role extends to coordinating with other districts if released labourers are relocating, ensuring their safety, and facilitating their resettlement.

### **13.6. Prosecution of Offenders: Upholding Justice and Accountability**

Simultaneous with identification, release, and rehabilitation, the prosecution of offenders is crucial. Empowered by the Bonded Labour System (Abolition) Act, 1976, the Revenue Divisional Officer, acting as a Sub-Judicial Magistrate, can file cases against perpetrators. Offenders may face imprisonment of up to three years and fines of Rs. 2000. Prosecution not only holds perpetrators accountable but also instills confidence among released bonded labourers.

### **13.7. Rehabilitation: Beyond Release, Towards Empowerment**

Rehabilitation stands as a cornerstone in the liberation process. Recognizing its significance, the Government of India, through various schemes, has increased rehabilitation assistance over the years. The timely rehabilitation of released bonded labourers is pivotal in preventing relapses into bondage and fostering sustainable livelihoods. Government initiatives, coupled with international attention and interventions, aim to address inadequacies, ensuring that the rehabilitation process is comprehensive and impactful.

## **14. Conclusion**

This research provides a comprehensive exploration of bonded labour in India, highlighting its historical roots, current realities, and proposing a strong liberation process. By understanding the complexities of this modern-day slavery, the study aims to contribute to informed

policymaking, advocacy efforts, and the development of effective interventions to eradicate bonded labour and uplift vulnerable communities. The suggested liberation process emphasizes the need for a concerted effort involving government bodies, legal frameworks, grassroots organizations, and international collaborations to address this persistent human rights violation.

## References

- Anderson, B. (2004). *Migrant Domestic Workers and Slavery. The Political Economy of New Slavery*, New York, Palgrave Macmillan.
- Anti-Slavery International, (2012). *Bonded labour*. London. Anti-slavery international Office.
- Anti-Slavery International, (2012). *Slavery on the high street: Forced labour in the manufacture of garments for international brands*. London. Anti-Slavery International Office.
- Belser, P. (2005). *Forced Labour and Human Trafficking: Estimating the profits*. Working Paper. Declaration on fundamental principles and rights at work. Special Action Program to Combat Forced Labour, Geneva. International Labour Office.
- Bishnoi, (2007). *The removal of bonded labour system: Gujarat*. Gujarat National University Publication.
- Census of India, (2011). Retrieved 11 September 2014, from <http://censusindia.gov.in/2011-common/CensusDataSummary.html>
- Daniel, U. (2015). *Odisha Migration*. Retrieved 14 November 2015, from <http://orissamigration.blogspot.in/>
- Dingawaney, Vidasagar & Chaudhary, (1981). *Bonded labour in India*. New Delhi. Rural Labour Cell publication.
- Eradication of bonded labour system: A system being shielded and protected by power hungry politicians (2004). Retrieved 3 November 2015, from <http://www.nhcpm.org/pdfbook/engvol1-14.pdf>
- Ercelawn A. and M. Nauman, (2004). *Unfree Labour in South Asia: Debt Bondage at Brick Kilns in Pakistan*. *Economic and Political Weekly*, Vol. 39, pp. 2235-2242.
- Forced Labour Convention, (1930), Convention C029 - (No. 29). Retrieved 12 January 2024, from [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)
- Franciscans International, (2012). *Modern Slavery in India: Cases of bonded labour*. Geneva. The Franciscans International.
- Important India, (2015). *Social Issues in India (causes, effects and solutions) - Important India*. Retrieved 14 January 2023, from <http://www.importantindia.com/17493/social-issues-in-indiacauses-effects-and-solutions/>
- International Dalit Solidarity Network, (2012). *Key issues on bonded labour*. Retrieved 22 October 2015, from [http://idsn.org/wpcontent/uploads/user\\_folder/pdf/New\\_files/Key\\_Issues/Bonded\\_Labour/DALITS\\_AND\\_BONDED\\_LABOUR\\_-\\_briefing\\_paper\\_2012.pdf](http://idsn.org/wpcontent/uploads/user_folder/pdf/New_files/Key_Issues/Bonded_Labour/DALITS_AND_BONDED_LABOUR_-_briefing_paper_2012.pdf)
- International Labour Organization, (2012). *ILO Global Estimate of Forced Labour*. Retrieved 15 February 2014, from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)
- Kara S., (2012). *Bonded labour: Tackling the system of slavery in south Asia*. New York.

- Columbia University Press.
- Ministry of Labour and Employment, (2010), Annual Report, 2009-2010. New Delhi. Ministry of Labour and Employment.
- Ministry of Labour, (1991). Report of the Study Group on Bonded Labour. Government of India. New Delhi. Lal Bahadur Shastri National Academy of Administration & National Commission on Rural Labour.
- Ministry of Labour, (1991). Report on Bonded Labour: Release Bonded Labourers. Mussoorie. Lal Bahadur Shastri National Academy of Administration.
- Mishra, L. (2011). Human Bondage- Tracing its roots in India. New Delhi. Sage Publication.
- Mishra, L. (2011). Human Bondage- Tracing its roots in India. New Delhi. Sage Publication.
- Mohanasundaram, (2007). The Study on bonded labour system in Tamil Nadu, New Delhi. Centre for Education and Developments Studies.
- Mohanasundaram, V. (2007). Report On Bonded Labour in Tamil Nadu. Analysing the Effectiveness of the Programmes for the Eradication of the Bonded Labour System.
- National Human Rights Commission, (2005). Annual Report, retrieved on 12th January 2022 from [http://59.92.116.99/website/264|Page DOCPOST/Legal\\_Rights/Mar-07-LR/safe-files/RE15-01may061f1.pdf](http://59.92.116.99/website/264|Page%20DOCPOST/Legal_Rights/Mar-07-LR/safe-files/RE15-01may061f1.pdf)
- National Human Rights Commission, (2010). Know your Rights. New Delhi. National Human Rights Commission.
- Pandey, (2013). Slavery system in Ancient India; History of Slavery in India. Retrieved 20 July 2022 from <http://www.importantindia.com/1089/slavery-in-ancient-india>
- Prasad, K (2007) Bonded Labour: Issues, Challenges and responses. Integral Liberation. Vol II, No.4
- Ray, T. (2004). Sharecropping, Land Exploitation and Land Improving Investments. Retrieved 20 June 2023, from <http://www.isid.ac.in/~tridip/Research/Sharecropping-LandExploitation- June2004 .pdf>
- Reddy, H. Y. R (1995). Bonded Labour System in India: Causes, Practice and the Law. New Delhi. Deep & Deep Publication.
- Reddy, H. Y. R (1995). Bonded Labour System in India: Causes, Practice and the Law. New Delhi. Deep & Deep Publication.
- Sen, (1999). Ancient Indian History and Civilization. New Delhi. New Age International Limited Publication.
- Slavery Convention. (1926). Ohchr.org. Retrieved 30 January 2015, from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>
- The Constitution of India, (1950), Ministry of Law and Justice, New Delhi. Government of India
- Trafficking in Person, (2014) Trafficking in Person Report: office to monitor and combat trafficking in persons. Retrieved 13 January 2024, from <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226740.htm>
- Walk Free Foundation, (2014), Global Slavery Index: India. Retrieved 13 January 2024 <http://www.globalslaveryindex.org/country/india/>