

# CEC Working Paper

## Report On Bonded Labour in Orissa

*Analysing the Effectiveness of the Programmes for the Eradication of  
the Bonded Labour System*

Abhay Xaxa

2007

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## PREFACE

Although policy makers, administrators, academics, trade unions and NGOs may differ on the concept, approach and extent of bonded labour in India, one thing which all of them currently agree about is "Labour bondage still persists!" A country poised to emerge as the next economic superpower still faces the challenge of liberating millions from the scourge of bondage into which they have been thrust by poverty, hunger and social exclusion.

Moreover, empirical evidence indicates that the process of globalisation, kick started by economic reforms, far from reducing the magnitude of bondage has reinforced it further through the process of informalisation.

The Bonded Labour System Abolition Act, 1976, which reflected the commitment towards 'Liberty' made in Article 23 of the Indian Constitution, surely brought a ray of hope for many toiling under this inhuman practice for mere survival. But our experiences in the past 30 years of intervention suggest that this progressive tool has inherent constraints in eradicating the bonded labour system.

In this backdrop, in 2004, the Centre for Education and Communication (CEC) and Anti Slavery International (ASI) decided to initiate action research in selected states and sectors to assess whether the programmes of government, international organisations and NGOs have been effective in eradicating the bonded labour system and, if not, why these have not been effective.

The Indian project was part of a South Asia regional project on bonded labour, coordinated by Anti Slavery International. The Pakistan Institute of Labour Education and Research (PILER) coordinated the project in Pakistan and the General Federation of Nepalese Trade Unions (GEFONT) coordinated the project in Nepal.

In India, the states covered in 3 years were Chhattisgarh, Delhi, Karnataka, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh in sectors ranging from traditional agriculture to the export-oriented garment industry. This series of working papers is an outcome of these studies, which we hope, will serve as a tool for policy framers as well as grass-root activists to understand the changing dynamics of labour bondage in India in the present context.

The desk research and field studies in Chhattisgarh and Orissa were done by Mr. Abhay Xaxa; field researches in Uttar Pradesh, Karnataka, Punjab, Rajasthan, Tamil Nadu and Delhi were carried out by Dr. R.S. Gautam, Ms Gauramma, Prof. Manjit Singh, Ms Anjali Deshpande, Dr Mohanasundaram and Ms Sujata Madhok, respectively. Prof. Gopal Iyer initially and then Prof. Surinder S. Jodhka provided valuable guidance and intellectual leadership to the researchers throughout the study.

I gratefully acknowledge the support, encouragement and guidance provided by the Advisory Board of the Project, constituted by Prof. D. N. Dhanagare, Com. Suneet Chopra, Ms Manjari Dingwaney, Com. Amarjeet Kaur and Mr. K. Chandrasekar. We also acknowledge the invaluable contribution of the Regional Consultant Prof. Jan Bremen in the formulation of the research, the field studies and in the

writing of the reports. We recognise the encouragement provided by Anti Slavery International, in particular, Krishna Upadhyay at all stages of the project. The studies would not have been possible but for the effective coordination provided by my colleagues Bansari Nag and Abhay Xaxa.

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July 2007

## INTRODUCTION

The Bonded Labour System (Abolition) Act, BLSAA, 1976, made unlawful the practice of binding labour through the mechanism of debt. This practice of coercing workers through debt was institutionalised in most parts of the Indian subcontinent over a long period of time and under different local names. However, the system worked similarly everywhere. It bound the worker with the creditor-employer until the outstanding debt was cleared. Given the abject state of poverty of those who entered the arrangement and the social disabilities imposed on them by the order of caste hierarchy, very few could get out of the arrangement. Those who worked in such arrangements invariably came from the 'depressed' caste groups. In the given state of affairs being tied to a specific employer became a fact of life and beyond for those belonging to the labouring classes in the subcontinent. Poverty and marginal status kept the workers perpetually indebted. The debts were transferred from one generation to another. This form of slavery came to be known as 'bonded-labour'.

The legal abolition of 'bonded labour' in 1976 was a progressive legislation and an important landmark in the history of contemporary India. It offered a ray of hope to India's most deprived and marginalised citizens. More importantly, it recognised that independence and the introduction of democracy had not necessarily brought freedom to all. Even industrialisation and the introduction of new technology in the agrarian sector, which led to the growth of the market economy, and the development of capitalist agriculture, did not release labour from the traditional modes of bondage and patron-client relations everywhere.

The passing of the 1976 legislation straightaway meant that workers bound by an outstanding debt no longer needed to keep working with the creditor-employer. It made the binding of labour against a debt a legal offence. It also made it legally binding on state governments to identify all the bonded labourers in their states, organise their release from the wily employers and provide them with a viable rehabilitation package. To accomplish this, the state governments initiated several measures and instituted new administrative set-ups. Official surveys enumerated the incidents of bonded labour and special commissions were set up to formulate strategies for the eradication of the system.

Much has changed in India since the legislation was enacted more than three decades back. Though agriculture continues to employ a large proportion of active workers, its place in India's economy is not predominant. While the impact of legislation and state action against bonded labour has been limited, the social relations of production on the ground have undergone many changes. The opening up of labour markets, the increasing linkages with towns and the growing political consciousness have made it difficult for employers to bind labour for generations. In some instances, employers, in order to circumvent the law, have found other ways of subjugating labour.

Besides state interventions, the different regions of India have been witness to social movements and civil society interventions supporting the bonded labourers and favouring their release. Several non governmental organizations (NGOs) used the available legal provisions to support individual labourers in their struggle against their powerful employers. As a consequence of all these measures, the old system of generational bondage has slowly declined almost everywhere in India.

The decline of the old system, however, did not translate into any kind of substantive empowerment of the labour class. In some cases, it just meant a greater degree of casualisation, or simply,

unemployment. However, this is not to suggest that the traditional relations of patronage and clientele were better for the poor labour. Freedom without economic security means little and brings other forms of vulnerabilities. Today, labour has to struggle to find employment despite being much more mobile. Traveling and sustaining themselves in an alien setting is difficult. Migrations of the poor invariably occur through intermediaries of different kinds. Such migrations, sometimes, also involve the payment of some advance to the labourers or their families, which, in turn, leads to the institutionalisation of newer forms of relations based upon dependency. This has been found to be a pattern in many industries. Dependencies institutionalised through debt have also continued, albeit in newer forms in the agricultural and several other sectors of employment. The payment of an advance to secure labour supply at depressed wages is commonplace in many sectors. The liberalisation or globalisation of the Indian economy has further reinforced this process.

Though bondage relations mediated through debt continue to be practiced very widely, they no longer work within the older frames of permanent relations between workers and employers. The generational and family bondage has given way to more individualised and relatively temporary, or sometimes, seasonal bondages. While things have changed on the ground, state policies have not. The old framework of identification, release and rehabilitation no longer seems meaningful. In fact, official surveys no longer report the existence of bondage in most parts of India and the official machinery no longer feels obliged to do anything for the poor labour.

We are at a stage where we need to make a concerted effort to understand and conceptualise the newer, and increasingly elusive, forms of bondage relations. The studies being conducted by Centre for Education and Communication in collaboration with Anti-Slavery International are an attempt in this direction. It is only through participation and dialogue with the organisations of civil society that we can hope to initiate the process of formulating new legislations that can truly empower the poor labour force and bring them dignity and citizenship rights.

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July 2007

## INTRODUCTION

Abhay F. Xaxa

The problem of bonded labour in Orissa is directly linked with the oppressive caste system, feudal/semi-feudal social structure and economic backwardness of traditionally deprived communities such as *Dalits* and *Adivasis*. The unjust socio-economic-political condition of this eastern coastal state has perpetuated the traditional system of *Goti / Halia*, as the bonded labourer is locally known by which he is condemned to a dreary existence caught up in the vicious cycle of exploitation and oppression.

The system of *Goti* is similar to other exploitative labour practices elsewhere in the country. A poor *Dalit* or *Adivasi* takes a small loan from the *Gautia* (upper caste landlord), contractor or moneylender, which accumulates very fast under exuberantly high rates of interest. Soon he finds it impossible to extinguish his debts and therefore starts working for the creditor at absurdly low wages and hopes to repay the debt through his labour but the cruel logic of usury defeats him. The system gradually affects his children and then grand children who are forced to work in order to liquidate the debt. In this way, the future of the entire family becomes mortgaged to a small loan taken in the remote past and indebtedness becomes their destiny.<sup>1</sup>

Though several incidences of bonded labour have been regularly reported in the local as well as the national media regularly from Orissa, there are very few systematic studies/surveys in the region to analyse the problem. After the formulation of Bonded Labour System Abolition Act in 1976, a national survey of bonded labour was conducted by Gandhi Peace Foundation (GPF) in 1978, which estimated 350,000 bonded labourers in the agricultural sector of Orissa. A year later in 1979, the survey conducted by the National Sample Survey Organisation estimated only 5400 bonded labourers in the state which was a vast difference from the earlier survey. After this, for the next 14 years, there was identification and release of bonded labourers from almost all the 30 districts of Orissa till 1993. According to the official figures of the Ministry of labour, till now more than 50,000 bonded labourers have been released from the different parts of the state, most of which was through the efforts of the district administration. This figure holds a lot of significance as the state rates second only after Karnataka in the highest number of release of bonded labourers. But since 1993 there has been a negative response from the administration and the state is continuously denying the existence of bonded labour.

Meanwhile the National Human Rights Commission has marked Orissa as a place of high incidence of bonded labour. Various reports of NGO's suggest that this inhuman practice is still prevalent in one form or the other in several districts of Orissa. In fact, the Ministry of Labour has identified 27 districts out of 30 in the state as bonded labour prone district. But even after repeated representations from social activists and NGO's, the district

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<sup>1</sup> K. V Raghunatha Reddy, NLI Bulletin, January 1976.



administration failed to give any positive response towards the identification and release of bonded labourers from the state.

The problem of bonded labour is a dynamic and complex problem, and therefore we need to have a systematic approach if the system has to be eradicated effectively from our society. There is an urgent need to address the core issues of bondage, which are deeply rooted in poverty, unjust social system and the failure to ensure basic rights to the marginalised communities. Without addressing the core issues of society, the release and rehabilitation of bonded labourers is just like cosmetic surgery where we are only trying to remove the symptoms and not paying attention to the underlying cause of bondage in our society. In the words of K. V. Raghunatha Reddy –“**Freedom can never endure with enclaves of bondage; a civilisation with an army of exiles never lasts**”.<sup>2</sup> Our Independence can be meaningful only when our fellow citizens are ensured freedom to live and work with dignity.

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<sup>2</sup> The Bill on Bonded labour, NLI Bulletin January 1976.

## Methodology of the Study –

Bonded labour in Orissa has been reported in a number of sectors by several researchers in the past. There is a good amount of literature available covering sectors such as the traditional agricultural sector, bondage in mining sector, fish processing sector, child bondage, bondage in tribal society etc. Therefore an initial mapping of the whole region was done to gauge the intensity of the problem. Then after consulting the research consultant and co-ordinator, three sectors were selected for intensive study which were as follows:-

- a) Changing features of bondage in agricultural sector;
- b) Bondage of Kendu leaf worker ;
- c) Bondage of barber community.

The research covered four districts of Orissa namely Bargarh, Bolangir, Puri and Malkangiri and intensive study was conducted in Bargarh and Puri. The study was focused on the changing features of bondage in traditional agricultural sector in Bargarh where mostly members of *Dalit* (SC) community get into bondage. In Puri district, the study was done on the barber community (OBC) who are forced to render services to the upper caste communities of the village. Another important sector identified during mapping of the region was bondage among Kendu leaf workers. Study of various aspects of this problem was conducted in Bargarh district with the help of the following partner organisations:-

1. Goti Khutiya Din Majuriya Sangh (Bargarh)
2. Goti Mukti Andolan (Puri)
3. Gram Pragati O Parivesh Vikas Prathisthan (GPOPVP, Bargarh)

The study was to basically comprise of the following:

1. Study of various aspects of bondage in the area.
2. Study of the interventions in the region through the organisations identified.
3. Study of the role of the government towards abolition of bonded labour in the region.
4. Identification of other interventions in the region and the area of survey to be decided in consultation with CEC.

As there was an absence of organised information, and with the objective of developing a basic understanding on the issue of bonded labour, the research study was started with the collection of secondary information on the issue. Information was collected from various sources such as the public library, newspaper clippings, government documents, research papers etc., which helped in identifying the problematic areas, core issues, vulnerable communities and various stakeholders.

The second step of the study comprised of a field survey and interviews with the bonded labourers / released and rehabilitated bonded labourer. On the basis of consultations with

the partner organisation, a survey area was selected. With the co-operation of local activists and workers of the organisation, field visits were conducted.

In the third step, the study of organisational interventions was done with the help of organisational documents and interviews with activists, office bearers and other related people. It started with studying relevant documents available with the organisation, which also provided necessary inputs on the core issue. This was continued by interviews with related activists and workers. Discussions with people from the operational area and networking partners also helped in forming an opinion about organisational interventions and their effectiveness.

The fourth step comprised of studying the government's role and interviews with different stakeholders such as journalists, experts, researchers, activists, politicians etc. Along with this, interviews with NGO's, journalists, researchers and activists also helped in understanding the government's role in the eradication of the bonded labour system from the state. In the final phase, all the collected information and data was compiled and cross-checked with other sources of information.

## BACKGROUND INFORMATION ABOUT ORISSA

The eastern state of Orissa, which came into existence on 26<sup>th</sup> January, 1950 is surrounded by West Bengal and Jharkhand on the north, Andhra Pradesh on the south, the Bay of Bengal in the east and Chhattisgarh on the west. The state ranks 11<sup>th</sup> in population and 9<sup>th</sup> in area among all the Indian states. Orissa is a coastal state; 6 of its 30 districts, i.e., Baleshwar, Bhadrak, Kendrapara, Jagatsinghpur, Puri and Ganjam are situated on the coast of the Bay of Bengal.

The state can be broadly divided into four natural regions, i.e., (a) the hilly areas in the north and the north-west, (b) the eastern ghats, (c) the central and the western plateau and (d) the coastal plains. The hilly areas and the central and the western plateau constitute the mineral belt of the state and the majority of the tribal population of the state inhabits this region. The eastern ghats pass through the coastal districts of Baleshwar, Bhadrak, Kendrapara, Jagatsinghpur, Puri, Khorda, Cuttack, Nayagarh and Ganjam with an extension into the districts of Koraput and Dhenkanal. The district of Phulbani is the meeting point of these two mountain ranges. The hills in the coastal districts are not continuous ranges, but are irregularly scattered series of steep rugged ridges separated by deep valleys and these hills lie parallel to the coast at a distance of about 100 Kms. from the coast line.

The plain area is mostly created by the rivers flowing through different districts. The coastal alluvium is gifted by rivers like Rushikulya, Mahanadi, Brahmani, Baitarni, Subarnarekha and other tributaries and distributaries. The Mahanadi and the Tel rivers are responsible for the valleys in the western districts. The coastal plain slopes eastwards from the adjoining hills, whereas the plains and the river valleys of the central and western districts look like saucers. This configuration is responsible for differences in the rainfall and climate as well.

The predominant type of soil found in this region is lateritic which is not particularly suitable for agriculture as it is poor in nutrients, but it is good for construction purposes. The central table comprising the Mahanadi - Tel basin as well as the whole of the northern portion of the region from Sundergarh to Mayurbhanj contains red soil which is also poor for plant life. Brown soil occurs in patches over a portion of Sambalpur and Kandhamal, where there is dense growth of bamboo and various trees of moist deciduous type including sal. Black cotton soil similarly occurs in patches and to a limited extent in the central belt of the region. The soil is rich in potassium and magnesium but poor in nitrogen and phosphorus. It is more suitable for growing Rabi crops like wheat and pulses.

Among the crops, paddy is most important. It is a staple cereal and while the physical yield is very low, the quality of rice produced is very fine in the western parts though it is coarse in the eastern areas. Rice is more widely cultivated in the river valley; millets are cultivated in the drier interior parts. Gram, Mung, Biri, Kultha, pea, mustard, linseed, groundnut, jute,

mesta, sugarcane are other miscellaneous crops. In general, the region has a highly diversified cropping pattern, which minimises risk arising out of moisture stress.

#### **Population Dynamic: -**

The backward class population, scheduled castes and tribes taken together, constitutes 37.22% of the total population of the state. The share of SC in the total population is 14.71 % whereas the ST contributes above 22.51% of the total population of the state. The districts like Kalahandi, Keonjhar, Koraput, Mayurbhanj, Phulbani and Sundargarh have more than 45% of the backward class population. Again, the tribal population in the districts like Koraput, Mayurbhanj and Sundargarh districts are more than 50%. The state has two distinct tribal regions delineated on the basis of the tribal concentration. The regions are \_\_  
 (a) The north-eastern tribal region comprising all the blocks in Mayurbhanj, Keonjhar and Sundargarh districts, (b) The south-western tribal region comprising the blocks of Koraput and Phulbani districts. These two regions have a significant bearing on the pattern and process of regional development in the state.

#### **Poverty and living conditions: -**

| <b>Poverty : Orissa compared to other backward states.</b> |                |                              |
|--|----------------|------------------------------|
| <b>S.No</b>  | <b>State</b>   | <b>% of BPL in 1999-2000</b> |
| 1.   | Uttar pradesh  | 31.2 %                       |
| 2.   | Assam          | 36.1 %                       |
| 3.   | Madhya Pradesh | 37.4 %                       |
| 4.   | Bihar          | 42.6 %                       |
| <b>5.</b>  | <b>Orissa</b>  | <b>47.2 %</b>                |

Source - Orissa Development Report, Planning Commission.

Orissa is endowed with rich natural resources in the form of vast mineral deposits, forests, fertile land, plentiful surface and ground water resources and a long coast line. But still, the state ranks very low among the Indian states in terms of per capita income and it has become one of the poorest states in the country. A large proportion of the people in the state have very poor living conditions. As per estimate, among the 15 major states of India, the position of Orissa with regard to living conditions or standard of living is 14<sup>th</sup> (Behera and Mitra: 1996). As per the latest estimates of the Modified Expert Group of Planning Commission, Orissa has the highest proportion of the population living below the poverty line.

#### Values of different Development Indicators of Orissa and India

| <b>Sl. No.</b> | <b>Indicators</b>  | <b>Orissa</b> | <b>India</b> |
|----------------|--|---------------|--------------|
| 1.             | Percentage of urban population total population, 1991 census | 13.38         | 25.71        |
| 2.             | Percentage of SC and ST population, 1991 census              | 38.41         | 24.56        |

|     |   |         |         |
|-----|---|---------|---------|
| 3.  | Percentage of main workers to total population, 1991 census   | 32.8    | 34.1    |
| 4.  | Percentage of total workers to total population, 1991 census  | 37.5    | 37.5    |
| 5.  | Percentage of literacy, 2001 census   | 63.61   | 65.38   |
| 6.  | Percentage of net area irrigated to net area sown   | 35.0    | 38.6    |
| 7.  | Consumption of fertilisers per unit of gross cropped area, 1990-00 ( kg/hect.)                            | 40.6    | 95.3    |
| 8.  | Yield rate of food grains 1998-99 ( qt/hect.)   | 10.8    | 16.2    |
| 9.  | Percentage of villages electrified, up to March 1999  | 73.0    | 86.0    |
| 10. | Credit deposit ration, as on March 2000   | 39.8    | 57.1    |
| 11. | Estimated annual death rate per one thousand live birth,1998  | 11.1    | 9.0     |
| 12. | Estimated annual infant mortality rate,1998   | 98.0    | 72.0    |
| 13. | Length of road per thousand sq. km. of area, 1996-97  | 1687    | 750     |
| 14. | Railway route length per one thousand sq. km. of area 1998-99 (in km.)                                    | 15.03   | 19.11   |
| 15. | Railway route length per lakh of population, 1998-99 (in km.)   | 6.62    | 6.47    |
| 16. | Registered motor vehicles per one thousand persons, 1997-98   | 22.21   | 42.35   |
| 17. | Vehicle density per sq. km., 1997-98  | 4.98    | 12.31   |
| 18. | Per capita gross output in industry, 1997-98 (in Rs.)   | 4231.20 | 8659.50 |
| 19. | Per capita added by manufacture, 1997-98 (in Rs.)   | 1065.70 | 163.00  |
| 20. | Per capita total revenue of state including resources transferred from centre, 1999-00 (in Rs.)           | 1714.90 | 2185.70 |
| 21. | Per capita state budgetary expenditure, 1999-00 (both revenue and capital account ( in Rs.))              | 2850.90 | 3168.30 |
| 22. | Per capita state government expenditure on medical, public health and family welfare, 1999-2000 ( in Rs.) | 136.30  | 158.20  |
| 23. | Per capita state government expenditure on education, sports, art and culture, 1999-00 (in Rs.)           | 438.90  | 548.70  |
| 24. | Percentage of population below poverty line, 1999-00*   | 47.15   | 26.10   |
| 25. | Per capita net state domestic produce at current prices, 1998-99 ( in Rs.)                                | 8719    | 14682   |

Source: Government of Orissa, Economic survey, 2000-01, Directorate of Economics and Statistics, Bhubaneswar.

\* The Times of India, 24-2-2001

Looking at the overall scenario of development in Orissa, it is clearly evident that the state is one of the poorest states of the country. The incidence of poverty is more in northern and southern regions compared to the coastal region. Caste-wise, among the scheduled tribes, the incidence of poverty was higher than that among scheduled castes and other backward caste population. Further, the percentage of rural families living below the poverty line was

found to be much higher in the state. As a result of higher incidence of poverty in the state, the living condition of the people in terms of the development indicators like literacy rate, infant mortality rate, per capita income, per capita food grain production, etc. is much below the national average. Even within the state, composite indices of the socio-economic indicators show that there was greater inter-district variation in the living condition of the people. Moreover, the performances of the welfare activities like EAS, PDS, ICDS and MDM are observed to be not satisfactory in the state, and these factors are mainly responsible for the poor living condition of the people.<sup>3</sup>

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<sup>3</sup> P. 263, Orissa development Report, Planning Commission.

## Pattern and Index of Living Conditions of different districts of Orissa

| Sl. No. | Name of the district | Pattern of living condition | Index of living condition | Rank      |
|---------|----------------------|-----------------------------|---------------------------|-----------|
| 1.      | Angul                | 12.2088                     | 0.8145                    | <b>14</b> |
| 2.      | Baleshwar            | 12.1035                     | 0.8074                    | <b>12</b> |
| 3.      | Bargarh              | 11.2446                     | 0.7501                    | <b>7</b>  |
| 4.      | Bhadrak              | 12.1851                     | 0.8129                    | <b>13</b> |
| 5.      | Bolangir             | 12.9333                     | 0.8628                    | <b>19</b> |
| 6.      | Boudh                | 13.8455                     | 0.9236                    | <b>28</b> |
| 7.      | Cuttack              | 10.1078                     | 0.6743                    | <b>2</b>  |
| 8.      | Deogarh              | 13.5380                     | 0.9031                    | <b>24</b> |
| 9.      | Dhenkanal            | 12.2563                     | 0.8176                    | <b>15</b> |
| 10.     | Gajapati             | 13.1323                     | 0.8761                    | <b>21</b> |
| 11.     | Ganjam               | 12.0188                     | 0.8018                    | <b>11</b> |
| 12.     | Jagatsinghpur        | 10.4405                     | 0.6965                    | <b>5</b>  |
| 13.     | Jajpur               | 12.0046                     | 0.8008                    | <b>10</b> |
| 14.     | Jharsuguda           | 10.3535                     | 0.6907                    | <b>4</b>  |
| 15.     | Kalahandi            | 13.7894                     | 0.9199                    | <b>26</b> |
| 16.     | Kendrapara           | 12.8870                     | 0.8597                    | <b>18</b> |
| 17.     | Kendujhar            | 13.3512                     | 0.8907                    | <b>23</b> |
| 18.     | Khurda               | 9.1679                      | 0.6116                    | <b>1</b>  |
| 19.     | Koraput              | 13.3352                     | 0.8896                    | <b>22</b> |
| 20.     | Malkangiri           | 13.8195                     | 0.9219                    | <b>27</b> |
| 21.     | Mayurbhanj           | 13.0824                     | 0.8727                    | <b>20</b> |
| 22.     | Nuapada              | 13.7536                     | 0.9175                    | <b>25</b> |
| 23.     | Nabarangpur          | 14.6451                     | 0.9770                    | <b>30</b> |
| 24.     | Nayagarh             | 12.6094                     | 0.8412                    | <b>16</b> |
| 25.     | Phulbani             | 13.9001                     | 0.9273                    | <b>29</b> |
| 26.     | Puri                 | 11.1539                     | 0.7441                    | <b>6</b>  |
| 27.     | Rayagada             | 12.7491                     | 0.8505                    | <b>17</b> |
| 28.     | Sambalpur            | 10.3272                     | 0.6889                    | <b>3</b>  |
| 29.     | Sonepur              | 11.4419                     | 0.7633                    | <b>9</b>  |
| 30.     | Sundargarh           | 11.4379                     | 0.7630                    | <b>8</b>  |
|         | State average        | 12.3274                     | 0.8224                    |           |

Source - Orissa Development Report, Planning Commission.



## POLITICAL ECONOMY OF BONDAGE IN ORISSA

Orissa is one of the poorest states of India where more than 47% of the total population lives below the poverty line. One of the reasons for this serious problem can be traced down to history. As a part of the divide and rule policy of the British, the state was divided into various provinces. Accordingly, it had three types of land tenure systems — the Zamindari, the Ryotwari and the subsidiary alliances. Notwithstanding the introduction of the outside Zamindars into the region and the occasional interference into the age old privileges of the Kings, the class interest of the Zamindars and princes were protected and encouraged. The tenants and peasants groaned under both feudal and colonial exploitations.<sup>4</sup>

Following independence, the Orissa Government instituted limited land reforms, envisaging abolition of intermediary tenures that prevailed between the state and the tillers of the soil, tenancy reforms, and fixation of ceiling on agricultural land holdings. It was then thought that these measures would naturally eliminate feudal and semi-feudal relations, and thus the productive forces in agriculture could be liberated into the hands of peasant proprietors. But the prevailing agrarian context is disturbing.<sup>5</sup> Only 40% of the total land is under cultivation, and only 15% of the net sown area is cultivated more than once in a year. While paddy covers 3/4<sup>th</sup> of the total cropped area, its average yield stands at 9.6 quintals per hectare, the lowest among the rice growing states of India.<sup>6</sup> All these denote continued reliance on the existing low productivity techniques and misuse of land resources, a feature common to pre-capitalist agriculture. In addition to this, the highly skewed land ownership — 3% controlling 25% of agricultural land while 60% are owning 10% of the land, wide spread tenancy (32%), staggering under employment of the labour force (28%), negligible expansion of industrial employment, debtor-creditor nexus, speculative trade and conspicuous wastage of surplus by landed gentry denotes the domination of unproductive feudal agriculture in Orissan economy.<sup>7</sup>

### Caste System in Orissa

Caste institutions play an important role in Orissa as they enforce strict adherence to social norms and also arbitrate in the occurrence of intra-caste conflict. It has been observed that in many villages, persons belonging to different castes maintain social hierarchy with the support of historically determined social standing in the community. While on the economic front, various caste groups determine their interaction points, on the social front most caste groups act independently. The pattern of the village settlements itself reflect deep-rooted caste affiliations and stratification.<sup>8</sup>

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<sup>4</sup> Pathy 1979: 42-63

<sup>5</sup> Pathy 1977 :Ch. IV

<sup>6</sup> Patnaik 1975 202

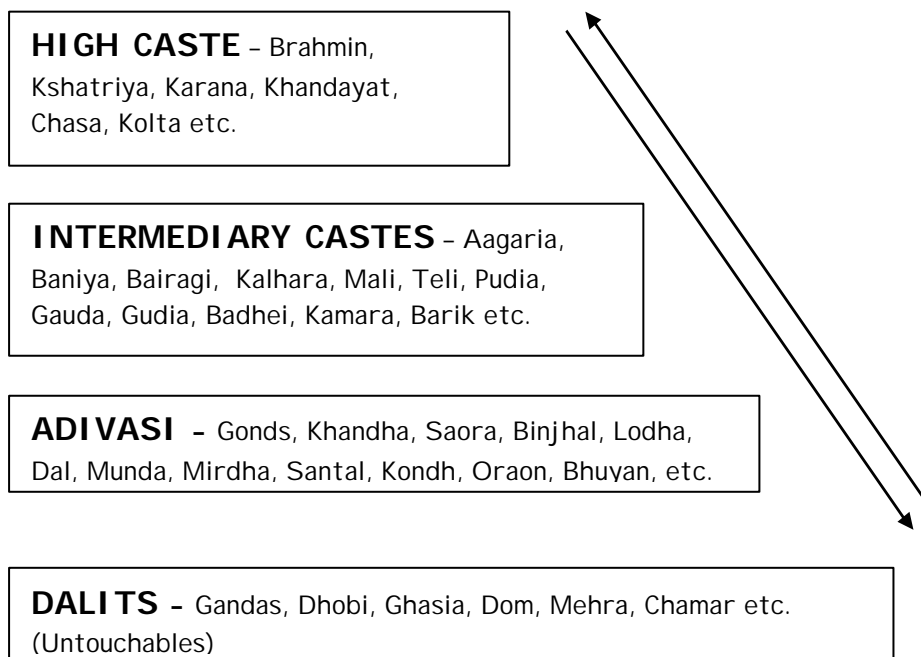
<sup>7</sup> Pathy 1980

<sup>8</sup> P.10, The Politics of Poverty, Books for Change.

This indicates the growing dependence of more and more of the population on the agricultural sector. But there has also been remarkable fluctuations since 1981 which shows a decline in total percentage of population dependent on agriculture. Similarly, there is also a decline of 15% in 2001 which itself is an important observation to make.

The agriculture census of 1985-1986 indicates that in Orissa 55% are small farmers, 17% semi-small and 0.6 large farmers.<sup>9</sup> This figure has changed over the years. During 1995-96, marginal holdings (below 1 hectare) represent 54 % of the total number and covers 21 % of the total area. Small holdings (1-2 hectares) represent 28% of the total number and covers 29 % of the total area. Semi-medium holdings (2-4 hectares) represent 14% of the total number and covers 28% of the total area. Medium holdings (4-10 hectares) represent 3.6% of the total number and covers 17 % of the total area. Large holdings (10 hectares and above) represent 0.4 % of the total number and covers 5 % of the total area.<sup>10</sup>

### Caste Hierarchy in Orissa –



<sup>9</sup> Govt. of Orissa, 1986: 13-14

<sup>10</sup> Buxi, 2004.

There are specific interactions between the caste groups, especially related to employment. Members of lower caste groups work as *Halia*, *Goti* and *Kuthia*. They also serve as casual agricultural labourers in the fields of upper caste people. The inter-caste economic relationships on a patron- client basis is clearly reflected in the labour of *Dhobhis* (washermen), *Barik* (barber), and *Luhra* (blacksmith) who provide services to the upper castes on an annual payment basis.

Social interactions between the groups are quite limited. Visits from the upper caste groups to the lower castes is not practicable. Only castes/ tribes with an equal social status have some amount of interaction between each other. Even today, the norms related to acceptance of food and water from other castes/tribes is strictly followed especially in the rural areas.

Economically and socially, the *dalits* such as *Gandas*, *Dhobi*, *Ghasia*, *Dom*, *Mehra*, *Chamar* etc. are the most deprived in terms of access to resources like land, livestock and common property resources (CPR's). The tribal community also has been gradually brought under the caste based social structure due to their interaction with other caste groups. Along with the *dalit* groups, the tribals also find themselves at the lower end of the caste hierarchy except for a few tribal groups.

There are a number of intermediary castes such as *Aagaria*, *Baniya*, *Bairagi*, *Kalhara*, *Mali*, *Teli*, *Pudia*, *Gauda*, *Gudia*, *Badhei*, *Kamara*, *Barik* who are basically farmers, businessmen and service class. The majority of the resources are under their control and they play a very important role in the social structure.

The Brahmin, *Kshatriya*, *Karana*, *Khandayat*, *Chasa*, *Kolta* etc. are the upper caste people placed at the top of the cast hierarchy and they are the real beneficiaries of the whole social structure in rural Orissa.

### Problem of rural indebtedness

Problem of indebtedness especially in rural areas seems to be the root cause and output of poverty. The village communities are living in an economy, which provides them livelihood only for a couple of months. Not finding the existing livelihood sources sufficient, and with limited alternatives the villagers quickly and easily go the money lender who-so-ever is available and within access for seeking help both in cash and kind. The education level and the awareness level of people living in rural belt is much below the average level. Taking this opportunity the moneylenders exploit them and take their land under mortgage. The marginalized communities, finding no alternative, agree to the proposal and give their piece of agricultural land in lieu of the loan. On several occasions the villagers unable to repay the loan as per the terms and conditions of the *sahukars*, finally hand over the land to the moneylenders who enjoy the occupancy right over the land. The terms and conditions imposed during such transaction normally vary from region to region and also from community to community.

Understanding the acuteness of rural indebtedness and the problem of money lending, the state authorities in order to minimise it have formulated various rules and regulations from time to time. The need for such legislation was felt to give relief to the rural people, who were being compelled to pay exorbitant rates of interest. Such legislation was intended to ensure that the moneylenders would register themselves, and maintain proper accounts and charge only reasonable rates of interest.

Due to chronic indebtedness rural people of Orissa continue to be the victims of exploitation in the hands of moneylenders, who are mainly upper caste. Data on the extent of ongoing money lending in the state are not available. However, it is a fact that the imbalances between the income and consumption expenditure of the tribal and *dalit* communities make them an easy prey in the hands of the upper caste money lenders (Behura and Panigrahi 2002). They are the *Pana*, *Sundhi*, *Komiti*, *Mohanta* and *Gouda*, who have been in the money lending business for a long time. The development of communication systems linked the inaccessible rural areas with the outer world, which has facilitated the inflow and outflow of labourers, raw materials and produce from and to the interior areas. For example, in Koraput district the immigrants especially the Telugu *Komites*, the *Oriya*, *Sundhis* and the *Doms* exploited the small and marginal farmers through unscrupulous trade and money lending business. This later on led to the practice of *Gothi* system in the district. In fact the money lending system was the major route of large scale land transfer from the tribals to the non-tribals. In this context Nabakrishna Choudhury one of the members of the Partially Excluded Areas Inquiry Committee of Orissa, during the 1940 and also the Chief Minister of Orissa, stated "...the backward tribes of the tracts under our inquiry had been left completely at the mercy of the non-aboriginal Maharajas, hill chiefs, *Bisoyees*, *Patros* etc. ..."

As per the sample survey carried out by the Planning Commission of Government of India, the incidence of indebtedness among the tribal people increased from 14.47% to 33.77% from 1975-76 to 1982-83. The study also reflects that the debt liability per household has also increased from Rs419 in '75-76 to Rs 819 in '82-83. The survey on the indebtedness of rural and urban households of India carried out by NSSO in its 48<sup>th</sup> round shows that indebtedness of rural households was marginally lower at 62.8% in 1962 over that of 1951 which decreased significantly to 41.3% in 1971 and further to 19.4% in 1981. In India this has increased to 32% and 26.9% for rural and urban households respectively in 1991 with an average amount of Rs 2116 and Rs 3976 per household respectively. The reduction in the reporting of the rural indebtedness in recent years has raised many debates. Seetha Prabhu et al examined the reasons for substantial decrease in the registration of indebtedness, which relates to the methods of accounting, rise in household income, expansion of institutional credit network in rural areas and demand of credit from outside markets. In the Orissan context the proportion of rural household reporting debt during 1971, 1981 and 1991 was 29.6, 19.2 and 28.0 % respectively. The average amount of debt in Orissa during the above period was Rs 163, Rs 346 and Rs 1158. The proportion of households reporting outstanding cash loans and current liabilities and corresponding average amount per household in Orissa reflects 23.3% with an average loan amount of Rs 1054 and the proportion of current liabilities was 8.2% with an average loan amount of Rs.104 (1991). The

decline in the debt share of institutional agencies of rural households showed that the non-institutional sources like moneylenders, traders, relatives and friends, played a dominant role in rural areas, but to a lesser extent in urban areas even in 1990.

### **Impact of Indebtedness on Women -**

The status of women in all the caste groups especially among the *dalits* is very low in rural areas. The traditional gender perceptions on the role of women are widely prevalent and gender disparity is conspicuous on the economic and social fronts.

Though the women contribute 10 to 40 % of the family income by engaging in income generation activities in the work place as well as home based activities, they are treated as sources of unpaid farm and household labour.

However, the productive role of women in indebted households is distinctly more intensive than that in households without the burden of debt. In families burdened with debt, migration followed by bondage is almost inevitable. The daily workload of women migrating to brick kilns and other places of employment is far more than that of women belonging to households not migrating. Women who migrate especially to brick kilns are subjected to horrendous schedules every day being forced to work for 16 - 20 hours a day. In indebted families, it becomes more pressing for the women to seek employment. Coupled with their work within the household, such women face an ordeal everyday. Equally distressing is the life of those women whose husbands or male heads leave them behind in the village and go out in search of a livelihood.<sup>11</sup>

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<sup>11</sup> The Politics of Poverty, Books for Change.

## PROBLEM OF BONDED LABOUR IN ORISSA

### **Goti (Bonded labour) -**

A bonded labourer in Orissa is locally known as Goti. The prevalence of this practice can be traced back to early nineteenth century. It is one of the worst exploitative forms of labour practice where a person is bonded to the master in lieu of loan taken by him or by his parents. The interest rate on the loan is basically exorbitant in nature and the person continues to serve the master for a long indefinite period. The bondage here is hereditary in nature which automatically makes the children of the debtor obligatory to the previous debts. There are also some other labour practices similar to Goti.

### **Chhidol (Contract Labour) -**

Chhidol system is more or less similar to that of debt bondage. The difference between the two is that in this system, the principal loan amount is automatically repaid in installments corresponding to the labour being provided.

### **Halia (Annual Labour) -**

In this type of labour practice, the person in bondage makes an agreement with the master to provide labour for a said period which is normally for one year. The person either takes an advance or is paid at the end of the said period depending on the agreement. After the fulfillment of the contract, the labour is freed from bondage. But in practical it has been observed that when a person enters into annual bondage, it goes on continuing year after year and never comes to an end. When ever the labourer is in dire needs during the working period, the master offers him a fresh loan which keeps accumulating on the principal amount hence increasing the duration of bondage.

### **Thika Majdoor (contract labour)**

This type of labour practice is generally used in the agricultural sector. The master in the case of Khambari is usually a local land lord who pays advance in cash or in kind to the labourer to complete any specific agricultural work which is for a specific duration. However these type of seasonal labourer are also seen working in the brick kilns mainly during the non-agricultural season.

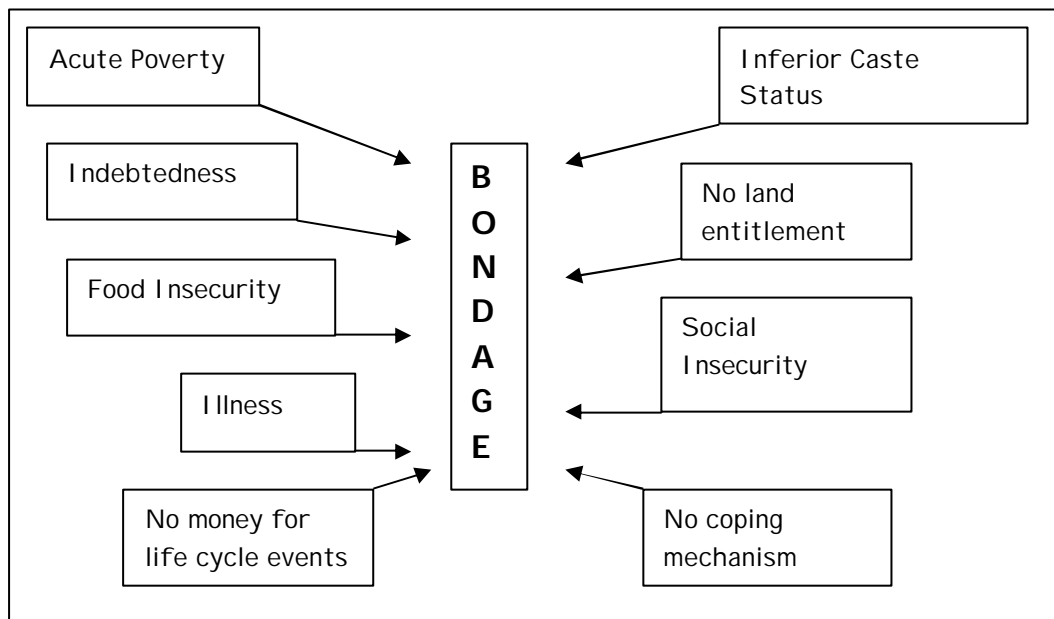
### **Khutia (Adopted labour)**

This system is similar to bonded labour practice where the person in bondage has neither taken a loan or an advance of any type. Basically a person who becomes orphan, destitute or homeless approaches a master for food and survival needs and hence is not in a position to make an agreement or a deal. The person works for his master just for food and occasionally gets cloths. The master generally arranges for the daily needs of the bonded labourer and in return gets all types of work done by him.

## Bondage in Agricultural Sector (Bargarh Experience)

Most of the cultivable agricultural land in this region is in the hands of a few high caste landlords. The Dalit and the tribal people who form the majority of the total population make up the bulk of landless agricultural workers. At present, the prevalent agricultural wages in the area is around 25-35 Rupees which is well below the minimum wages fixed by the government. An organised market of bonded labour has almost become a part of the local culture here due to extreme poverty and the problem of survival.

### Causes of bondage in Bargarh -



The local socio-economic-political system controlled by landlords, money lenders and contractors comes in the way of various developmental programmes meant to improve the situation of Dalits and Adivasis. They in the process not only suffer from starvation, health problems and lack of livelihood but also face unspoken human indignities and a total rejection.

### What is Goti System -

It has been observed that due to extreme poverty, landless Dalits and Adivasis of the region have to take petty loans to meet their consumption needs or health expenses from the village landlord. Due to this reason, a poor family gets into the vicious cycle of indebtedness. The loan amount is normally a few hundred rupees for which the debtor enters into an apparently annual work contract with the creditor. Besides the loan or advance, the Goti also gets 2-3 Kgs of paddy every day for the consumption of his family which is completely insufficient for survival. Therefore the Goti approaches his master for a further loan to meet his consumption needs and the debt goes on accumulating, pushing the poor agricultural labourer into lifelong bondage spanning the generations.

#### Case Study about bondage in the agricultural sector

Arjun Muna started working as Goti for local landlord, Sahaj Gotia of Jharband village at the age of 25 years. He had taken a loan of 300 rupees because he had to pay the

A Goti at times has to work throughout the day without any rest. His work usually begins at 3 a.m when he starts untying the cattle from their shed and collecting dung. He then goes to the farm to plough or to cut and carry soil. After working on the farm till late in the evening, he works in the threshing yard and farm house and during crop seasons he watches the crop for the whole night. For his extra work during the night, he is not paid any extra wages except for the nominal daily wages in kind.

Usually a Goti continues with the same creditor for his whole life. But a change in creditor also takes place sometimes. A Goti may change his creditor if he needs an extra loan for some of his needs which his present creditor refuses to extend. The amount received from the new creditor (which may be a little more than his previous debt amount) goes towards clearing off his previous debt and meeting his extra needs. Any rebellion is dealt with brutally. If a Goti refuses to work or to clear off his debt while changing the creditor, the landlords and the upper caste elites of the society would hold a Panchayat to sanction punishment for his misconduct. The Goti is socially boycotted by such Panchayats and he would not be employed by anybody else in the area even as a casual labourer. When a Goti dies without paying his debt, then his son or brother is forced to work in his place. In this way the bondage keeps on continuing for generations.



## **CHANGING FEATURES OF BONDAGE IN AGRICULTURE SECTOR**

One of the important observations made during the research study is that the traditional system of Goti is now practiced mainly in the interior regions of Orissa where there is less development work in agricultural, infrastructure and social sector compared to other developed regions of Orissa. But it would be a wrong assumption to say that the bonded labour system has been eradicated or is in decline especially in the agriculturally developed areas with irrigation assurance and better infrastructure. Instead, the empirical study indicates that labour bondage is widely prevalent and also on the increase in the agriculture sector with different names and different features. This section is focused on identifying the changes and the probable reasons behind such changes especially in the agriculture sector.

### **Agriculture situation of Orissa -**

The economy of Orissa is predominantly agricultural. The net state domestic product (NSDP) is highly influenced by income generated from the agricultural sector. Despite the fact that the share of agriculture in NSDP of Orissa has considerably declined, agriculture continues to be the mainstay of state's economy contributing about 22.09 % of the state's income during 2002-2003.<sup>12</sup>

The percentage of population dependent on agriculture has steadily increased from 1961 - 1991 except for 1981. The following table will explain the growing dependence of working population in agrarian structure:-

| Year | Population dependant on agri. |
|------|-------------------------------|
| 1951 | 70.33 %                       |
| 1961 | 73.83 %                       |
| 1971 | 77.44 %                       |
| 1981 | 74.65 %                       |
| 1991 | 80 %                          |
| 2001 | 65 %                          |

Source - Mahapatra and Das, 296-297.

After the introduction of capitalistic farming in Orissa, the cost of production in agriculture has gone up many fold. At present, the total expenses which includes HYV seeds, renting tractors, fertilizers, pesticides, irrigation costs etc., for cultivating paddy per acre is 3000 - 4000 rupees. This amount itself is a big burden for the small farmers and it is increasing year after year. Therefore farmers with small land holding are unable to bear the input cost and are losing control over land resources.

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<sup>12</sup> Govt. of Orissa, 2004a: 21/2

### New farmers are on increase :-

Another important change in the agricultural sector is that now we can find several new farmers who have managed to acquire land and enter into farming. The retired government employees, businessmen, contractors etc have entered the agriculture sector and either have purchased or leased in land for commercial farming. Along with them, they are bringing new farming techniques, machinery and also labour practices which were not prevalent before. This has surely affected and brought changes in traditional system of bonded labour.

Another important feature of agriculture in Orissa is that it belongs to the category of high tenancy states in India. In 1991, the percentage of area leased – in the area operated on in the case of Orissa was 9.5 which was greater than the all India average of 8.3 percent. In Orissa, in 1991-92 there were numerically 6.9 lakh tenant holdings. They constituted 16.4 % of the total operational holdings. They leased a 4.5 lakh hectares of land, which was 9.5 % of the total operational area. Average area leased in per tenant holding was only 0.65 hectares but incidence of tenancy reveals a declining trend. The proportion of operated area leased in Orissa has decreased from 13.5% in 1970 -71 to 9.5% in 1991-92.<sup>13</sup>

The major manifestation of tenancy in Orissa is sharecropping. The break up of the total leased in area into different types of tenancy reveals that in Orissa sharecropping is more pervasive than fixed produce and fixed money tenancy. In 1991-92, about 50.9 % of the leased-in area was under sharecropping. However, these figures on tenancy are considered to underestimate as tenants are often hesitant to reveal their tenurial identity in fear of eviction. In Orissa, tenancy is legally forbidden excepting under some unusual circumstances. As lease contracts are mostly oral and informal, they remain in concealed form. Recently, more micro-level studies undertaken by different researchers report that the share tenancy is quite pervasive in Orissa due to the emigration of able adult male members of farm families to urban areas for employment, increase in wage costs and difficulty in wage supervision. In the absence of alternative job opportunities in the non-farm sector, the land scarce and labour abundant households are leasing in land to earn their livelihood.<sup>14</sup>

### **Changes in traditional bonded labour system:-**

**Advances have replaced loans :-** In Orissa, the traditional system of bonded labour is called as Goti / Halia. In this labour practice, normally the landlord (Gautia) used to tender a loan according to the need of the labourer. The need of the labourer usually was to meet the expenses of marriage, birth, health problems, court cases or even for day to day consumption. Once the loan was taken, the labourer had to work for an unspecified period of time for the land lord. He only got 2-4 Kgs. of paddy per day for meeting his food requirements and a little token gift during festivals. In some cases, the bonded labourer was also given a small piece of agricultural / homestead land to support his family.

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<sup>13</sup> Orissa Development Report, p 127.

<sup>14</sup> Ibid, 128.

But in normal practice, this loan was not deducted from his daily labour and it went on accumulating as the time passed. In this way, the family of the labourer had to work generation after generation but were not able to repay the loan. In many cases, it has also been observed that the labourer had to take a bigger loan from another landlord and repay the debt in order to shift from one employer to another. But this was merely the exchange of the labourer from one landlord to another landlord.

At present the majority of the farmers have stopped giving loans or deny giving loans. Instead now they give a small advance of 3 months to 1 year depending on the nature of the work the labourer has to do. The advance itself is deducted from the daily wages of the worker and it is upto 50% less than the prevalent daily wages (25 - 35 rupees). When the advance amount is fully extinguished, the labourer is free to seek employment elsewhere. But there are several cases which suggest that the advance is again extended for an additional period of time by renewal of contract and it carries on for a longer time.

Benefits of short advances -

- Advances given to the labourer for a shorter term provide a good loophole for the employer from BLSA Act 1976. In the present circumstances, the employer generally engages a labourer for a shorter period depending on the requirement of that particular period. In this way, the labourer can serve several masters within a calendar year. He may be engaged by one farmer for the work of land leveling for one month, then he may shift to another farmer for ploughing purpose. Then he will go for weeding work to the third farmer and to harvest the yield to the fourth farmer. In this way, he comes in and out of bondage several times within a short duration. Though the element of bondage is not as severe as it was before, the present day bondage is similar to a jail, where the inmates are free to move in and out of their cells but are not free enough to go out of the jail.
- The practice of short advances reduces the expenditure and other resources of farmers. Many farmers feel that they had to spend a lot on keeping a Goti whereas now they have to spend less on keeping a Chhidol or Thika majdoor.
- In the present capitalist form of farming, the labour requirements of the farmers also have changed drastically. Now the farmers need timely and extensive labour inputs instead of employing labour for a longer period. After the introduction of farm machinery like tractors and harvesters, the labour inputs also have gone very low and farmers only need labourers for a few specific agricultural operations. Therefore employment of labourers on short advances are more convenient for them.

**Bondage is for very short duration** - Unlike the traditional system of bonded labour prevalent in Orissa, now bonded labourers are kept for a very short duration of 3 months to 1 year depending on the requirement of the farmer. Earlier, once the labourer got into indebtedness to the landlord, he was caught in the vicious circle of poverty and bondage, and in many instances, the bondage was transferred from one generation to another.

But now, bondage is only for a short duration depending on the convenience of the employer. As the local labour market has become very mobile due to the access of labour power, it has now become very easy to access the labour market based on specific needs. Earlier there were less labourers around and farmers preferred bonded labourers to secure their services for timely agricultural operations. But now the situation has changed drastically and getting labourers have become relatively easier than before. Therefore it is more convenient for the farmers to keep bonded labourers for a short duration.

**The profile of employers has changed but the profile of the labourer remains unchanged** :- One important thing noted during the research study is that the profile of the employers which includes caste, class, economic and social background etc has changed a lot over the years. But there has been relatively little change in the profile of the labourers. Most of the labourers are from the families of ex-bonded labourers or are from the same socio-economic background.

It has been widely noticed that a lot of economic reconstruction has taken place in the village community in the past two decades. Now the teachers, doctors, engineers, policemen, revenue officers etc have bought large portion of land irrespective of their caste or religion and are counted among the big farmers of the village. Though a majority of landlords have succeeded in consolidating their position by taking up capitalistic agriculture, we will still find a lot of neo-rich persons in the village community who employ a large portion of the labour force in the rural community.

Along with this, a number of farmers have migrated from Andhra, Tamil Nadu, Punjab and Haryana especially in areas where irrigation and infrastructure has developed considerably. They have either leased in or purchased huge portions of agricultural land and initiated capitalistic farming. These neo-rich and technology-driven farmers have also brought new forms of labour practices with them which are followed when they employ local labourer. Thus the overall profile of employers has changed drastically over a few decades but at the same time, we observed that the profile of the labourers is unchanged to a large extent. They belong to the same caste and economic background and in most of the cases their older generation had served the farmers as bonded labourers.

**Transfer of labourer is common** :- In the traditional system of Goti, transfer of bonded labourer from one landlord to another was not usually practiced as there were very few employers in every village. But now, transfer of bonded labourer from one employer to another by paying the advance or loan money taken by the labourer is very common. Because of this practice, it has now become very difficult to identify and prove the bondage of the labourer even though he is living in conditions of acute bondage.

**Payment in kind is declining** :- In the traditional bonded labour system, payment to the labourer were generally made in kind. Apart from taking a few bags of paddy in advance or a loan, the labourers were given 2-4 Kgs. of paddy per day for their daily needs. But after the advent of capitalist agriculture and welfare schemes such as 2 Rupees Kg rice available to the poor through PDS, now payment in kind is normally not made or accepted. Now most of

the labour transactions are made in cash so the labourers also feel that their wage rate has improved. But in reality the wage rate has improved only marginally and the only difference now is that payments are mostly made in cash.

**Family bondage is declining :-** One of the important changes visible at the village level is that family bondage is on a decline and is hardly practiced now. Earlier, the common practice was that not only the person who had taken a loan or advance from the landlord was kept as bonded labourer but his whole family including wife, daughter and son also worked at the same time for the employer. The family members were not allowed to go and seek employment elsewhere. The condition of the women especially in such cases was very bad and their wages were not calculated or paid by the employer. If in case the labourer was absent from work due to some reasons, he had to arrange for a replacement during the period of his absence. Though the responsibility for arranging for a replacement still exists the feature of family bondage is gradually declining from the bonded labour practice.

**Dependency on agriculture has reduced :-**

Another important change visible in the agricultural sector is that now the dependency of farmers as well as labourers on agriculture has reduced considerably. Now most of the big farmers have started business ventures such as a grocery shop, a small rice mill, a vegetable business etc and most of their children are into government jobs. This has reduced their dependency on farming.

On the other hand, the dependency of labourers on agricultural activities also has decreased considerably. Now during the off-season, they either migrate to brick kiln to do labour work or they get employment into government development activities such as road building, pond deepening, relief work etc.

**Changes in push - pull factors of bondage :-**

The factors determining force for and against bondage are explained from the following table -

| <b>Push factors</b>          | <b>Pull factors</b>                             |
|------------------------------|---|
| No land resources            | Food security schemes                           |
| Drought                      | Social security schemes                         |
| Collapse of coping mechanism | Labour welfare legislations                     |
| Social boycott               | Social & political mobilization                 |
| Emergency health problems    | Ownership rights over forest and land resources |
| Sanskritisation              | Education                                       |
| Mass unemployment            | Poverty reduction programs                      |
| Acute poverty conditions     | Alternative livelihood resources.               |

**The names of traditional bonded labour system has changed :-**

One interesting change observed in the study is that though bonded labour system is still prevalent in one form or the other, they are hardly recognized by their traditional name. After the Supreme court accepted Goti as a bonded labour practice, the employers as well as the labourers refuse to recognize themselves as Goti. Instead, now there are few new practices as well as names prevalent which were not in practice a few decades back. We can say that there has been several changes in the practice of bonded labour as well as their names. Some of the new labour practices equal to bonded labour are mentioned as follows :-

#### **Chhidol (Contract Labour) -**

Chhidol system is more or less similar to that of debt bondage. The difference between the two is that in this system, the principal loan amount is automatically repaid in installments corresponding to the labour being provided.

#### **Halia (bonded Labour) -**

In this type of labour practice, the person in bondage makes an agreement with the master to provide labour for a said period which is normally for one year. The person either takes an advance or is paid at the end of the said period depending on the agreement. After the fulfillment of the contract, the labour is freed from bondage. But in practical it has been observed that when a person enters into annual bondage, it goes on continuing year after year and never comes to an end. When ever the labourer is in dire needs during the working period, the master offers him fresh loan which keeps accumulating on the principal amount hence increasing the duration of bondage.

#### **Thika Majdoor (contract labour)**

This type of labour practice is generally used in the agricultural sector. The master in the case of *thika majdoor* is usually a local land lord who pays advance in cash or in kind to the labourer to complete any specific agricultural work which is for a specific duration. However these type of seasonal labourer are also seen working in the brick kilns during the non-agricultural season.

#### **Khutia (Adopted labour)**

This system is similar to bonded labour practice where the person in bondage has neither taken a loan or an advance of any type. Basically a person who becomes orphan, destitute or homeless approaches a master for food and survival needs and hence is not in a position to make a agreement or a deal. The person works for his master just for food and occasionally gets clothes. The master generally arranges for the daily needs of the bonded labourer and in return gets all types of work done by him.

#### **Barsukiya / Charsukiya (seasonal labour)**

They are basically employed for a small period of time or for a specific agricultural operation like ploughing, harvesting etc. The wages are mostly paid in advance and the labourer is free to move out once the agricultural operation for which he was employed has finished.

### **Bhutiya (casual labourer)**

The casual labourer in Orissa is called *Bhutiya*. He is generally from *Dalit* / tribal community employed by the farmers of the village at daily wage basis. His wages vary from 20-40 rupees depending on the nature of the work for which he has been employed.

### **Reasons behind change in Bonded Labour System**

#### **a. Changes in Agrarian Structure & village community :-**

**Introduction of Capitalistic Agriculture-** Orissa has witnessed remarkable changes in the agrarian structure in the past few decades. The most important among them is shift from subsistence based agriculture to capitalistic agriculture. With considerable encouragement from the state government as well as the agriculture based companies, the use of modern techniques like HYV seeds, farming machinery, fertilizers, pesticides etc, are widely used by the farmers. Especially the big and medium farmers now cater to the market needs by supplying the produce to the nearby rice mills. The character of agriculture itself has changed from subsistence to profit generating sector. Agriculture is no more a part of livelihood system but has become a business where farmers are mostly investors. As the modern agriculture needs huge investments as inputs, it is fast becoming an unviable economic activity for small and medium farmers. At present cultivation of paddy requires an investment of 3 to 4 thousand rupees per acre which makes farming almost impossible for farmers who do not have more than 12 acres of land. In the capitalistic form of farming, big farmers are able to consolidate their position and the rest are caught in the vicious circle of poverty. Another crucial impact of the capitalistic form of farming is that it needs extensive labour inputs but only for a small period. Therefore, now the farmers prefer to employ 5 contractor labourers for one month instead of employing one bonded labourer for a whole year. The agriculture calendar has changed considerably due to capitalistic farming. Though the amount of work has increased for the labourers but it has not increased his wages.

**Polarisation of land and resource holding-** Another important change witnessed in the farming sector is that there is a wide scale polarisation of land and resource holdings especially in the past few decades. The big farmers are able to consolidate their position by acquiring more land from the small and medium farmers whereas there is a considerable increase in the number of marginal farmers as well as the landless. This is happening basically because after the advent of capitalistic agriculture, farming is becoming an unviable economic activity especially for small and medium farmers whereas the rich farmers are able to draw maximum benefits from the capitalistic form of agriculture.

#### **Agriculture economically unviable for small and medium farmers :-**

After the introduction of capitalistic farming in Orissa, the cost of production in agriculture has gone up many fold. At present, the total expenses which includes HYV seeds, renting

tractors, fertilizers, pesticides, irrigation costs etc for cultivating paddy per acre is 3000 – 4000 rupees. This amount itself is a big burden for the small farmers and it is increasing year after year. Therefore farmers with small land holding are unable to bear the input cost and are losing control over land resources.

#### **New farmers are on increase: -**

Another important change in the agricultural sector is that now we can find several new farmers who have managed to acquire land and are into farming. The retired government employees, businessmen, contractors etc have entered the agriculture sector and either have purchased or leased in land for commercial farming. Along with them, they are bringing new farming techniques, machinery and also labour practices which were not prevalent before. This has surely affected and brought changes in traditional system of bonded labour.

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#### **Shift from social activity to economic activity :-**

It has been observed that the character of agriculture has changed from being a social activity of the rural society to a complex economic activity. The big farmers now view agriculture as an investment to make more and more profit. Agriculture is no more a part of social relations in rural Orissa which used to provide subsistence for the whole village community.

#### **Agriculture has become extensive but for a short duration :-**

One of the important visible changes in the agriculture sector is that now it has become very extensive but the time duration for agricultural operations has reduced considerably. Earlier, agriculture operations were carried throughout the calendar year and even in the lean season, labourers were engaged in soil work like land leveling, farm bunding etc. But at present, the focus of the farmers is on timely and extensive inputs. They would now prefer five contract labourers over one bonded labourer to finish a work which has in a way decreased the number of mandays generated in agricultural operations. Also the introduction of farm equipments like tractors and harvestors have reduced the employment of manual labour to a great extent.

#### **Employment avenues have increased :-**

It has been observed at the field level that employment avenues for labourers have increased at the rural level. Earlier there was very limited choice as well as employers for



the labourers so they were forced to work for one employer for several years. But now the employment scenario has changed. Apart from the agricultural activity, the labourers now migrate to brick kilns within the state (Gunjam, Cuttack etc), to the highly irrigated areas around Hirakund dam, and to other states as well to do wage & contract labour. The calendar year for the labourers are full of activities but their wages are still the minimum.

## **SEASONAL BONDAGE OF KENDU LEAF WORKERS IN ORISSA**

Kendu leaf is called the "Green Gold" because it brings maximum revenue for the state of Orissa. It is used as a raw material to prepare beedi. These leaves are commonly found in the western part of Orissa which provides 16 to 17% of the total Kendu leaves produced in India. This trade was nationalised in 1973, when the forest department was entrusted with the responsibility of collecting, processing, packing and storing of Kendu leaves and the Orissa Forest Development Corporation (OFDC) was assigned the responsibility of marketing the processed leaves. The total process operates within the general guidelines of Orissa Kendu Leaves (Control of trade) Act, 1961.

### **Production and Revenue of Kendu leafs from 1980 - 81 onwards in Orissa**

| Year      | Revenue from Kendu Leafs<br>(in crore rupees) | Quantity Production<br>(in lakh quintals) |
|-----------|---|---|
| 1980-81   | 8.88  | 3.08                                      |
| 1981-82   | 9.00  | 3.02                                      |
| 1982-83   | 14.00   | 2.95                                      |
| 1983-84   | 18.50   | 3.42                                      |
| 1984-85   | 17.00   | 3.94                                      |
| 1985-86   | 13.00   | 3.79                                      |
| 1986-87   | 15.69   | 3.84                                      |
| 1987-88   | 27.48   | 4.28                                      |
| 1988-89   | 23.64   | 3.9                                       |
| 1989-90   | 82.44   | 4.55                                      |
| 1990-91   | 76.85   | 3.97                                      |
| 1991-92   | 51.57   | 4.97                                      |
| 1992-93   | 78.26   | 5.09                                      |
| 1993-94   | 75.35   | 4.98                                      |
| 1994-95   | 84.16   | 4.91                                      |
| 1995-96   | 43.58   | 3.86                                      |
| 1996-97   | 24.10   | 5.11                                      |
| 1997-98   | 40.60   | 4.96                                      |
| 1998-99   | 63.50   | 3.9                                       |
| 1999-2000 | 74.50   | 4.69                                      |
| 2000-01   | 55.00   | 5.04                                      |
| 2001-02   | 69.00   | 3.97                                      |

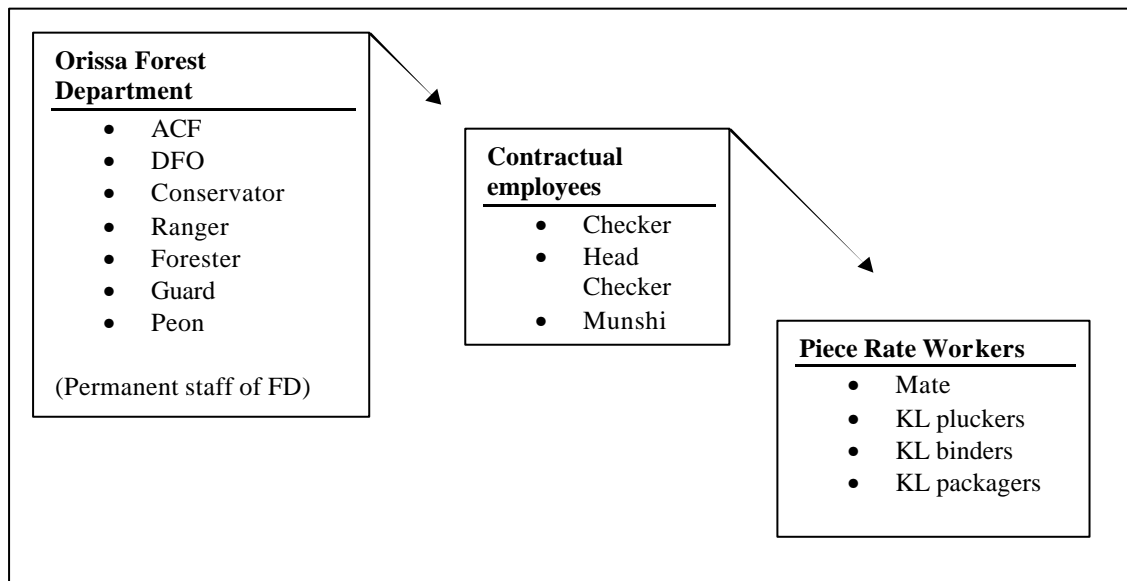
*Source - Office of PCCF, Government of Orissa.*

The work force of Kendu leaf sector is most unorganised because of seasonal employment, which starts in January every year. In this month bush cutting takes place which is basically done by engaging local labour force consisting of both men and women from local area. The work is supervised by the Munshi and the workers are engaged here on a daily wage basis. But the problem here is that though the work of bush cutting is done on daily wage basis, but

still the payment is made for only half a day (25-30 rupees). The workers have to wait up to 30-45 days to receive their payment for bush cutting.

This activity is followed by plucking of leaves which is normally done 45 days after the bush cutting exercise. Mostly poor and marginal families belonging to ST and SC communities get involved in plucking of leafs which continues for one month. Simultaneously, the leafs are tied in a bundle of 20 leafs (Keri) which involves the labour of all family members. It has been observed that child labour is widely employed by the poor families in both plucking and preparation of 'Keri'. The green leaves plucked and bundled are delivered at 'phadis' (collection centres) where they are checked. The leaves suitable for beedi rolling are kept in 'keris' (each keri has 20 green leaves depending on quality). The rate fixed for one Keri containing good quality of leafs is 21 paise per bundle. But the keris rejected by the checker do not fetch any money for the labourer. In this way, poverty stricken scheduled castes and scheduled tribe families manage to earn 1500 - 2000 rupees from kendu leaf plucking which has become a important source of livelihood especially in the lean season. Though all the family members are involved in leaf plucking and bundle making, the payment card is made only in one name from the family because of which the women have to suffer a lot. The payment for their labour is also delayed up to 3-4 months.

**Persons involved in the whole process of Kendu Leaf collection :-**



### **Kendu Leaf (KL) in Orissa at a Glance -**

- 18 lakh poorest people - mostly women get 10 % to 40 % of their annual income from KL.
- As compared to A.P and M.P, Orissa leaves are of a better quality, yet pluckers get lower wages.
- Orissa Government gets Rs. 69.0 crores (2001 - 02) as royalty - for every rupee paid to the plucker, state appropriates royalty ranging from Rs. 2.50 in 1993-94, Rs. 3.00 in 1999-00 to Rupees 9.00 in 1989-90.
- Orissa produces 13 % of the total KL production next to M.P (60 %) - Maharashtra (11 %) and A.P (10 %).
- Bush cutting activity provides around 15.1 lakh mandays of employment with an investment of Rs. Five crores only. (1999-00).
- KL revenue has been almost more than double (214 %) in 1999-00 over 1973 at current prices.
- More than two lakh people secure engagement in KL processing, binding and bagging and earn Rs. 42 crores during lean season.
- Against KL production potential of seven lakh quintals in the state, only 4 lakh quintals are produced during 1998-99 due to the shrinkage of markets (both inside the state and outside of it and also ban on smoking)
- Often payments are delayed by 3 to 4 months forcing the pluckers to mortgage their cards.
- Around 18 thousand binders have been brought under WFP at present and have been distributed with five thousand metric tonnes of rice and dal.
- Un-remunerative piece meal basis wages to labourers engaged in drying, storing and also in binding process.

*Source - Orissa Development Report, Planning Commission.*

After this, comes the process of drying and binding which is done by other set of labourers starting at the end of may or beginning of June. The forest department has appointed mates (labour contractors) from among the labourers in every village. Before the process of drying and binding could begin, the mate signs a bond with the forest ranger where he takes upon the responsibility of arranging for appropriate number of labour families for each Phadi. After signing the bond, he receives a cash advance of around 10,000 rupees on behalf of the labourers from the ranger. In lieu of the advance the mate takes the responsibility of arranging skilled labourers to work at the Phadis. He then returns back and distributes the advance money among 15 - 20 labourers according to their needs. This advance ranges from 500-1000 rupees depending on the size of the labour household and their capacity. According to a forest official, they are forced to distribute advance before binding because the nature of work is such that if the labourers leave the work in between, then the department will have to suffer huge losses. Payment of advance ties the labourer and his family for the

whole season and the whole operation is completed before time. In case the labourer runs away after taking the advance, it is deducted from the wages of the mate who also supervises the whole operation and gets wages on piece rate basis. Therefore the mate selects only those persons whom he knows well and are from his own community so that in case the labourer runs away after taking advance, then he will be able to pressurize his family through social and economic boycotts.

Once the advance is distributed by the mate, the group of labourers migrate with their families to the Phadis where the keris are stored. They start with the process of drying of leaves for 10-15 days. After this, the leaves suitable for beedi rolling are selected and bided in a pack of 5 Kgs. which is called as 'Beeda'. Their initial work includes timely watering of kendu bundles, turning the bundles time to time and letting it dry to a certain extent, and then selection and grading of leafs. The labourers work in Khuntis (! Khunti is 1 man + 1 woman). The children of labourers are also actively involved in watering and drying of leafs. For each of the leaf bundle dried and bided, the family of labourer gets Rs. 11 and one family of labourer can prepare upto 4-6 bundles per day. The mate gets 11 rupees as commission on every 12 bundle of KL prepared by the labourers. There is no limit on working hours as the payment is made on piece rate basis. Workers try to work from morning to evening to earn as much as possible. It has been found out that the earnings of the binding workers is less than the minimum wage fixed by the state government but as they are solely dependant on the forest produce, they don't have any alternative choice.

The forest department provides wood and plastic sheets which are used to prepare shanties by the labourers during their stay in the Phadis. This plastic sheets have to be returned once the work of binding is over. Along with this, there was provision for providing cheap rice and oil for the binders but it has been stopped for the past 4 years as there was a lot of corruption in the scheme and now the labourers are not getting the facility. The process of binding starts from June and goes on till November - December. After paying the advance, the binders are given Kharchi every week which is around 100 rupees for consumption expenses. In between they are not paid any type of wages and the whole balance of payment is only done in January-February after deducting the advance and *kharchi* paid to every labour family.

In case any labourer runs away after taking the advance or discontinues the work, the amount is deducted from the wages of the mate. Therefore the mate who is usually from the same community of the labourer can apply all means to force the labourer to return back. The defaulter's family is socially and economically boycotted or his agricultural land is seized. The matter is reported to the police who harass the labourer who has discontinued from the binding work. In this way, the whole government machinery is used to force the labourer to finish the work for which he has taken the advance.

### **Case Study of a mate involved in binding work**

Ramlal Tandi (SC) works as a mate in Jharbandh block of Bargarh district. According to him, there are 12 ranges in the district and 10 mates working in every range. For every godown in the village, there is one munshi appointed by the forest department. He is kept on daily wages basis for 3 months in the Kendu leaf season. His work is to supervise the whole process of leaf collection, plucking and binding. Under him are appointed labour contractor who are also called as “mates”. His work is to arrange for appropriate number of labourers based on need of the Phadis. In the month of May, after the KL has been collected in the Phadis, the forester / ranger distributes money to them which ranges from 10000 – 15000 rupees. They then distribute this amount as advance to each labourer family. The work of binding is a specialized job which everybody cannot do. It is generally done by SC and ST communities who have been doing this job traditionally for years. After taking advance, the labourers and the mates shift to the phadis where they built small huts with plastic normally provided by the forest department. The women selects the leaves and men bind it in a bundle of 5 kg. In this way a family can bind upto 4-6 bundles in a day’s work. The payment is calculated on piece rate basis. Every bundle of 5 kg KL fetches 11 rupees for the labourer family whereas the mate gets a commission of 11 rupees on every bag of 12 bundles. Each family of the labourer gets a kharchi of 120 rupees which is to be deducted along with the advance from their wages at the end of the season. Earlier the labourers were also provided with rice , oil etc on cheap rate but it has stopped now for past 4 years. There is no welfare provided by the government and the children of the labourers have to leave their schooling to work with their parents in Phadis.

It has been observed that the KL workers especially binders have to work in extremely exploitative conditions and they cannot move elsewhere as they have to oblige because of the advance taken by them. They have to stay in small temporary huts made of leaves and even their children have to contribute with their labour for supplementing the income of the family. The payment to the workers is also systematically delayed by the forest officials for 3-6 months as a result of which poor families find it appropriate to take the advance money offered to them before the process of binding and then they are obliged to turn up along with the families to the godowns for the binding work.

The work of Kendu leaf collection, drying, processing and packing is carried out in almost all the districts of western and southern Orissa which has more than 6000 Phadis (collection Centre) are operating in which more than 4 lakh workers are employed for 3-6 months depending on the demand of KL in relevant industry. The whole responsibility of collection, process and marketing of KL is in the hands of state owned Orissa Forest development Corporation Ltd. (OFDC).

As the KL workers belong to unorganised sector, no welfare facilities have been implemented by any particular agency since long. Though the labour department of India has announced few welfare packages for binders to provide health and educational facilities to cover their families, till date it only remains on paper. The state government also has made provisions to provide rice, pulse, oil etc. for 25 working days for binding workers and the program is covered under World Food Programme sponsored by UNO, but it is only been implemented in

few centers and the workers are left on the mercy of the forest officials to get benefit from such schemes.

Recently, NHRC has taken a serious note of the prevailing bondage of KL workers in Orissa and has commissioned a study into their situation but the findings of the study report has still not been made available.

### **Case Study of seasonal bondage in KL binding**

Angad Mungri of village Dongripalli of Bargarh district has only ½ acres of agricultural land which is not sufficient to support his family of 6 members through out. In the lean season, his family is engaged in plucking of Kendu leaves and in the beginning of June, the whole family shifts to the Kendu leaves godown located near their village for processing and binding work of KL. They are provided with a small space near the godown for preparing small shanties of wood and leaves as they have to stay in the godown during the whole process. They have to work for 14 - 18 hours a day which starts with drying of leaves, and then selecting and stacking them in bundles before it is pressed and binded which then is made into bundles or Bidas. The women and children of the family are also involved in this family as the payment is calculated on piece basis (7-8 Rs. Per bundle) and a family of 3 can earn upto 50 rupees per day. The payment for binding is often delayed by the forest government by 3-6 months therefore very few labourers opt for this work. Therefore the normal practice is that the forester or the head checker distributes an advance of 500-1000 Rs. Per family to tie the labourer before the process of binding could start. Angad has taken a advance of 2000 Rs. On behalf of 3 families which is used for consumption purposes. Angad also has taken some wood from the forest with approval from the forest guard for repairing his house which is other wise very difficult to get. He feels that though the working conditions at the godown is very difficult and they cannot leave the work if given an alternative because they have already taken an advance for the purpose. The payment is very less or often delayed, but still it is better than migrating to the brick kilns like other landless labourers of his village.

## BARBERS IN BONDAGE

In Orissa, Barbers belong to servicing caste listed as Other Backward Community (OBC) also known as the Sewaks (Servants). The basic difference between the Barber community with that of other serving community is that they are touchable whereas other communities such as Washerman, Blacksmith etc are listed as Scheduled Castes and are untouchables. Especially in rural Orissa, the age old caste hierarchy still exists in which various castes like Brahmins (priest), Kshatriya (warrior), Karana (writer), Khandayat (fighter) are the higher castes, whereas Chasha (farmer), Gauda (milkman), Gudia (sweetmaker), Bania (goldsmith), Bhadhei (carpenter), Kamara (blacksmith) and Barika (barber) etc. as lower castes or intermediary castes between higher castes and scheduled castes. A barber renders service only to the higher castes and lower castes but not to the scheduled castes.

Traditionally, the Brahmins remain in a particular village generally established by the Kings and landlords where no other lower castes are allowed to stay except the barbers. They are provided with house in the land owned by the Brahmin community. They are also provided with some cultivable land owned by Brahmin community known as "Heta" where they cultivate and render service not only to the individual Brahmin families but also to the whole community through out their life. Similarly landlords belonging to Kshatriya, khandayat and Karana higher castes have housed the barbers, provided them land as "Heta" and get their service through out their life. When such barbers die, their lineal descendants render service to their masters in the similar way.

### **Case Study about bondage of barbers in Orissa**

Ichhapur is a small village under Satyabadi police station of Puri district where the upper caste villagers have distributed four families of barbers among themselves for receiving traditional service from them. As per the tradition, barbers are to lift leftovers and clean the place whenever any upper caste family gives any feast to the villagers and to the guests. On one occasion, on the 11<sup>th</sup> day funeral ceremony, a member of an upper caste family compelled a 75 year old barber Siddhi Raut for lifting of leftovers as per the tradition. When he denied doing the same, the village meeting was held in which all the barbers were asked whether they would render their traditional services or not. The barbers told the villagers that they would not render any service except hair cutting. So the upper caste villagers socially and economically boycotted those barber families on 29.10.2004. They restrained them from walking on the road, from purchasing from the village shop, going to temple etc. On 1.11.04, all the barbers jointly filed a petition to the sub-collector, Puri and met him personally. They mentioned in their petition how the upper caste villagers were extracting forced labour from them. They also mentioned in their petition that they were paid an advance of 10 Kgs of paddy once a year for each married male member of the family whereas they had to serve all the members of the family without any wage. They requested the sub-collector to release them from bondage but no action has been taken till now.



According to the local custom which is still prevalent in the rural areas, the barbers are customarily paid an annual advance called "bartan" during festival of Dolapurnami by the caste Hindus to whom they serve, without further payment of any wage through out the year. "Bartan" is a payment in paddy, which is calculated according to the number of married males in a caste Hindu family. For each married male, a family pays to the barber 4-6 "Gauni" (10 to 15 Kgs of paddy per year) as Bartan which differs from village to village. In lieu of this advance taken by the barber, he has to cut the hair of persons from the upper caste community once in every month and shaves their beard off at least four times a month. Apart from this, after death in higher caste families, the funeral rites take place for 12 days. On the 10<sup>th</sup> day, members of the family and their kith and kin including men, women and children as well as those who cremated the dead body have to shave their head as purification rites which is done by the Barber. But he alone cannot manage the whole work of shaving so it is his responsibility to gather other barbers from the neighboring villages to help them in shaving and nail cutting of persons gathered for purification purposes. But neither the host nor any person purified by shaving pays any wage to the barbers for their service except giving a meal to them that day. But still the barber is forced to render services to their masters because it is a customary obligation.

#### **Case Study about torture of barber to force customary service**

In the year 1986, the villagers of Sonabenekudi under Brahmagiri police station of Puri District mostly farmers and self-identified as Khandayats compelled the barber of that village, late Bhramar Barik to clean the big brass utensil used for community cooking as per the traditions. But he did not agree with them and the entire villagers separated him from the village community. Therefore, he stayed in Naharpada bazar almost 5km from the village.

On 19-2-86 while he along with another person was going to another village, some Khandayat persons of the village Sonabenekudi armed with bamboo sticks restrained him from near a culvert, gave him slaps and fists blows and putting a napkin around his neck dragged him towards their village. Thereafter, they directed him to take the position like a horse and tied bells used for oxen on his waist and neck. Two of them sat on him and rode him on the village road saying, *Chal Ghoda Chal* .

When someone informed the matter to the police, the officials rescued him and sent him for medical examination. The police logged a case against the accused persons. The case was adjudicated and 18 accused persons were convicted in the 1<sup>st</sup> trial Court U/s148/341/323,506/149 IPC. By that time Bhramar Barik was so mentally shocked that he was not alive to listen the judgement. Thereafter the convicts compromised with his young son and applied in the court of the sessions judge, Puri and finally were acquitted.

Along with this, during marriage and other ceremonies celebrated by upper caste people, the barbers are required to give invitation on their behalf in which they have to carry load of grains on his shoulder to all the neighboring villages. During marriage ceremonies, the barber has to wash the feet of all guests who come in the house of upper caste family. The barber also carries on wherever necessary for the feast and if he is unable to manage things on his own, he has to arrange for other barbers from the neighboring locality to help him in rendering service to his master. The host does not pay any remuneration to the barbers except giving a meal on that day. Apart from this, during ceremonies and feasts organised by the higher caste peoples, he is also required to lift the leaves with leftovers once the guests have finished eating.

Recently, when some members of the barber community refused to render such services on the account that they fall well below the dignity of the individual, then they were socially and economically boycotted, assaulted and harassed. Even though large number of instances of assault, harassment etc are reported to the police, no effective action is taken against the proprietors. On the other hand, in police stations, under the guidance of police officers, a number of agreement between "Sewak" barbers and "Saanta" upper caste villagers have been made in which it is stated that the upper caste people can compel the barbers for foot washing for their own castes but not for the lower castes. In such agreements, it is clearly mentioned that the relation between upper castes and barbers is the relation between father and son and barbers are to render their service of foot washing for the dignity of the upper caste "Saanta". Giving advance in kind in the name of "Bartan" and engaging barbers through out the year without any payment made in a number of agreements has been approved and accepted in police stations.

#### **Sequence of Incidences on the issue -**

1. On 17.5.05, 75 year old Chandramani Barik was tied with a thick rope to a pillar by the upper caste Khandayats in the village meeting because he refused either to render customary service or give a fine of one lakh Rupees which Khandayats had demanded for not fulfilling the social obligation of barbers.
2. No action was taken by police in complaints given by victims namely Pratima Barik on 31.5.05 after which three more complaints were lodged by Chandramani Barik and Krishna Chandra Barik on various oppressions such as assault, restraint, intimidation etc. that including social and economical boycott.
3. On 21.5.05, Hadibandhu Barik petitioned to the collector, Puri in the grievance cell to provide protection to him so that he can return back to village and stay safely without being asked to work as a bonded labourer rendering hereditary services.
4. On 15.6.05, after a long discussion with the ADG of police, Cuttack with regard to the victims of Bhubanpati, it was assured to send a police circular for application of Sec. 374 of IPC & Sec. 108 of Cr. P.C wherever necessary.
5. On 8.7.05, a misc. case no. 12/05 proceeding U/S 107 Cr.p.c was registered against the victims alleging that they were rousing caste feelings and village dispute. The victims in turn responded to the Executive magistrate, Brahmagiri that such a proceeding would

only encourage those who impose the caste practice to further their oppression for extracting bonded labour.

6. On 5.8.05, one of the victim Hadibandhu Barik petitioned to the Collector, Puri, to take steps so that he can enter into his village and live in peace. But no step was taken for which he is staying outside the village.
7. In spite of petitions submitted to SDM, Puri, on 26.7.05 and 1.8.05 praying to provide security and ensuring good behavior from persons disseminating seditious matters, the SDM Puri started criminal Misc. case no 341/05 U/S 108 Cr.P.C against the victims and their defenders on 23.8.05 without mentioning the allegations only to delay proceedings for a similar case filed by the victims.
8. On 19.9.05, the oppressors of village Bhubanpati looted all the belongings and assaulted the members of the barber community in which several women of the barber community were dragged by their hair through the streets of the village ostensibly for their refusal to perpetuate the discriminatory practice. It is to be noted here that 82 families of barbers in 17 villages of Puri are being socially and economically boycotted by the upper castes after the former's refusal to continue the age old practice of washing feet and other inhuman and degrading traditions.
9. On 27.7.05, the Collector of Puri was requested in a petition for protection of victims from further torture. But no action was taken by the officials and further loot of property and physical assault of the victims has taken place.
10. On 5.8.05, four members of Puri district bonded labour vigilance committee jointly wrote a letter to Collector, Puri on the sorrowful condition of the victims of Bhubanpati and requested him to release those victims from bonded labour system. They also requested the collector to call an immediate meeting of a vigilance committee to discuss the issue which has not been called for last two years.
11. On 5.11.05, the collector of Puri district resolved in a meeting to release the servitor barbers from the bonded labour system. But in reality, he has openly abetted the commission of bonded labour in newspapers as a result of which the servitor barbers instead of being released from the system are been victimized in several villages of Puri district.

#### **Case Study about social boycott to force social obligation of barbers**

Gangadhar Barik is a barber by caste living in the village Chamarakera under Puri Sadar police station. His father was cutting hair of the villagers in lieu of Bartan. When his father died in the year 1996, the upper caste villagers compelled him to render the service of hair cutting. When he refused on the ground that he didn't know hair cutting, the villagers excommunicated him from the village. When other four barber families supported him, they were also put under social boycott. When an old barber died on 2.6.04, the upper caste villagers threatened them not to allow funeral rites of the dead body in the village unless they cut hair of the villagers in lieu of Bartan. Gangadhar Barik complained to the OIC, Puri Sadar P.S about the matter about how they are forced to work as a bonded labour. The petition is still pending with the government authorities.

## INTERVENTIONS

In order to have a better understanding of all interventions for eradicating system of bonded labour in Orrisa, the chapter is divided into two parts. The first part deals with Government interventions which include the efforts made by the district administration and the vigilance committee. The second part deals with interventions of different NGO's in addressing the problem.

### **a) Government Interventions: -**

As mentioned earlier in the report, after formulation of BLSA Act in 1976, 30 years have passed till now. According to the official figures of the Ministry of Labour, a total number of 50,010 bonded labourers have been identified and released till 31<sup>st</sup> March, 2004. It would be relevant to mention here that after Karnataka, Orrisa has the largest number of bonded labourers identified and released. Alike other states of Karnataka and Uttar Pradesh, most of these bonded labourers were released with the efforts of district administration as the most of the NGO interventions are very recent and limited in specific areas. The following table would give a better Idea about the situation of bonded labourers in the state:-

| <b>S.no</b> | <b>particulars</b>  |          |
|-------------|---|----------|
| 1.          | Number of bonded labourers estimated by Gandhi Peace Foundation in 1979       | 3,50,000 |
| 2.          | Number of bonded labourers estimated by NSSO in 1979                          | 5400     |
| 3.          | Identification of bonded labourers as on 30 <sup>th</sup> June 1981 in Orrisa | 1123     |
| 4.          | Identification of bonded labourers as on 31 <sup>st</sup> March 1993          | 49,971   |
| 5.          | Number of bonded labourers identified between 1993 till 2001                  | Nil      |
| 6.          | Number of bonded labourers identified since 2001 - 2005                       | 39       |

Source - Annual Reports, Ministry of Labour, GOI .

From the above illustration, we come to know that in the first six years of implementation of BLSA Act, only a few bonded labourers were identified and released in the state whereas the major intervention on the issue came in the next 12 years (1981-1993) in which almost 50,000 bonded labourers were released. If we go by the trends at the national level we can well understand that it became possible mostly due to pressure built on the states by the Labour Ministry as well as the Supreme Court. In that period, bonded labourers were released from almost all the districts of Orissa. But after 1993, the state government changed its attitude completely towards the problem and in the next 12 years (1993-2005)

there was no effort from the government to identify or release any bonded labourers. The officials have taken a negative approach towards the issue and even if various organisations are repeatedly highlighting cases of bondage from different parts of the state, but nothing positive has come up till now.

**Case Study about work of Goti and corruption in his rehabilitation**

Gajadhar Muna started working as Goti at the age for 24 years for the local landlord, Burajan Sahu. He had taken an advance of 200 Rupees for consumption needs and was given 2 Kgs of rice per day as his wages. He used to work in the fields and also performed domestic chores in the house of the landlord. After working for the same employer for 10 years, he was finally surveyed by the local activists in 1981. After 6 months of survey he, along with other halia's of the region went to the block office to present his testimony in front of the BDO.

After his identification as bonded labour from the BDO, his photograph was taken and he was also made to sign on some papers which he could not read. But after this, he has not got any rehabilitation package till date. Initially, he visited several times to the block office to enquire about the progress of his case but none of the officials gave any attention to his case and now he has given up hope for any support from the government. After his identification as BL, neither his master nor any of the farmers in the village agreed to engage him for work and he had to struggle very hard to sustain the survival of his family. At present he is working in a local stone quarry along with his family as a casual labourer where he gets 30-40 Rupees of wages per day.

In Orrisa, the subject of bonded labour is looked after by the Panchayati Raj Department, but there is clear political pressure on the officials to take a negative stand on the issue. Though the NHRC has declared Orissa as one of the states where the problem of bonded labour is acute and also identified 27 of its 30 districts as bonded labour prone districts, but still the officials manage to outrightly deny any existence of BL from their area. The districts identified as BL prone districts in Orissa are listed as below:-

| <b>Bonded Labour Prone Districts of Orissa</b> |               |     |            |
|--|---------------|-----|------------|
| 1.   | Mayurbhanj    | 15. | Bargarh    |
| 2.   | Puri          | 16. | Deogarh    |
| 3.   | Balasore      | 17. | Sundergarh |
| 4.   | Bhadrak       | 18. | Phulbani   |
| 5.   | Cuttack       | 19. | Boudh      |
| 6.   | Jagatsinghpur | 20. | Malkangiri |
| 7.   | Jajpur        | 21. | Navrangpur |

|     |            |     |           |
|-----|------------|-----|-----------|
| 8.  | Kendrapada | 22. | Rayagada  |
| 9.  | Dhenkanal  | 23. | Bolangir  |
| 10. | Angul      | 24. | Nuapada   |
| 11. | Ganjam     | 25. | Keonjhar  |
| 12. | Gajapati   | 26. | Koraput   |
| 13. | Sambalpur  | 27. | kalahandi |
| 14. | Jharsuguda |     |           |

As mentioned in the report earlier, the majority of identification and release of bonded labourers from the period 1981-1993 was due to the efforts of government officials as very few organisations had taken up the issue at that time and also in a limited area. It has been observed during the field study that there was lot of corruption involved in the whole process. As there was no effective monitoring on behalf of the NGO's lot of cases which were not genuine were identified and released by the government officials. Similarly, there was serious misappropriation in the rehabilitation amount which was meant to be distributed to the released bonded labourers. During the visit to Bargarh, it was found that no release certificate was given to the legally released bonded labourers. With the help of organisation, more than 1200 bonded labourers were identified in the district in 1983 but only 480 BL got rehabilitation and the rest 720 simply did not get any assistance from the government. Among the released 480 BL, they were just paid half of the rehabilitation amount. The rest of the released bonded labourers were at the mercy of the local politician, landlord and the BDO who not only did corruption in identifying the BL but also grossly misappropriated the rehabilitation amount. It has also been observed that during the survey of BL, the local landlords and politicians in nexus with the government officials favoured their near and dear ones and lot of fake cases were identified as bonded labourers.

#### **Case study about corruption in rehabilitation**

Dhingru Ram of Jharbandh village started working as a Goti at the age of 18 years for a local farmer Shiv Prasad who had employed 8 more Gotis in his 15 acre farm. He had taken no loan or advance from the master but he worked as a goti because he had no agricultural land of his own and there was no other employment available in the village. He used to get 2-3 Kgs. Of rice every day which was hardly sufficient to feed his family of 5 members.

After working for the same master for 12 years, he was finally surveyed as BL in 1983 by some local activists and presented his testimony in the BDO office. But he was not given any release certificate. After the court proceedings, he continued to work for another 5 years for the same master in his liquor brewery and in 1988 he was given a pass book by the government officials in which 1200 Rupees was deposited in his name for rehabilitation. He spend the money within a year for meeting his consumption needs but he was never given any further amount for his rehabilitation. He tried to persue his case with the help of some local activists for non payment of the full rehabilitation amount but his efforts yielded no results. At present he is working as a casual labour in the fields of local farmers where he gets 25-30 Rupees as daily wages which is inadequate to support his family. He feels cheated by the government officials in the name of release and rehabilitation.

During the field study in Puri, it was clearly observed that in cases of harassment and atrocities on barbers, the police and the collector clearly take sides of the upper caste people who force them to work as bonded labourers. Whenever a case is lodged in the police station, the officials press the barbers to arrive at a compromise with their employers and settle the case there itself. Even the conditions of the compromise are totally dictated by the upper caste *Khandayats*. In most of the cases, the government officials were being found advocating the concerns of upper caste people and trying to persuade the barbers to continue the inhuman tradition of serving their masters.

**Case Study about officials taking sides of masters of bonded labourer**

Arakshit Barik is an old barber of the village Haladia in Puri Sadar police station district. When he denied rendering customary service like foot washing and lifting of leftovers in a marriage ceremony, the caste Hindu villagers tortured his family members for which he complained in the police station. The Officer-in-charge of the police station called for both the parties and made a compromise between them. The caste Hindu villagers gave in writing to the OIC that they would neither compel the barbers to render any service nor torture them. But going back home, after 15 days they compelled them for foot washing and lifting of leftovers. When the barbers denied, they restrained them from walking on the road, or from taking water from the public tube well etc. they totally excommunicated them from the village. Still the barbers remained silent. Thereafter the caste Hindu villagers came to their doorstep, struck the door and windows with *lathi*, scolded them with obscene words and acts naming males and females of the house and threatened to kill them unless they rendered their customary service. They even gave a push to the old barber Arakshit Barik who fell down and kicked him. So Kalu Charan Barik son of Arakshit gave a written complain to the OIC again on 25-4-2001 narrating everything from the beginning what had happened. Instead of taking actions against the perpetrators as per law, the OIC again called both the parties to the police station for a compromise on 27-4-01. He also advised them to come with some decision makers. Accordingly on 27-4-01, a meeting was held in Puri Sadar police station on the guidance of the OIC in which two decisions were taken. As per the first decision no family of the village would compel the barber Arakshit Barik to do any menial work except hair cutting and he would render the service to all the families of the village equally. As per the second decision, the barber would not be compelled without any reason and if he becomes incapable, he would not be compelled for hair cutting also. Based upon these two decisions the case was compromised. Having returned to the village, the caste Hindu villagers again compelled the barbers for foot washing and lifting leftovers. When they denied, they were put under social and economical boycott. Barbers again gave a complaint at the police station but the OIC of the police station did not listen to them. The barbers are till today under social and economical boycott.

At Malkangiri, it was found that the district officials are indirectly forcing the released bonded labourers who have received the rehabilitation amount of 20000 Rupees to withdraw their money from the bank as soon as possible. As a result, most of the released bonded labourers are left with no savings and very little investment in terms of livelihood security.

The overall observation about the efforts of government officials is that they ignore or refuse to accept the existence of bonded labour system in their area. In most of the cases where the NGO's pressed the government to identify the cases of bonded labourers, they had organised camp courts and called existing BL when their employer was also present during the proceedings. They have openly taken the side of the masters in most of the cases. When ever the employer was not a big farmer, they could only manage to fine the employer for non payment of minimum wages.

**Case study about rehabilitated bonded labourer being cheated**

Sania Muduli belongs to Bonda primitive tribal community and resides in Baliguda village of Malkangiri district. He used to support his family of 5 members working as a agricultural labourer as he had no land of his own or any livestock for his livelihood. Some 4 years back, his daughter fell seriously ill and he had to take a loan of 400 Rupees from the local farmer for her treatment. Because of his indebtedness, he was eventually forced to work as a bonded labourer for the farmer from whom he had taken the loan. Finally he was surveyed by a local NGO as a BL in 2003 and attended the camp court with his testimony after which he was released with 18 other BL. An account in his name was opened in the local bank by the government officials and a total of 20000 Rupees was deposited in his name.

After receiving the rehabilitation amount, Sania spent half of the amount for consumption needs as well as invested some of it in purchasing a small agricultural land. He had planned to save the rest of money for the marriage of his son. But in September 2005, an agent of "Micro Finance Pvt. Company Ltd." approached him in his village and persuaded him to invest his savings in the company and his money will be doubled in just 5 years. After initial hesitation, Sania was tricked into the grand offer and withdrew all his money from the bank and went to the branch office of the company at Rasabeda. There the agent gave him a certificate of 60 shares which he claimed will be doubled in a very short period. These share certificates cost Sania 6000 Rupees but there is no promise made in the document about doubling the income. When Sania came to know about it later from some of the educated people in the village, he felt cheated but did not know how to get his savings back.

*Role of Vigilance Committee:-*



One thing which has been found out in the four districts where the study was conducted that vigilance committees have been duly constituted and they are meeting once in 6 months. But such committees are either dominated by the government officials or most of the non government officials are political appointees. As a result there is very little expectation from such a body which is very negative to the problem of the bonded labourer.

In Bargarh, it was found that the vigilance committee members are meeting regularly but most of the non government members are toeing the line of government about the existence of bonded labourer. When one of the members continuously demanded fresh identification and release of bonded labourers, the district administration gave the responsibility of survey to another NGO which is known to take sides of the government. As a result, none of the 1200 bonded labourers who had already filed petition for release were identified as BL. But in Puri, the vigilance committee was under pressure from activists and NGO's to identify the barbers receiving *bartan* as bonded labourers. As a result of their sustained efforts, the vigilance committee recommended to the collector for their release and rehabilitation. But the response of the collector was still negative.

In Malkangiri, the vigilance committee is functional and their meetings are held regularly. The vigilance committee initially played an active role in solving the problem as a result of which 19 bonded labourers were released and rehabilitated in 2003. But due to political pressure, the government officials in the committee have now taking a negative stand and deny any existence of bonded labour in the area.

#### *Interventions of NGO's:-*

When the government is clearly taking a negative approach towards the issue, it is mostly left to the efforts of NGO's to address the issue of bonded labourer. Though most of the interventions of the NGO's is comparatively new from other states but they have gained lot of experience and successes in this matter.

In Bargarh, the NGO (Goti Khitiya Din Majuriya Sangh) has been formally registered only a couple of years back, but the activist have a long experience of intervention on the issue. In the early 80's, a few groups had taken up the issue of BL and identified more than 1000 BL from the area. Due to their sustained efforts, 480 BL were released and rehabilitated from 1983 till 1989. During that period the landlords and the employers were continuously harassing the BL but the organisation succeeded in uniting them and despite the negative approach of the government officials, they succeeded in securing release of more than 400 BL. But the organisation was not prepared for the rehabilitation aspect and this gave a chance to the officials as well as local landlords to commit corruption in the rehabilitation process. At present the organisation has conducted a fresh survey and identified more than 1200 bonded labourers from the district. They are continuously pursuing the cases of BL with the district administration and also demanding proper rehabilitation package for the BL who were left out of the rehabilitation process some 20 years back.

The organisational intervention at Puri is relatively a new one (Odisha Goti Mukti Andolan) which was formed only couple of years back. Their efforts have succeeded in continuously highlighting the plight of barbers and demand to abolish the system of Bartan in the media as well as the administrative circle. The barber community in Puri district is a minority group with only one or two families in each village. So there was a problem of the majority upper caste group harassing them more once they raise the issue. The organisation here has succeeded in uniting the barber community under one banner and continuously reported their cases of atrocities to different government officials. The second important initiative taken up by the organisation is that it has channelised its efforts in sensitizing various stakeholders of the society such as lawyers, students, teachers, retired government officials, social workers, civil society groups, politicians, media etc about the plight of the barber community which helped in forming a public opinion towards the issue.

The other means used by the organisation for campaign and advocacy has surely built pressure on the government officials to formally register a case against the masters who force the barbers to render service to them and are planning to expand the movement of barbers from Puri district to different parts of Orrisa and to persue legal case by filing a writ petition in the high court of Orrisa.

## RESEARCH FINDINGS

- a) The important finding of the study was that wide scaled corruption was done in the release as well as the rehabilitation process by the nexus of government officials, local politicians and the landlords. As a result of which several bonded labourers were intentionally not identified as BL and the rehabilitation money meant for the released bonded labourers was also misappropriated. The number of persons identified and released as BL is more than 50,000 which was mostly through the efforts of the government officials without any proper monitoring.
- b) The problem of bonded labour in Orissa is basically linked with an extreme form of poverty and the oppressive caste system. It has been observed that system of bonded labour still exists in an advanced stage in many parts of the state. In Bargarh, the organisation has identified more than 1200 bonded labourers and initiated efforts for releasing and rehabilitating them. Whereas in Malkangiri, the organisation had identified 707 bonded labourers out of which 19 got released and the organisation is advocating for release and rehabilitation of the remaining BL. Similarly, in Puri, the organisation is continuously advocating that the Bartan receiving barbers be identified as bonded labourers. The government response in all these cases so far is negative and they have continuously denied the existence of any bonded labourers.
- c) In Puri, it has been observed that the problem of barbers being forced to render services to upper caste has roots in the caste hierarchy of the traditional society. The social institution of caste is very strong in the areas where barbers are compelled to work for the upper caste people with nominal or no wages. There is a "beck and call" relationship between barber and the upper caste family which requires them to serve the masters for generations.
- d) In Bargarh, it was observed that the bondage especially among the Dalit communities in the agricultural sector has its roots in the feudal and semi feudal structure where the landlord and big farmers have exploited labour to suit their production needs. Poor marginalised communities in absence of any land entitlement or livelihood security had no choice but to serve the landlords just to ensure their own survival.
- e) It has been observed that in almost all the cases there is gross violation of minimum wages fixed by the government. The prevalent daily wages especially in the southern area of Orissa (Malkangiri, Bargarh) is so low (10-30 Rupees) that there is very little difference between free and unfree labour. The situation of labour in Malkangiri and Bolangir is so serious that in some cases, it was found that people consider the of bonded labour situation better than that of casual labour. They feel that the bonded labour has at least the assurance of food and of meeting emergency needs through his master, whereas the casual labourer does not even have food or livelihood security. This draws a very dark picture about the situation of labour in the rural areas.
- f) In Malkangiri and Bargarh, it was observed that various welfare schemes aimed for the betterment of the marginalised communities have failed miserably, due to which these poor Dalit and tribals are pushed in to the chains of bondage. Poverty alleviation schemes have till now not reached the real beneficiaries and most of the cases have benefited the

rich and medium farmers of the village. The different food and employment schemes such as below poverty line (BPL), Public distribution System (PDS), Employment Assurance Scheme(EAS), Old Age Pension (OAS), Antodaya and Annapurna schemes, which are meant to enable the poor people to tide over food scarce period are still a distant dream for the poorest. The PDS outlets are mostly irregular and basic health facilities are a luxury in cut off areas as health emergencies are one of the major causes of credit, mortgage and bondage.

- g) It has been observed that the present rehabilitation scheme of giving 20000 Rupees to the released bonded labourer is most of the time not sufficient to ensure livelihood security for the released bonded labourers. At the best, it has only helped to fulfill consumption needs for around one year and in some cases to meet health related emergencies. The released bonded labourers after rehabilitation are only slightly better off than other labourers but it has not brought any positive change in the lives of released bonded labourers.
- h) One major finding of the study is that the rural society of Orissa is so much divided on caste lines and is highly stratified that those who are at the lowest end of the hierarchy are also the poorest in economic terms. Resource holdings such as land and livestock are skewed in distribution favoring the upper and middle communities. Untouchability is practiced widely in public places and public occasions are governed by strict social norms. Caste relations also determine the access to wage work and there are instances of many exploitative labour systems. Thus caste status and relationships determine the livelihood options of people in rural society.

## CONCLUSION

The problem of bonded labour is claimed to be eradicated by the State Government as of now, but the ground reality is that this inhuman practice still exists in many of the sectors and going by the field observations this system is gradually on the rise in many districts of Orissa. Almost 30 years have passed since the law on bonded labour was implemented and till now more than 50,000 persons have been released and rehabilitated from bondage. This figure holds a lot of significance as the state rates second only after Karnataka in the highest number of releases of bonded labourers. But since 1993 there has been a negative response from the administration and the state is continuously denying the existence of this system in any form.

The major reason behind very few identification and release of bonded labour in the state is that the employers as well as the enforcement officials have found several loop holes in the act and rules of BLSAA and have changed their modus operandi with a view to working it out with a legal twist. Now the character of bondage is no more of a generational nature where poor labourers had to work generation after generation to extinguish their paltry debt. At present the employers refuse to call their labourers by their traditional names such as Gotu or Haley instead they use new local terminology like Barymazia (Annual Labour), Chiding (Contract Labour), or Hamati (Seasonal Labour). It has also been observed that the masters prefer to engage bonded labour only for a short duration rather than keeping them on a permanent basis. Advancing a paltry sum of 500-800 rupees is a new instrument for putting the labourer in bondage and after this they keep on exchanging the labourers with other masters which helps them to deny the relationship of bondage whenever a case is filed. It has also been seen that the employers of Seasonal Bonded Labour systematically delay the payment of wages to their labourers so they are forced to return back to the same master in the beginning of the next agricultural season.

Especially after the beginning of the new economic policy of the Indian government, the problem of bondage has become more complex as now incidents of bondage can be found in new sectors such as mining and fish processing industries. The dynamics of the system also has changed drastically as there is a lot at stake in the rural labour market. Another significant observation made during the field study is that the present mechanism for identification, release and rehabilitation of bonded labour in the manual of BLSA Act 1976, which is inadequate, and as a result of this the problem of bondage still exists in the society. Hereby we are suggesting an alternate program for better identification, release and rehabilitation of bonded labour.

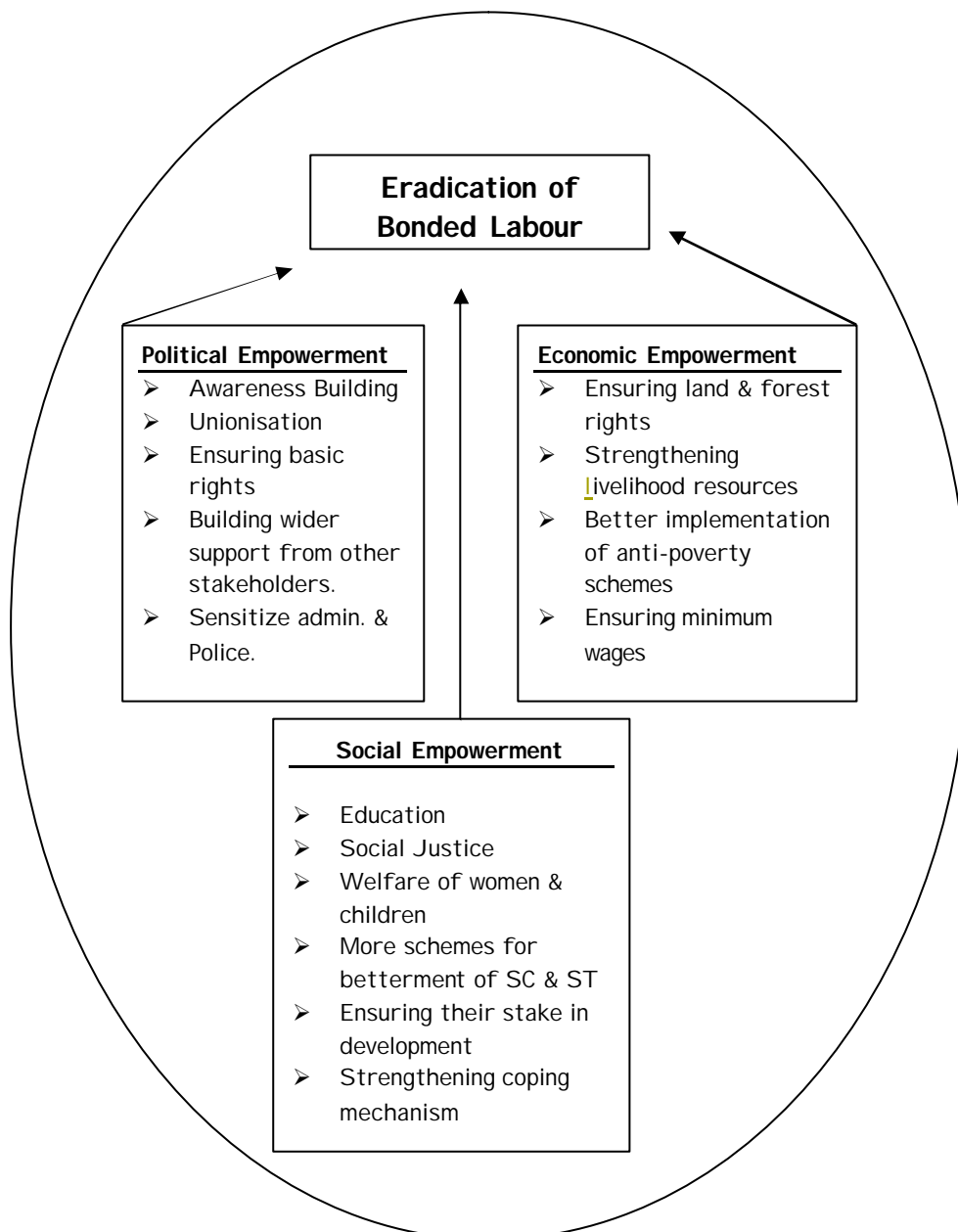
## SUGGESTIONS

- The present structure of identification, release and rehabilitation of bonded laborers under the rules of BLSA Act 1976 is inadequate to eradicate the bonded labour system because the dynamics of the problem has changed drastically and the employers also have changed their modus operandi with a view to working it out with legal twist. The enforcement mechanism which has a mandate under various sections of BLSA Act 1976 also has failed to have any positive impact on the problem.
- The BLSA Act 1976 envisaged that the Vigilance Committee would facilitate the identification and rehabilitation of the released bonded labourers. The power of implementing the Act has been vested with the District/Sub-Divisional Magistrate, or any other official appointed by him.<sup>15</sup> The rules have also specified as to who can be a member of the vigilance committee. But it has been observed that in most districts, the vigilance committee is non-functional and exists only on paper. The composition of members in the vigilance committee also is very imbalanced as the majority of them are government servants or employees of state owned agencies. Under the present setup, it is very difficult for the vigilance committee to fulfil the responsibilities given to it. The suggestion is to bring changes in the committee by including a certain number of released bonded labourers after giving them specific training to identify bonded labourers. This strategy has been used by several organisations in the state and it has been effective for identifying BL. Along with this, the formation and function of vigilance committee at district and block level must be continuously monitored by an independent agency or the judiciary to ensure that it does not exist only on paper. The committee must also be given overruling powers so that it can enforce identification of BL and does not have a mere consultative status but can function properly without the pressure of district administration.
- Rehabilitation of the freed bonded labourers is even more important than their release. Freedom from bondage would be meaningful only when the uncertainty and insecurity associated with that freedom is removed.<sup>16</sup> Therefore it is suggested that focus must be laid on overall rehabilitation instead of just limiting the focus to economic rehabilitation. It has been observed that economic rehabilitation by itself has mostly proved to be a failure as the problem of bonded labour is not just an economic problem but also has its roots in social injustice and the marginalised communities of society. Therefore economic rehabilitation must be compulsorily coupled with psychological and social rehabilitation to ensure overall empowerment of released bonded labourers.
- It has been observed that the problem of bonded labour is not an issue in isolation but a sum total of several basic issues which if not addressed effectively and jointly in time can give rise again to the problem of bonded labour. In the present scenario, the issue is becoming more and more complex as well as critical. Therefore to effectively counter the problem of bonded labour, we suggest a three dimensional strategy where the focus needs to be given on the overall empowerment of the vulnerable community.

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<sup>15</sup> Centre for Education and Communication (CEC) submission to the working group on the worst forms of labour Planning Commission, August 2001, P.27

<sup>16</sup> Manual on Identification, Release and Rehabilitation of Bonded Labour GoI, 2004 p.21



- In order to effectively eradicate the problem of bonded labour, we need to stress more on an overall empowerment of the vulnerable communities. This process of empowerment must include political, economical and social empowerment. At present, attention is only given to economic empowerment whereas it has been observed that wherever it is coupled with political and social empowerment, the system of bondage is effectively eradicated. But this three steps taken to eradicate the bonded labour system must be taken simultaneously and there must be no delay between any of the two processes in order to have the desired results from the whole plan.
- In order to effectively address the issue of bonded labour, we need intervention at the policy level to ensure that control of livelihood resources such as land and forest stay in the hands of vulnerable communities like Dalits and tribals. There is an urgent need to

undertake mass scale land reforms focussing on the families falling below the poverty line in order to ensure their food security and fulfillment of basic rights.

- The legal framework for migration and labour laws related to wages and movement of labour should be strengthened in order to benefit the marginalised communities. Along with this, the implementation of the minimum wages act also needs to be ensured with priority.
-