

CEC Working Paper

Report On Bonded Labour in Punjab

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

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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 point 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 pushed 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. Yet, our experiences in the past 30 years of intervention suggest that this progressive tool has inherent constraints in eradicating the bonded labour system.

Against 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 initiated by the 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 the 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 three 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. The 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 research in Uttar Pradesh, Karnataka, Punjab, Rajasthan, Tamil Nadu and Delhi was carried out by Dr. R.S. Gautam, Ms Gauramma, Prof. Manjit Singh, Ms Anjali Deshpande, Dr Mohanasundaram and Ms Sujata Madhok, respectively. Initially Prof. Gopal Iyer 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. The 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 in a similar manner 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 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 labourer. 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. Travelling 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 labourer.

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 labourers and bring them dignity and citizenship rights.

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July 2007

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Anti-Slavery International has made a serious attempt to stamp out bondage and its various forms all over the world. As part of this agenda Anti-Slavery International has sponsored a series of studies on the effectiveness of bondage eradication in India. We are extremely grateful to Anti-Slavery International for its financial support for the extensive research work in South Asia, including India. Krishna Prasad Upadhyaya and Nikhil Roy have taken great pains to complete this project in consonance with its objectives. We owe our special thanks to them. And behind all the efforts of various organisations was a devoted scholar of the stature of J. Breman, who coordinated all the South Asian countries, involved in the project. Nobody has understood the problems of labour bondage as minutely as Breman. In fact, he was of great help in this entire process of research and report writing. We are grateful to him. There could not have been any better agency to execute such a serious project than Centre for Education and Communication, New Delhi. J. John, Director, Centre for Education and Communication was always very helpful and took personal interest in the study. He came all the way to Chandigarh twice in order to ascertain that the project is completed on time. Surinder Jodhka, Associate Professor, Jawaharlal Nehru University, was of great help at all levels of the project from beginning till end. We are highly indebted to him.

MS & JL

Chapter I - INTRODUCTION

There is no simple answer to the question whether slavery in history was a technical necessity to match the under-development of means of production as the Marxists tend to argue, or was it a consequence of political domination over economic forces, often involving coercion and enslavement of war captives. The famous Nieboer-Domar hypothesis is hinged on the former assumption, though not with the same explanation, that a particular type of economics shaped corresponding social relations. The hypothesis that slavery existed under a condition of abundant supply of arable land, and short supply of labour is nothing but privileging economics over the social and political life of people at a particular time in history. The hypothesis can be defended under the 'modern' conditions whose proof can be shown from the New World. Yet, to transpose the same situation to ancient slavery freezes the explanation to hypothesis, and would never let it become a generalised principle. If we go by the defining characteristics of slavery, the Nieboer-Domar hypothesis seems a rather simple explanation.

Patterson (1982) characterizes slavery as the condition where the master achieved absolute domination using coercion, and the slaves were reduced to objects of exploitation, *sans* the social security of kinship. "In chattel slave systems, slaves are movable property owned by masters and exchanged through market processes," (James, and Heiliger, 2000). The above characterisation of slavery is also supported by Wirz (2001) in agreement with Patterson who declared slaves as 'socially dead'. The defining characteristics of slavery give us to understand that, under slave conditions of production, politics ruled economics and, in the process, shattered the social life of the slaves. This type of explanation is prone to the same criticism against which it wants to build an alternative defence. That is, to believe that slaves had absolutely no social life what so ever, amounts to treating them as two-legged animals. This type of characterisation of slavery seems to be coloured by the liberating cries of Christianity rather than an objective assessment of the processes involved in the sustenance of the system. Even from the point of view of political control over slaves it is of no use to not let them have even rudimentary social relations among themselves. Sheer coercion leading to productivity may work for a very short duration. In the long run the political economy of coercion would not endure the disintegrating effects of collective resistance from below unless the slaves are also enslaved into the chains of dominant ideology. If not from the evidences from the classical slavery, at least from Neo-Slavery, Gutman, rejecting the thesis of slaves being mere talking tools has shown that they were living in families, creating enduring networks of kinship and self help.

Classical slavery, therefore, was as much a function of political expediency as economic contingency. Yet, to claim that they were 'socially dead' neither appeals to reason nor seems to be in tune with the very purpose for which the 'army of slaves' was maintained. For the present study, however, there is much more to learn from medieval slavery, also called neo-slavery, rather than the ancient slavery of Greeks and Romans.

Wirz (2001) tells us that though slavery in some form or the other has been prevalent all over the world, there were only five full-fledged slave societies. Two ancient ones, Greece and Rome between the second century BC and fourth century AD, and three more recent ones, Brazil, the Caribbean, and the Southern United States of America. It was the latter against which Abolitionists arose in Europe. Thornton (1998) claims that slavery was an indigenous institution in Africa and Arabia for centuries before Europeans entered the African slave trade.

Between 1500 to the late nineteenth century, Portuguese, British, Dutch, French, Danish, Spanish, and American vessels carried some 12 million plus Africans across the Atlantic to be used mainly as field hands for the production of sugar, coffee, tobacco, rice, indigo, and cotton. There were also slaves engaged in silver and gold mining in Spanish America (Wirz, 2001). During nearly the same period 9.9 million African slaves were transported to the Americas alone (Fogel, 1989). The death rate during voyages was 10-20 percent depending upon the distance and other conditions on the way to the destination. For what ever reasons, the echoes against institutionalised neo-slavery could be heard as far back as the early 19th century, but slavery in its various forms has continued to exist all over till today. It is more rampant in the agricultural economies of the South rather than in the urban industrial economy of the North. The various forms of employment that exist in the Southern Hemisphere are debt servants, peons, pawns, indentured or contract labour.

The history of recent organised attempts to abolish all forms of slavery goes back to the League of Nations that defined slavery as the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised. United Nations, in its Supplementary Convention in 1956, launched a fresh attack against slavery and its vestiges in the form of debt bondage, serfdom, the pawning of children, and servitude marriage. Despite all the efforts of the signatory nations there still exists chattel slavery in Sudan (James and Heiliger, 2000). Anti-Slavery International, one of the earliest organisations fighting against slavery, has estimated that over 200 million people labour in some form of bondage all over the world. We have to go a long way before we can declare our world free in the true spirit of Enlightenment ideas.

History of Bondage in India

The historical account of bondage in India clearly reveals the link between the character and extent of bondage on the one hand, and the level of development of economy and culture on the other. The pastoral society of the *Vedic* period had slaves that were captured during war. Mackay (1948:39) has shown that slaves existed even during the Mohenjo-Daro civilisation. The references about the prevalence of slavery in India are also available in the Rig Veda (Sharma, 1980). The ownership of cattle and *dasas/dasis* (bonded labourers) were the two most important sources of property. Slowly the pastoral economy was replaced by a settled agricultural economy and this change also influenced the nature of bondage and dependence. The slaves captured during war were reduced to a small number compared to the servile labourers who were tied through debt bondage. The emergence of the Mauryan state as the biggest controller over the sources of production gave fresh impetus to bondage and neo-slavery in the existing relations of production. Kautilya while writing the *Arthashastra* – a rare document on the prevalent political economy – gave protection to debt bonded labourers and not to slaves (Chakravarti, 1985:50). The available evidence, therefore, shows that there was extensive use of debt bondage by the Mauryan state itself. The post-Mauryan developments of the period between 200 BC and 300 AD have best been reflected by Manu (Sharma, 1980:192). It is a period when tension was strongly felt between what the Brahmin ideology of caste propounded and the reality of the working masses. It was Manu who interpreted slavery not as a socially constituted system, but as an eternally sanctioned state of *shudras*. It means the social uneasiness about the state of bondsmen and slaves was put to peace under the domination of the Brahmin ideology of caste and *dharma*. The ideology that *shudras* are born slaves and are meant to serve the Brahmins added a religious dimension to the prevailing inegalitarian social system. It is perhaps unique to India where this combination of the secular with the sacred produced a social, political and economic hierarchy that ended up producing a social structure worse than the societies composed of hierarchical race relations. That is why all the attempts to loosen the chains of caste bindings from the days of Buddha till today have not yielded much result.

During the Gupta period the *dasas* were mainly withdrawn to domestic chores and their role as servile agricultural workers was minimised. One of the reasons for the shift of bondsmen

from agriculture to domestic work has been cited as the progressive fragmentation of land holdings. During the early medieval period the customary right over the labour of the lower castes, which was called *visti* (forced labour), extended socially and geographically. That is, socially, the right to extract forced labour extended over to the large number of local subordinate officials and geographically, it extended to the states of Gujarat, Madhya Pradesh, Maharashtra and Karnataka (Rai,1976:41). Sharma (1965:66) has found that the practice of charging various forms of interest on loans could be traced from the 5th century AD onwards, which later on became instrumental in putting labourers in bondage. During this period, the need for slave labour was obviated by the large scale use of bonded or dependent labour (Chakravarti,1985:56). It is interesting to note that the rate of interest charged was determined by the status of the debtor in the caste hierarchy, that is, the lower the status of birth, the higher the rate of interest charged on the debt (*Ibid*). Kosambi (1975a) wrote that the social maintenance of a perpetual indebted working class is the Indian counterpart of classical slavery or the feudal serfdom of Europe.

It is not that only male were slaves. In fact, in Vedic society there were more female than male slaves. In the early Vedic period cattle and women slaves were the only form of movable property. *Dasis* (female slaves) were owned by the Brahmin priests in large numbers. They served a biological function as well as performed other work. At times *dasis* were also part of a rich bride's dowry (cf Chakravarti, 1985). It is interesting to note that not even the most humane thinker of the time stood for the abolition of slavery and bondage. Even Buddha talked of only refining the system so that the existing alienation among the labourers was converted into loyalty to the master and the element of force is obfuscated. He seems to be bothered more about social harmony than the elimination of the unjust system, the argument which is put forward even today to legitimise debt bondage. The fact that bondage and slavery in India was legitimised even at the religious level did not leave scope for a casual observer to comment upon it (Kidwai, 1985:76).

Bondage was increasingly incorporated into the caste system by successive social and political theorists so that it became an accepted part of medieval rural India. As mentioned earlier forced labour and debt bondage were rampant during the early medieval period. From the 8th century onwards, interest on loans was being paid for by physical labour (Sharma, 1965:68). Expansion of urbanisation during the medieval period enhanced the importance of money and the market economy, which also gave impetus to the urban slave market (Kidwai, 1985:80).

Slavery and bondage in India was of the nature of a continuum unlike the West where it was clearly defined in contrast to the master class. Sarkar (1985) has identified three types of slavery prevalent in India during the colonial period. First, were those urban based slaves who were essentially engaged by the Indian royal and aristocratic households and the new metropolitan white elite. These were the slaves who were traded in the well established slave markets of Kolkata, Chennai, and Mumbai. The social relations between the master and the slave, and also amongst the slaves themselves, were regulated purely from the market point of view. In other words, slaves existed in a social void. Second, were those slaves who were owned by the large and prosperous households living in cities, towns and villages. The possession of slaves by the gentry was a symbol of social respectability. "Slaves were drawn from purely indigenous local sources through kidnapping, distress sales, voluntary bondage and marriage or cohabitation with another slave," (Sarkar, 1985:101). The relation between the master and the slave here was not anonymous unlike the first category. It was of the nature of patron and client. That is why many slaves after the abolition of slavery probably preferred to stay back with their master as servants. The third form of slavery was agrestic and remained a widespread structural feature of rural India. These slaves constituted captive agricultural labour for upper and even substantial peasant castes, and were employed at less than market rates on pure subsistence wages, which were usually paid in kind (*Ibid*, p102). The caste structure played a major role in defining and

sustaining agrestic slavery. All the untouchables were 'collectively designated as slaves'. Agrestic slaves were the absolute property of their masters who theoretically held the right of buying, selling, mortgaging or renting them out at will. In southern India the ownership of slaves was both by the village as a whole and also by individuals while in eastern Bengal, Bihar and Orissa the ownership was only by individuals. The individual owner could transfer his slave in three forms – absolute sale, mortgage or renting out (Ibid, p105). It is worth noting that the slave market was reinforced by the differential social hierarchy. Prices almost always varied with the ritual position of the slave's caste and bore no relation to the work he did. The master paid the expenses incurred for the wedding and funeral of his slaves. Further, apart from subsistence wages in kind and occasional grants of land for cultivation, slaves were generally provided rent-free accommodation set at a distance from the master's house (Kumar, 1965:38). It has been argued that there was not much difference between the slaves and the non-slaves as both were highly deprived in various respects. Due to lack of reasonable employment, social subjugation and the near impossibility of acquiring land for untouchable and impure castes, freedom for the non-slave agricultural worker was but notional. In this situation of generalised poverty and dependence, the additional stigma carried by slave status was largely counterbalanced by the assurance of minimum subsistence. These three strands of slavery were legally abolished by mid nineteenth century, but forced labour and even slave labour continued. The contemporary debt bondage can be traced to this historical root of slavery. In practice it was difficult to clearly demarcate where debt bondage ended and where slavery started. A debt bonded labourer would start working after taking a debt and the interest on that debt was supposed to be exchanged for labour power. Under the debt conditions the labourer was paid just for survival and no scope was left to clear the principal amount. Consequently, debt bondage could easily be converted into hereditary bondage akin to the status of a slave. Debts were often taken to cover wedding expenses (Risley, 1891). The use of debt bondage in agriculture is found in the southern states and western states as also the eastern states, such as, Bengal, Bihar and Orissa.

In Chottanagpur area, which is now part of Jharkhand state, tribal and untouchables were either slaves in perpetuity or bonded labourers who sold themselves for life through agreements, which could be renewed for fresh loans. So were the *halis* from Gujarat. Bondage was officially strengthened by the Workman's Breach of Contract Act of 1859 which made any violation of contract terms legally punishable and thus made it impossible for bonded labourers to escape servitude unless the entire debt was repaid (Sarkar, 1985:110). It was in the interest of the landowning castes not to allow bonded labourers to own land. However not all bonded labourers were a unified lot. The ideology of impure/pure did not allow the lower castes to unite and they practised the same "untouchability" even among themselves. The dominant ideology, disseminated in the garb of eternal 'will of God', established subjugation almost as a natural order even for the lower castes. Hegemony was achieved through a hierarchical ordering of diversities bound together within an overall exploitative structure of purity and pollution. Even Breman (1974) is convinced that all agricultural labourers in traditional India were working under some kind of bondage. A survey of bonded labour in India by Sarma Marla conducted as late as in 1981 clearly shows that out of the total population of bonded labourers in India 87 per cent were *dalits* and *adivasis*.

A small debt that was often taken for social ceremonies was enough to perpetuate debt bondage over generations. Sarkar (1985:113) writes that taking debt on some pretext could also be the way out of employment uncertainties and scarcity or starvation. Bondage could be construed as not only obligation to work, but also a right to employment (Kumar Dharma, 1965). Sarkar (1985:113-14) is ready to go with this idea of employment guarantee 'as debt bondage was basically a voluntary submission.' The commercialisation of economy does not automatically break the feudal relations of production. In certain situations it actually aggravates the situation. The most vivid example of this is the use of indentured labour in the tea and sugar plantations for more than half a century, which was dealt a final blow in

1915 when it was legally abolished. The British too, therefore, ended up reinforcing bondage.

Bonded Labour in Independent India

The Royal Commission on Labour in India (1931) had already defined bonded labour whereby “the labourer borrows money from the landlord under a contract to work until the debt is repaid. The debt tends to increase rather than diminish and the man, and sometimes his family, is bound for life,” (cf Nainta, 1997:2). In independent India though land reforms were on the immediate agenda, hardly any attention was paid to the agricultural labourers working under conditions of debt bondage for generations. Article 23 (1) of the Constitution prohibits *begar* or forced labour, but the government did not care to materialise the spirit of the Constitutional provision. Debt bondage continued to be the cheapest source of secure labour for the landlords in rural India. It was during the early 1970s that the Commission for Scheduled Castes and Scheduled Tribes in its Report (1971-72 and 1972-73) redefined the bonded labour system as “the practice under which a man pledges his own person or a member of his family against a loan. The pledger or his nominee is released only on its discharge. Until then the man himself or the member of his family is required to work for his creditor against his daily meals or low wages. Since he gets very little money, he has to depend upon someone in the family to procure the sum required for his release and this, of course, is rarely available. The relationship lasts for months and sometime years, occasionally for an entire life time and not infrequently follows the male heir.”

The publication of the Report gave sufficient ground to conduct a survey and find out the extent of bondage and its various forms. The V V Giri National Labour Institute conducted surveys in the states of Bihar, Orissa and other adjoining areas (cf different issues of the *Bulletin* up to mid 1970s). The upshot was that the Government of India not only had to acknowledge the existence of bonded labour in agriculture, but it also had to pass an Act in parliament for its abolition. Bondage has been exhaustively defined in the Bonded Labour System (Abolition) Act, 1976 (see Appendix -2). According to the Act bonded labour not only stands abolished it also extinguishes all the debt, releases all the property of the bonded labour, protects freed labour from eviction from their homestead, and makes it a criminal offence for creditors to accept payment against an extinguished debt. The Act clearly makes the District Magistrate (D.M.) responsible for the abolition of bondage from his jurisdiction, failing which disciplinary action can be initiated against him. It is also mandatory for the D.M. to constitute a Vigilance Committee both at the level of the district and the sub-division. The Act also makes the D.M. responsible for the rehabilitation of the released bonded labour and provides infra-structural facilities so that the released labourers do not relapse into bondage. The political scenario of the late 1970s seemed rather in flux and the Act did not attract much attention. After the publication of the Report on bondage by Sarma Marla (1981), the issue of bonded labour in agriculture emerged as one of the important issues. The following figures on bonded labour were provided by three different sources.

<i>State Governments - 1984</i>	<i>National Sample Survey- 1979</i>	<i>Gandhi Peace Foundation- 1981 (12 states)</i>
1,20,561	3,45,000	26,17,000

Source: Report of the National Centre for Human Settlement and Environment, 1987, vol I,II.

The wide gap between figures is due to the difference in the interpretation of bondage. Even if we go by the figures of the NSS (National Sample Survey), it is clear that a large number of bonded labourers, who were engaged by the rural rich, did survive in Independent India. Thereafter a huge amount of literature has been produced by various voluntary organisations, research institutes and even by government officials (cf Hollup, 1994; Singh, 1994; and Prakash,1990). Consequently, the Union Government has created a complete

bureaucratic structure to deal with the problem of bondage in different parts of the country. The Director General Labour Welfare, Ministry of Labour, GoI (Government of India), is responsible for monitoring the identification, release and rehabilitation of bonded labourers on a regular basis. Similarly, the state governments, in turn, are expected to constitute their own Monitoring and Review Committees that can activate the Vigilance Committees at the district and further down at the sub-divisional level. According to a study conducted by the Programme Evaluation Organisation of the Planning Commission, Vigilance Committees, which are mandatory, have either not been constituted in many states or are non-functional. Though the Ministry of Labour publishes statistics on the release of bonded labour on a regular basis, the real problem of the abolition of the system of bondage is yet to be addressed squarely.

The Government of India reported to the ILO that up to 31st March, 2004, 2,85,379 bonded labourers were identified and released. Further, after their release 265,417 labourers were rehabilitated. Interestingly, the number of those bonded labourers who were identified, released and rehabilitated in Punjab was only 69.

The system of bondage is not simply a symptom of the pre-capitalist method of labour extraction. It is as rampant in underdeveloped states as in the most developed states like Punjab and Haryana. The reason is that bondage not only ensures a regular supply of labour it also ensures high cost effectiveness in the labour market. This is precisely the reason that the farmers of Punjab love to engage bonded labour despite Punjab being the most advanced state in agricultural production.

Punjab and Bonded Agricultural Labour

Punjab does not fall out of the historical sketch on bondage drawn here at the all India level. The only difference between Punjab and many other parts of India is that there is relative paucity of literature on bondage in Punjab and, consequently, the phenomenon of bondage has never come into the limelight. Even British civil servants focused more on Punjab peasantry rather than on agricultural labourers. It is quite likely that the severity of bondage might not have been as intense as in the South or other *zamindari* settlement states due to the Sikh reform movement's anti-caste role. However, *sepi*, *sanjhi*, and *siri* (different forms of attached labour) are some of the traditional forms of bondage, which received legitimacy from the dominant social structure, and which has survived even today. Lack of alternative employment opportunities outside agriculture and the absence of the ideology of enlightenment were two factors that assured the submission of the labourers belonging to the untouchable castes to the demand of the farmers for servile labour. Traditionally, the attached labourers were paid their wages in kind either in the form of a share of the crop or a fixed amount of the produce. In order to camouflage the servile condition of the attached labourer the employer offered him a helping hand at the time of special social or religious occasions, such as, festivals, weddings or at the time of any other crisis. The rise of modern agriculture has extended the role of the labour market on the one hand, and, proportionately, has intensified the severity of bondage on the other.

From 1860s onwards rich farmers in Punjab with very large holdings ensured a stable supply of labour through loan and cash advances, and by the early twentieth century they began to issue written contracts to these labourers known as *siris*, *sajjis* or *sanjhis* (Neeladri Bhattacharya, 1982). There are hardly any statistics on the employment of bonded labourers in agriculture at the time of Independence. The earliest figures available on the existence of bonded labourers in Punjab were collected by the NSS after the promulgation of the Bonded Labour System (Abolition) Act, 1976. As many as 4,300 bonded labourers were detected by the NSS in 1979, but the government of Punjab did not accept the fact. The neighbouring state of Haryana, which was part of Punjab till 1966 and has a similar social and economic structure, was found to be carrying the burden of a number as high as 1,29,000 debt bonded labourers. The figure of bonded labourers from Haryana suggests that the number of bonded

labourers in Punjab also must be much higher than what had been reported in the NSS survey. It is important to mention here that the NSS data is generally respected in the academic and government circles.

The responsibility for the enforcement of the Bonded Labour System (Abolition) Act, 1976 rests entirely with the state governments. The Government of Punjab submitted an affidavit before the Supreme Court in 1996 mentioning 'no bonded labour' in the state. The myth of 'no-bondage' in Punjab was exploded when in 1997 a team of labour officials from the Union Ministry of Labour, raided a village of Bibipur in the district of Fatehgarh Sahib on a complaint lodged by a Member of Parliament from Bihar. The team succeeded in detecting bonded labourers who were later produced before the D.M. and immediately released. Once again, in response to an inquiry from the Union Ministry, the Government of Punjab submitted on 7th August, 2000 that there was almost no incidence of bonded labour in Punjab. It is contrary to the press statement given recently by the Labour Commissioner, Punjab whereby he claimed that 107 bonded labourers have been released and the Department of Labour has received an amount of Rs10/- lakh from the Union Government for conducting a further survey on bonded labour in the state.

Findings from the Field

Our research investigations over the past two decades have shown that there are two types of bonded labourers in Punjab: one, those who are migrant in origin and second, those who are local and are part of the village society and economy. Further, among the bonded migrant labourers there is a section of labourers who hail from the tribal belt of Jharkhand and are brought to rural Punjab after their recruitment by intermediaries at their respective place of origin. The second set of migrant labourers flow into the labour market of Punjab under the pulls and pressures of the labour market and are generally non-tribal in origin. The latter type of migrant bonded labourers is primarily engaged at the brick kilns and some of them also work within the primary sector. All the three types of bonded labourers have their own specific conditions of recruitment, wages and working conditions depending upon the social, economic and power relations they are subjected to, both at the place of origin and destination. It is important, therefore, to discuss them separately. However, due to the paucity of space here we will limit our discussion to the condition of migrant bonded labour in Punjab, particularly the tribal agricultural labourers. Before bringing in the topic of bondage it is important to throw some light on the 'push' and 'pull' factors that bind the two ends of the chain of migration between pre-divided Bihar and Punjab. To highlight the material factors responsible for migration, insights from different perspectives, viz., historical, socio-cultural, ideological, and collective consciousness for both the states need to be gleaned through.

Chapter II

BONDED MIGRANT AGRICULTURAL LABOURERS IN PUNJAB

History of Bondage

The first field study was carried out in 1980-81 in two different districts of Punjab, namely, Ludhiana and Hoshiarpur (Singh, 1995). It was found that there were two different streams of migrant labour flowing from Bihar to Punjab. From the districts of Saharsa, Monghyr, Darbhanga, Muzzafarpur, and Samastipur in North Bihar seasonal migrant labourers were attracted to Punjab during the period of peak demand for agricultural labour. Their total number was between four to five lakhs. The labourers' socio-economic background showed that it was not the poorest that migrated; rather those a little above the lowest rungs were more inclined to migrate. Caste wise, 14 percent belonged to the Scheduled Castes, 84 percent to the Backward Castes, and only two per cent were from the upper castes. They worked mainly for three agricultural seasons, that is, wheat harvesting, paddy transplantation, and paddy harvesting. Our meticulous calculations of earnings brought home the fact that, if both the peak period and lean period of employment is taken into consideration, the average daily earnings of a seasonal migrant labourer ranged between Rs. 4/- to Rs.5/-. On an average migrant labour was paid 35 per cent less than the minimum wages fixed by the state labour department, and that too during the peak period of demand for labour. Except for the scramble at the different railway stations to capture these free flowing migrant labourers and whisk them away in tractor-trolleys waiting outside, the farmers generally did not use any coercion to extract work from this category of migrant labour.

The second stream hailed from the tribal belt of Chottanagpur, called the 'Fourth World' by Nirmal Sengupta. Though the number of labourers were far less than the seasonal migrants from North Bihar, their mode of recruitment, wages and working conditions in the district of Hoshiarpur reminded one of the export of indentured labour from the same region of Bihar (now called Jharkhand) during the early nineteenth century. Independence or no independence does not make any difference to the tribal world, the 'wretched of the earth'.

The *modus operandi* of recruitment was that some of the rural Punjabis who had some knowledge of the Chottanagpur area would go all the way from Punjab to Jharkhand and lure the tribals with the assurance of highly lucrative jobs in Punjab. Their rail fare and other expenses on the way were borne by the recruiting agent. After alighting at Punjab the whole group, generally 20 to 50 labourers, was taken to some secluded farmhouse where they were handed over to different farmers individually in an open bid against an advance payment. The Tanda block of Hoshiarpur emerged as the trade centre for tribal labour. Once the labourers were disposed of in a competitive bid, the responsibility of the recruiting agent was over. The farmers, fearing that the labourers might flee at night, kept a close vigil on them. Some of them, true to their traits of slave driving, would lock them at night along with their cattle in the cattle shed. Some employers would physically assault them to make them submit to the inhuman conditions.

The interviews with 35 tribal labourers (Kharia, Oraon, Munda, Ho, and Nagesia) revealed that most of them were promised wages between Rs. 60-80 per month, which was almost half the amount of the then prevailing statutory minimum wage. What surprised us was that there were labourers visiting Punjab for the second or third time, despite the slave like treatment meted out to them during their previous visits. The answer to this puzzle was with one of the respondents working with one employer for the last 10 years without wages. He was satisfied with the two square meals and some pocket money for *bidis*. He said that back home at Ranchi he could not even get enough food to live on. For the tribals the question was not of wages and working conditions, but of the choice between survival and death.

Human Trade Continues

Though there is a need to make a thorough inquiry into the trade in migrant labourers from Bihar to Punjab, Garhshankar tehsil of Hoshiarpur district, however, is one such centre that has already earned notoriety for its flourishing human trade. Through enquiries three villages from the Garhshankar tehsil were identified, namely, Fatehpur Kalan, Bheen, and Dehron where agents poured in regularly along with their groups of migrant labourers. This only showed that the trade in migrant labourers had never come to an end; rather its epicentre had changed from Tanda block to the surrounding villages of Garhshankar.

During the enquiry two villages, namely, Fatehpur Kalan and Bheen were visited and the facts gathered during the investigation were shocking. Anybody from the township of Garhshankar could reveal stories about the 'Sunday Bazaar' of migrant labour, particularly the tribals. On every Sunday all types of employers (farmers, shopkeepers, bureaucrats, police officials, and even some school management) thronged in, not only from within the district, but also from the whole of north-west Punjab. They could procure a labourer after the payment of a fixed amount of Rs 1,500/- per labourer. Interestingly there was no change in the *modus operandi* of the trade except that the recruiting agents, who used to be Punjabis in the past, were now of Bihari origin, particularly belonging to the Teli (oil extractors) caste. Though the trade in migrant labour was common knowledge nobody dared to challenge the 'Master'¹, the neo-feudal kingpin in the network, who employed archaic means of labour supply for modern ends. People feared to talk about them partly due to their notorious past and partly due the clout they wielded with the support from high-ups, including some of the politicians. This was the reason that in the village of Fatehpur, despite the whole Panchayat being against the 'Master', there was not a single person ready to speak against him.

Given below are some of the findings from the village of Fatehpur Kalan and Bheen that were collected during the field work

Fatehpur village is located at a distance of two kilometres from Garhshankar town and has the longest history in the infamous trade of migrant labourers who are largely tribals (Munda, Kharia, Nagesia, and Oraon), mostly hailing from the Chhotanagpur region of Jharkhand. It is a small village of nearly 60 households, out of which 50 households are of Jat Sikh cultivators, five of 'Harijans', and the remaining belong to the *Nai* (barber) caste. This is a rather new village inhabited by refugees from Pakistan who were allotted nearly 400 acres of land in this village. The caste composition of the village shows that one of the possible reasons for the emergence of a 'Labour Mandi' at Fatehpur could be the short supply of local labour in the village. This was also corroborated by the fact that there were nearly 25 migrant labourers in the village working as attached labourers, out of which the 'Master' alone had employed seven, including one woman. There was hardly any attached labourer of local origin.

Our enquiries in the village Fatehpur revealed that the 'Master', entered this business sometimes in the mid 1970s and by the early 1980s he had already established himself as a powerful labour contractor. This was also corroborated by some of the migrant labourers who happened to be his victims as far back as 1981. For instance, a Kharia tribal² of 34, who had renamed himself Jaipal Singh, came to Punjab for the first time in 1981 through a recruiting agent (caste Teli, village Khattanga, district Ranchi). He was brought to the 'Master' at village Fatehpur from where he was handed over to some farmer. Jaipal was paid @ Rs. 60/- per month as wage from the fourth month of his employment as the employer deducted three months wages in lieu of the payment made by him to the 'Master' at Fatehpur. Interestingly enough our study of 1980-81 in the Tanda block of Hoshiarpur also found the same wage rate being offered to the tribal migrant labour.

He entered this business in a humble way when he started duping migrant labourers at Ludhiana and Jalandhar railway stations and 'sold' them to the labour-starved farmers in the tehsil of Garhshankar. In the course of this business, he came in contact with a tribal agent who assured him a supply of tribal labourers from the Chottanagpur area falling in Jharkhand. The very first batch of tribal migrant labourers that the agent brought to Garhshankar proved to be a great asset to the farmers as they were more hard working at lower wages compared to the non-tribal migrant labourers from Bihar and eastern Uttar Pradesh. When some of the tribal labourers went back to their respective villages in Jharkhand and narrated stories of prosperity in Punjab, many more labourers got ready to migrate from Jharkhand to rural Punjab through the middlemen. On an average, an agent (middleman) brought 10-15 people in each batch. Slowly the size of the group of labourers, brought by the agent in each trip, became bigger and bigger. The business grew over time and the middlemen started getting a regular commission from the 'Master'. It became such a lucrative business that farmers from the rural areas started paying money in advance to secure tribal labourers who were ready to work under conditions of forced labour. People are generally scared about talking about the 'Master's' trade as he is well connected with the bureaucracy and local politicians. People view him as a harsh and short tempered man. We were told that he misbehaves not only with the people, but also with the labourers. It is for this reason that nobody wants to talk about his misdeeds. Since his labourers are in great demand and people have to wait to get a supply of labourers, it has made him all the more proud. Of late, however, his competitors from the village of Bheen and Dehron are giving him a tough time. This has also slowed down his business. Consequently, his total monthly supply of bonded labourers has declined from 100 labourers in 2002 to 10-25 labourers at present. Pressures from the media and civil society have also put a dampener on his business. The new competitors, namely, Jagbir from Bheen and Jarnail Singh from Dehron have enticed his labour agents by offering them better terms of commission. This has also seriously affected his supply of labour. That is why a large number of potential employers are now looking towards the agents from Bheen and Dehron.

In the beginning the trade in labour was largely limited to male tribals recruited from the Chottanagpur area of Jharkhand. Subsequently tribal women were also lured by agents, irrespective of their age and marital status. During the heydays of 'militancy' in Punjab, the 'Master' was threatened and told to stop bringing women labourers, which temporarily affected the flow of tribal women to Punjab. However, ever since the terror of Sikh 'militants' has been contained, the business in women labourers has picked up again with an added dimension of child labour who worked either along with their parents or independent of them. Shopkeepers and tea stall owners in Garhshankar town particularly liked tribal child labourers. Women and children were employed both as agricultural labourers and domestic servants. The area of recruitment of labourers has also expanded over the years and now parts of north Bihar, Orissa and Madhya Pradesh have also been included in the hunting ground of the labour recruiting agents.

Though there is a steady supply of labourers by agents throughout the year, there is a scramble for labourers particularly during the 'Sunday Bazaar'. All types of employers approach the 'Master' for labourers. The 'Master' is known for his obduracy and does not care to extend even minimum courtesy to his 'customers'. For each labourer the rate of payment to the 'Master' has increased from Rs. 1500/- in late 2000 to Rs. 2400/- in 2006. The advance cash payment is later on deducted by the employer from the notional wages promised to the labourer. It amounts to three months' wage for a labourer.

Not all labourers are uneducated. Some of them are educated, particularly the Christians. When such labourers tried to resist the 'Master's' dictates at the time of bidding, as it was contrary to the promises made to them by their agent at the time of recruitment, they were physically assaulted till they finally complied with the Master. The 'Master's' younger son is said to be particularly 'helpful' in setting right the recalcitrant labourers. We were also told

that there was a woman domestic servant who helped him if there was some resistance from the women labourers.

The political economy of the migrant labour trade revealed that out of the total amount of Rs. 2400/- charged for each labourer, nearly one-third was spent on travel expenses, incurred by the recruiting agent from the place of recruitment to Fatehpur in Punjab. Each group of labourers spent nearly three days to reach the place of 'employment' at Fatehpur in semi-starved conditions. The remaining Rs.1600/- was shared between the 'Master' and the recruiting agent. Calculations, based upon the information supplied by the villagers, showed that the huge earnings from the labour trade gave him so much clout in the region that nobody, including his adversaries, dared to stand up and raise their voice against him. The trade has paid great dividends to the 'Master'. Over a period of 30 years, he had bought land at different places - in Garhshankar (15 acres), three villages, namely Veerampur (10 acres), Denowal Khurd (9 acres) and Dhanghaam. In his own village he added eight acres to his original allotment of four acres at the time of settlement in Fatehpur Kalan. He had also leased seven to eight acres of land in his village. We estimated that the 'Master' owned nearly four crore rupees worth of landed property besides having two tractors, one jeep and a huge mansion, which is conspicuous in the whole village by its very size.

The 'Master's' power does not simply flow from his property, it also derives from the network of minions of law who have been corrupted by the supply of smart men and women labourers to work as domestic servants. The end result of his clout is that he no longer cares for the press and even the electronic media that has tried to expose his infamous labour trade. On the contrary, the 'Master' grabbed some land belonging to the village panchayat and he also faced legal proceedings for the same. He no longer cares for his own 'ethics' even in the transactions of the labour trade. In the past he maintained proper records of the labourers transacted during the bidding so that in case a labourer escaped the employer could be compensated with a new replacement. Slowly the 'Master' not only abolished his commitment to replace labourers, he in fact enticed away those labourers who had already been handed over to different employers in the 'Sunday Bazaar'. For this purpose he used his agents who, instead of going all the way to Bihar for a fresh contingent, arranged the escape of the labourers in order to 're-sell' them in the Sunday Bazaar. Though this practice earned him a bad reputation in the terms of trade nobody dared to question him.

The second village, namely Bheen, is at a distance of nine kilometres from the town of Garhshankar. Here the business is run from a farmhouse, owned by a Jat Sikh refugee settler, namely Jagbir Singh. Jagbir Singh of Bheen earlier was the 'Master' of Fatehpur Kalan's friend. The latter's success in the labour trade tempted Jagbir Singh to start his own parallel business, though the parting,, like all feudal ties, was not peaceful. Jagbir Singh could withstand the terror unleashed by his erstwhile friend as he was backed by nothing less than a cabinet minister in the state government who happened to be his relative. Also in terms of property he was among the top few landowners in the area. He owned 52 acres of good quality land in the village, which was being cultivated with the help of two tractors. The agriculture was looked after by a group of coerced migrant labour that included men, women and children of tribal origin.

The bonded labour trade is nearly 30 years old in Fatehpur, but it is only one and a half decades old in the village Bheen. Jagbir Singh is conducting this business from his farmhouse. In the beginning, he used to bring a group of 15-20 migrant labourers from the Ludhiana Railway Station and after using them during the peak period of labour demand on his own farm he used to supply them to the other needy farmers after charging them a commission. He continued this practice for five to six years, but was not very happy with the labourers' attitude, who often fled from their employers. By 1990-91, he discovered the business at Fatehpur and decided to learn the tricks of the trade in order to take over the trade. He too is hard headed and has all the traits of a muscleman who has no qualms about

taking advantage of the poor labourers. At one point of time, there was a tiff between him and the well established 'Master' of Fatehpur and he did his best to entice away the latter's labour agents. Jagbir Singh said that he had supplied more than 12000 labourers to different employers during the last six years, but his business was affected last year when two of his female labourers fled from his place and were captured by some of his adversaries. That adversary filed a case through those female labourers against him who remained underground for nearly six months. He was also put behind bars for one month in this case and was detained in Ludhiana. Both the Punjab Police and the Jharkhand Police pitched camp in Bheen village for a long time. In due course of time with the help of political connections and bribing some officials he managed to get out of the charges of immoral trafficking. People in the area also told us that he has not stopped his business, but has only pushed it underground. Certainly the scale of his business has come down. After this episode, he does not feel comfortable with the business and has given strict instructions to his labourers, supplied to different employers through him, not to divulge any information whatsoever to any unknown person. It is precisely for this reason that when we contacted some of the migrant labourers that were supplied by him to different farmers, they refused to divulge any information on their recruitment and current wages and working conditions.

Enquiries from the neighbourhood revealed that there was a slump in the labour trade because of a police raid on the farmhouse. The background of the raid was the 'death' of a female labourer, who was one of the 50 female labourers working in a cold storage at Shahpur (Jalandhar) and were supplied from this very farmhouse by Jagbir Singh. The owner of the cold storage is a close relative of Jagbir Singh and had obliged him by providing sweat labour. After the death of the worker the dead body was disposed off by the cold storage owner himself and this smacked of foul play. At this a strong protest was launched by the co-workers who received immediate support from the left activists. The issue of poor wages was also added and finally the cold storage owner had to pay Rs. 2.65 lakh towards compensation. The raid was conducted by the Nawan Shahar police with the aim of releasing bonded labourers, if any, from the farmhouse. We were told by the owner of the farmhouse that, at the time of raid, there were women labourers present inside the house, but were whisked away to the fields from the backdoor. In the meanwhile, Jagbir Singh also contacted the cabinet minister, who happens to be his relative, and requested his help. Jagbir Singh during the course of interview said that the police personnel were pulled up by the minister for their 'misdeed'.

Jagbir Singh's modus operandi of securing migrant tribal labourers from Jharkhand is described below.

He has maintained one agent who deals with sub-agents who are directly responsible for the recruitment of tribal labourers from Jharkhand and handed over to the first agent. The first agent in turn supplies labourers to Jagbir Singh. On an average Jagbir charges Rs.2400/- for supplying a labourer to a farmer, out of which, half the amount is paid to his supplier agent and he himself retains the other half. He maintains a proper record of all the labourers along with their addresses and also of the whereabouts of the employer to whom he has supplied a labourer. The age of the labourers ranges from 14-50 years. Among the group of labourers secured in this way there are not only men, but also women labourers. Men and women are accessed from Jharkhand on the demand of some *Zamindars* who look for labourers in pairs (primarily male and female, who may or may not be husband and wife). It is not necessary that they are married, but sometimes they pretend to be married.

After taking possession of a labourer the employer, who has already paid Rs. 2400/- to Jagbir Singh for possession, has to keep a close vigil on the labourer lest he escapes. In case a labourer escapes the supplier has no responsibility to provide a substitute labourer. However if an employer does not like the working or performance of a labourer he is provided a substitute. Like any other trade there are trade secrets involved here too. The

labourers are also tutored that in case they do not like their employer they are free to escape from him and would be welcome back with the supplier. Here once again the labourer is 'resold' to a new employer.

Jagbir Singh owns nearly 52 acres of agricultural land, which is quite a large chunk as per the average size of holdings in Punjab. Jagbir lives in a farmhouse outside the village built in his own fields. That is why most of the inhabitants of the village either don't know the details of his business or dare not divulge the information as he can prove to be a threat to their peaceful living. Jagbir also does not interact much with the co-villagers. Yet, it is obvious that the 'trade' in tribal labourers has added to his assets and prosperity.

Nobody in the village could tell us anything about the agents Jagbir has recruited from Jharkhand who supply him labourers. There is total secrecy. In order to maintain this secrecy he does not let the tribal agents come to his village and instead asks them to go back from Delhi itself where a second set of Punjabi agents collect the group of labourers from them. All the financial transactions between tribal agents and the second set of Punjabi agents take place in Delhi. It was intriguing to us that even the tribal labourers did not know anything about the tribal agents who brought them to Delhi. Our inquiry has shown that tribal agents certainly lure poor labourers from Jharkhand by telling them tales of prosperity and comfort in Punjab, but these hopes are shattered the moment they fall into the hands of the second tier of Punjabi agents. The Punjabi agents alight at Jalandhar or Ludhiana from where they are picked up in vans and transported to the farmhouse under the cover of darkness. Since there is already a demand for such labourers with Jagbir, the needy farmers are asked to reach his '*dera*' (farmhouse) immediately. Most of the labourers are disposed off on the very night they arrive at the Jagbir's farmhouse. In no case is a labourer retained for more than two days as it is risky for Jagbir lest anybody file a complaint against him. People prefer Jagbir over other suppliers as he charges a slightly lower amount of commission.

After paying Jagbir's charges the labourers are promised wages in the range of Rs.800-1000/ per month (with food). The most common wage rate, however, is only Rs. 800/- per month, which is nearly half of the statutory minimum wage fixed by the state labour department. As per the old tradition, the commission would be equal to three months' wage of the labourer. How much wage is actually paid and when it is paid is the most important question that can only be verified from the labourers.

Jagbir tries his best to keep the entire business away from the gaze of the people and conducts it in a hush-hush manner. Even the local agents are not allowed to come in touch with other people in the area and are dispatched back in the same vehicles that transport labourers to the farmhouse. After arriving at the *dera* all the labourers are offered a meal and are accommodated in a big hall before they are disposed off to the individual farmers. Though Jagbir started the business to under mine Fatehpur's 'Master' he adopted it as a proper business after he found it lucrative. Of late he is facing a challenge from another 'labour dealer' from village Dehron in the same tehsil of Garhshankar (Hoshiarpur). Jarnail3 Singh of village Dehron has succeeded in luring one of Jagbir's agents by offering him Rs.300/- per labourer more than what Jagbir is paying him. This is how another labour centre has emerged at Dehron.

In Dehron the trade in migrant labour is being managed by the sarpanch Jarnail Singh. He took the cue from Fatehpur and started the business after enticing a labour agent of the 'Master' to whom he promised commission of Rs.1,500/- per labourer, that is, Rs.300/- more than what 'Master' was paying to him. The extra commission of Rs.300/- is finally charged from the employers, who end up paying Rs.2,700/- per labourer for taking possession of a labourer. Here, Jarnail Singh further allows the employers to deduct three months' wages from the labourer procured from him; that is the employer too saves in the trade-off.

However, a farmer has to keep a close vigil on his labourer for three months lest he escapes. His turn over is 40-50 migrant tribal labourers/ per month. He earns between Rs.40000-50000/- per month out of the trade in bonded/forced labourers. At present Jarnail Singh has engaged two to three agents for procuring migrant tribal labourers. Though Jarnail Singh is the latest in this trade his business is booming as agents bring larger numbers of labourers due to the incentives offered by him. Jarnail Singh is attracting both male and female labourers who are in the range of 12-30 years of age. The labourers in 'pairs', who are not necessarily a couple, are in greater demand. The female labourers help in household chores. Unlike the Bheen and Fatehpur centres of labour trade, Dehron has not emerged as a big labour centre, but in due course of time it is going to surpass the earlier labour centres. Since these labour centres have been raided many times, the entire business runs behind closed doors. No potential employer is allowed to enter the farmhouse without a previous loyal client or relative's recommendation. The owners of these centres have to guard themselves against any sting operation from the media. It is worth noting that in this business there is protection from police as well as politicians.

Wages and Working Conditions

During the course of our survey we interviewed several labourers from the village of Fatehpur, G. Mattan and the township of Garhshankar. The most common wage rates promised to the workers ranged between Rs.800-1000 for male labourers and Rs. 500 to 650 for female labourers. Child labourers were paid less. The migrant tribal labourers working as attached agricultural labourers were not promised even half the statutory minimum wage rates prevalent in the state. In many cases these wages turn out to be notional. The following case studies are typical of the wages and working conditions of the tribal migrant labourers who were brought to Punjab by unscrupulous agents from Jharkhand.

Case Studies of Attached Migrant Labourers conducted during December 2005

The following case studies conducted in the districts of Hoshiarpur and Nawanshaher are summarised below.

There are two types of attached migrant labourers when classified on the basis of their ethnic origin. One type is a Hindu; often belonging to the Scheduled Castes and the second are tribes from Jharkhand. On the basis of their mode of recruitment they again can be classified into two categories: those who have come on their own and those who have been recruited through middlemen. Further, on the basis of their nature of work they again can be classified into two categories: those who are young and particularly look after cattle, and those who, beside cattle tending, also perform other agricultural operations.

Broadly, if a labourer is a Hindu, comes on his own and does all types of agricultural operations he falls in the category of a 'better off' agricultural labourer in terms of wages. Conversely, if a labourer is of tribal origin, has come through a labour agent, and his work is limited to cattle tending/ household chores, he is 'worse off' in terms of his wages and working conditions. Irrespective of the mode of recruitment, nature of work and ethnic origin of the migrant attached labourers the following factors speak of their condition.

1. They work, on an average, for 14-15 hours a day and the timings of work are either tied with the timings of cattle tending, or with the various agricultural operations.
2. If bought through an intermediary/ labour agent, for the first three months they are preferably kept under lock and key as the wage for three months of labour has already been paid by the employer.
3. Even afterwards, all of them work under their respective employer's surveillance and the labourers are not allowed to interact/ socialize with anybody other than the employer's family members. The demand for all the daily needs is placed before the employer and he supplies the same. The labourers cannot have direct access to the market.

4. In winter they are invariably made to sleep in a closed cattle shed. The explanation from the employer is that since the cattle keep the room warm through respiration, it protects the labourers from the cold.
5. There are two types of wage rates: one for those labourers who have to work on all sorts of agricultural jobs and their wage is nearly Rs.1200-1400/-per month (with food); there is a second category of labourers who are engaged for cattle tending, their wage rate is in the range of Rs.500-800/- per month (with food). In both the cases the wages are below the statutory minimum wage in the state, that is, for the former it is 15 per cent and for the latter it is 50 per cent
6. Five to six months' wages is kept back by the employer.

Case No.1

Narayan son of Mohan Chanderwanshi, age 29 years, resident of village Pacham, Thana Lakhi Sarai, district Muger, Bihar is working as a migrant attached labourer for the last 16 months with Shri Waryam Singh, resident of village Gadni, district Nawanshehar. His wage rate is Rs.1200/- per month plus food and tea. His employer also offers him old clothes to wear. Once in a while Narayan also gets new clothes from the employer. He has a wife who is living in Bihar with his parents along with his two year old daughter. His working hours are from four o' clock in the morning till eight o' clock in the evening. His day starts with giving fodder to the cattle followed by cattle shed cleaning and dung removal. At seven o' clock he receives a cup of tea and then spends another couple of hours working with the cattle. Since, there are 12 buffaloes to look after; he remains busy till 9-10 a.m. After having breakfast, he goes to the fields to cut fodder and then by 12 o' clock, he brings back loads of fodder for the cattle. Between 12-2.00 p.m. his main job is fodder chaffing, putting fodder in the manger and providing water to all the cattle. At two o' clock, he has lunch. Once again he is busy in looking after the cattle, bathing them and also taking them to the shed, etc. However, milking of the buffaloes is usually done by the employer himself. At six o' clock he once again, cleans the cattle shed and removes the cattle dung, which takes nearly two hours. By eight o' clock in the evening he retires from work and after having dinner goes to sleep in a room next to the cattle. Since he is dealing with the cattle that need daily attention and care, he has no leave. In case he is not well or gets a fever he is allowed some rest. In his 16 months of continuous labour, he has only taken leave once. He does not take his wages every month. His due wage is cleared seasonally every five to six months. At the time of the interview, the employer owed him four months' wage that is nearly Rs.5000/- which gave him sufficient guarantee that Narayan would not run away. It is worth mentioning here that prior to joining here as an attached labourer with Waryam Singh, Narayan worked for two years in Ferozepur and was taken away from the Ludhiana railway station by Waryam Singh on his return from Bihar after meeting his family members.

Case No. 2

Sonu Haro, son of Panda Haro, age 26 years, belonging to the Munda tribe, resident of village Malida, P.S. Moro, district Ranchi, Jharkhand came to Punjab in search of work 13 years back. When he came here for the first time he was brought in a group of 14 persons through an agent (intermediary) whose name was Dinesh and he was brought to the renowned labour centre at Fatehpur (Garhshankar). From here, he was handed over to a landlord, namely, Gurjant Singh, who promised him a wage of Rs.1000/- plus food. Sonu worked with him for four years at Bhogpur. His major work was to look after the cattle. At the end of four years, when his account was settled he was paid his wages at the rate of Rs.500/- per month instead of Rs.1000/- per month as promised in the beginning. Frustrated with his employer's attitude he decided to quit and went to Tanda (district Hoshiarpur) where he worked for another six years. Here at Tanda, his wage was agreed upon at Rs.800/- per month. Through another friend, he came to know that he could get a much better wage rate than what he is getting at Tanda and that is how his friend brought him to the present place to a landlord, Baldev Singh village Gadhni, district Nawanshehar where he is working as an

attached agricultural labourer at a wage rate of Rs.1500/- per month in addition to food and tea. He supports his mother and two younger brothers back home in Ranchi.

On an average he works for nearly 13 hours a day. He has two jobs, tending cattle and agriculture. He can not avail a single day's leave due to the nature of his work and terms of contract. During the peak season he might have to work for 20-22 hours a day, whereas the stress of work comes down during the lean period and his major job remains the tending of cattle. He looks after three buffaloes. He, too, at night in a small room constructed next to the buffalo shed. He is paid his wages every six months.

Case No. 3

Raju Mandal son of Sooraj Mandal, age 15 years, Mandal by caste, resident of village Neharpur Baran, district Purnia (Bihar) has been working for the last two years with Jagtar Singh, village Jhandar, district Nawanshehar. He came here with his father who cuts sugarcane, which is supplied to the sugarcane mills. He too is looking after Jagtar Singh's four buffaloes. His wage is Rs.500/- per month with food and occasionally he is also given some old clothes. His working hours are five o' clock in the morning to eight o' clock in the evening. Besides looking after cattle he also helps in households chores. He stays in a corner of the cattle shed at night. Here he is given food in the utensils that he has been given separately. He is not allowed to meet any stranger at any time. On being asked as to why is he not allowed to meet any stranger Jagtar Singh said that somebody might encourage him to indulge in a 'wrong act' and that is why he does not allow him to have any interaction either with local landlords or any other migrant labourer.

At five o' clock he feeds the cattle he then cleans the cattle shed and clears the dung. He then goes to the fields to cut fodder and bring the same back to the cattle shed for chaffing and feeding the cattle. Like all the cattle tenders, he does all the work related to their feeding, providing water, grooming and bathing. He never gets a day off from work.

Case No.4

Shankar Kumar son of Sh. Umesh Pandit, age 10 years, resident of village and post office Patni Rathan, PS Kishanganj, district Madhopur (Bihar) works with Bhajan Singh, village Gadhni, Tehsil Banga, district Nawanshehar. He came here for the first time with his maternal grandfather who employed him here with Bhajan Singh after taking an advance of Rs.2000/- from him. His monthly wage has been fixed at Rs.600/- per month plus food, etc. His main work is to look after seven buffaloes. He works from five o' clock in the morning till eight o' clock in the evening. At night during the winter he sleeps with the buffaloes in the same room. This arrangement is justified by the employer by saying that the cattle keep the room warm and this protects the labourer from a chill. Moreover it helps him to start his work early in the morning.

Case No.5

Tinki Sada son of Yogeshwar Sada, age 14, village Kalyanpur Basti, PS Mohindraga, district Samastipur, (Bihar), is working as a bonded labourer for the last three months with Gurbachan Singh of village Bahawal, district Hoshiarpur. He has been promised Rs.1200/- as his wage. His work includes looking after the cattle as well as various agricultural operations such as applying fertilizer, spraying insecticide and pesticide and watering the crops. He works on an average between 12-14 hours a day. There is no paid leave whatsoever. He borrows small amounts of money from the employer, but the rest of his wages are still pending with the employer. Like all other attached agricultural labourers he has been provided with accommodation, food and tea besides the promise of a wage. Besides looking after cattle he also works in various agricultural operations He too lives in the cattle shed with the cattle. He works under the complete supervision of the employer and is not allowed to talk to any stranger in the village. Whenever he needs any medicine

the village doctor provides the same on credit and the amount is adjusted against his wages at the time of settlement of accounts.

Case No.6

Achhu Munda son of Dass Munda, age 20 years, belongs to village and post office Timphawara, district Ranchi, Jharkhand. He came to Punjab through an agent to the sarpanch of village Ajnoha (Garhshankar). The name of the agent was Shankar who is a resident of Ranchi. Before bringing him here he was lured with the promise of a decent job with a decent wage in Punjab. All his travel expenses on the way were born by Shankar. On the journey, he survived on rice and *daal* he had packed for himself. During the long journey the agent offered him tea twice and once a small amount of roasted gram. They got off at Jalandhar railway station where they were given some food. After reaching village Ajnoha he was employed with the landlord, namely, Rajinder Singh. Achhu Munda has no idea of how much commission Shankar was given. However, Achhu said that he would be paid at the rate of Rs.800/- per month plus food etc., but for the first two months his wage amount would be adjusted to meet his travel expenses from Ranchi to the village Ajnoha. He did not know any details of the agent, as he had never seen him before.

He was primarily employed to look after the cattle, but slowly he is also been given work in agricultural operations. Though he has been working here for more than six months, he has received only Rs.200/- so far to meet his daily needs. Achhu Munda said that for the first two month his employer used to lock him along with the cattle lest he escape at night. Achhu also faced a lot of problems in communicating as he did not know the local language and his employer did not understand his tribal language. However, with his background of absolute deprivation and a situation of near starvation Achhu feels 'happy' at the present place.

Case No.7

Kailash Chander son of Shalika, age 18 years, village Kurkisi, district Chaibasa, Jharkhand is working for the last one year in village Kharar Achharwal, Mahilpur, District Hoshiarpur with Gurdev Singh. Gurdev Singh had procured him by paying Rs.2400/- to the labour centre at village Bheen. Kailash is absolutely illiterate and a simple person. He can not even speak Hindustani. His primary job is to look after cattle. He has been promised a wage of Rs.700/- per month plus the usual food and old clothes etc. Kailash said that after reaching Bheen through an agent he stayed there for two days before he was taken away by the present employer. He too works from five o' clock in the morning to eight o' clock in the evening. He lives in the cattle shed along with the cattle. The entire amount of his wages is still due. Kailash said that his entire wage would be collected by his elder brother who is also working at Ajnoha. He is in touch with his brother who has also taken an advance of Rs.1000/- from his employer. Looking at his mental and physical state it seems that he is not aware of anything beyond his two square meals and finally his entire wage may be taken by his own brother.

Case No.8

Sony son of Raju, age 18 years, village and post office Kundi, district Ranchi is working in village Dehana, district Hoshiarpur for the last three years with Rachhpal Singh. Nearly three years back an agent named Bholu brought him to the labour centre at Fatehpur. On the very next day Rachhpal Singh brought him home after paying Rs.2000/- to the labour contractor at Fatehpur. His wage has been fixed at Rs.700/- per month, which has not been revised during the last three years. His two months wages were deducted, but he received the remaining wages before he left for his village in Jharkhand last time. After staying in Jharkhand for some time he came back to join the same employer over here without mediation by any agent.

Sony told us that when he came with the agent for the first time he was told that he will be provided some good work in a hotel at Delhi but after reaching Delhi Railway Station he

learned that his entire group was being diverted to some other destination in Punjab. The agent had promised him a job of Rs.2000/- at Delhi, but later on he was told that the police at Delhi would harass him that is why he had been brought to Punjab. At that time during his journey to Punjab they were only given tea on the way. He is not happy with his present work, as he does not like looking after cattle, cleaning and removing dung. Moreover, the long working hours of 14-15 hours he feels is back breaking. He is also not happy at the wage he has been paid at the moment as his two sisters and two brothers back at home along with his old parents are dependent on him. Besides looking after the cattle he is doing all sorts of agricultural work.

Case No.9

Promod Yadav son of Bittu Yadav age 14 year, VPO Dalla, PS Dhajoli, district Madhopur Bihar is working with Sajjan Singh, VPO Bahawal, district Hoshiarpur for the last three years. He is looking after his four buffaloes besides helping in other household chores. His wage has been fixed at Rs.700/- besides the usual food, tea, old clothes etc. His working hours are also from five o' clock in the morning to eight o' clock in the evening. His father is a peasant back at home and works in agriculture along with his other four brothers.

Case No.10

Shantu son of Keshav, age 19 years, VPO Ghumari, district Ranchi, Jharkhand came to Punjab through an agent from the labouring village, namely, Lakhu Ram who brought him in group with 12 other labourers who were promised work in a factory. However, after reaching Jalandhar railway station all of them were brought to the village Ajnoha in Hoshiarpur and were handed over to Kuku Sarpanch. From there, he was frisked away by Jai Singh of village Moro, district Nawanshehar after paying Kuku Sarpanch an amount of Rs.2200/-. His wage was fixed at Rs.800/- per month plus the usual food, tea, old clothes etc. though he would not receive any wage for the first two months. His working hours are also from o' clock in the morning to eight o' clock in the evening. Besides looking after cattle, he is also doing agricultural work. No paid leave is granted to him. He, too, was kept under severe vigilance for the first two months and was locked at night in the cattle shed. Though, now he is relatively free to move around he himself does not go around due to the language barrier. He has to ask his employer for whatever he requires for his daily needs.

Chapter III

BONDED LOCAL AGRICULTURAL LABOURERS IN PUNJAB

During the month of December, 2000, I read about the bondage among the local labourers in the southern districts of Punjab and made a quick five day visit to rural Punjab covering the districts of Patiala, Mansa, Sangrur, and Bathinda. I visited nearly 25 villages and conducted detailed interviews of the local labourers. I found that village after village is engaging local labourers who are chained to their respective employers through debt. On the basis of the field data collected during the visit, I prepared a detailed report which is presented below in brief.

Main findings

1. According to our estimate there are nearly one lakh bonded agricultural labourers only in Punjab and nearly three-fourth of them hail from a single caste, namely *Mazabi Sikh*. Alternatively, however, if we exclude all those labourers who have taken a loan only as part of their wages, even then the number of bonded labour was estimated somewhere in the range of 25-30 thousand. Most of them are locally called *Siri/Sanjhi* (local name for attached agricultural labour). These labour tenures are also identified as forced labour in the Bonded Labour (Abolition) Act, 1976.
2. Bondage is primarily perpetuated through a heavy loan on which usurious compound rate of interest is charged. Once indebted, it is difficult to come out of the debt trap. The labourers are not only indebted to the farmers; even the Commission Agents in the grain markets are using debt to squeeze them dry.
3. The farmers are also attaching properties, such as, houses and cattle in case the labourers are not in a position to clear the debt through labour.
4. Though there are not many cases where physical coercion is involved to keep them in bondage, the fact remains that most of them are born in debt and die in debt (see documentary, '**Born in Debt**', made by us for the ILO).
5. Children aged seven to ten years are also engaged in work with the same employer where their father works so that there is some relief from the debt. They are promised Rs 1000-3000/ per annum as wage, which they hardly ever receive as their wage is adjusted against the interest of the pre-existing debt, accumulated by his parents.
6. It is difficult to believe that women labourers from the same families engage in cleaning the farmer's cattle shed as payment towards the interest of the loan taken, which may be between Rs3000 to 5000/-. In other words, even if 24 per cent interest is charged on the amount of Rs3000/- taken as a loan the total annual wage would be Rs. 720/- per annum. Since two labourers spend not more than one and a half hours in cleaning one cattle shed, even if the above wage is inflated three times to discount the lesser amount of time spent each day, the annual wage turns out to be Rs.2160/- which is almost 1/10th of the statutory minimum wage fixed by the state labour department.

As a follow up, another exhaustive survey was carried out in two districts during the summer of 2005. In search of bonded labourers in agriculture we visited three dozen villages from Jalandhar and more than two dozen villages from Bathinda. Data was collected from 900 households out of which we found that nearly 90 per cent were attached labourers. In Jalandhar there is hardly any local attached labourer in contrast to Bathinda where there are large numbers of local labourers working as attached agricultural labourers. Migrant attached labourers in Jalandhar are working in the range of the Rs.600-1600 per month depending upon the skill and age of the worker. Some of them are supplied by the labour

supplying agencies that maintain a proper record of each and every labourer supplied by them.

The condition of local attached labourers from Bathinda is worse. They are still trapped in the old *Siri* system that stands extinct under the Bonded Labour System (Abolition) Act, 1976. There was not a single attached agricultural labourer who was not in debt. The most common practice found was that an attached labourer would take the entire amount of annual wage in advance, over and above the loan which he has to pay his previous employer before he could join the new one. It was found that the amount of loan ranged from Rs.20, 000/- to Rs.40,000/-. They had to start at an early age at the will of their parents who hoped to get rid of their perpetual state of debt bondage. Now as grown up labourers their experience shows that it is not easy to come out of the debt trap. During their fifty years of work they were not paid any regular wages. Despite foregoing their regular wages the debt amount increased by 87 per cent over the original amount of loan. It is a debt trap and the labourers have lost all hopes of coming out of this burden and perpetual state of indebtedness. Moreover the employers maintain the accounts and the labourers being illiterate cannot remember their advance and expenses. They have to agree with what ever is said by the employer at the end of every year. They are not free to change their employer unless they arrange cash to clear the outstanding debt. The only source is the subsequent employer and thus the chain of debt extends over their whole life. It is found that there is a lot of difference between the wages promised and the wages actually paid. A large number of them have not been promised even a minimum wage. Even those labourers, who have first been paid wages as per the rate promised to them, later have been kept on hopes. According to the Bonded Labour System (Abolition) Act, 1976, most of these labourers fall under the definition of bonded labourers.

During the visit to Bathinda it was found that there were four such labourers who had to sell their houses in order to clear their debt. In two cases the attached labourers' houses were attached and in one case a buffalo was attached to recover the debt, which is a clear violation of the Code of Civil Procedure. The farmers expect attached labourers to be on duty for 24 hours and consequently if any labourer is absent from work he is fined double his normal wage. It has also been interpreted (though wrongly) that the attached labourers need not be given any paid leave. Even in the case of sickness a labourer not only has to spend all the medical expenses from his own pocket, he also has to pay a fine for all those days he remained absent from work. We found labourers who have been physically assaulted by the landlords and coerced to perform illegal acts such as stealing government wood. There was a labourer who was not allowed to attend his relative's funeral. One of the labourers also attempted suicide.

On the basis of the above observations it has been estimated that most of the attached labourers, who are locally called *siri or sanjhi*, often fall into the trap of debt bondage and nearly three-fourths of them hail from a single caste, namely *Mazabi Sikh*. These labour tenures are also called forced labour in the Bonded Labour Act, 1976. The bondage is primarily perpetuated through an extremely high rate of compound interest charged on the loan taken by these labourers, ranging from 24 per cent to 60 per cent. Once indebted, it is difficult to get out of the debt trap. Not only farmers, but the Commission Agents in the grain market also use the debt trap to subjugate the labourers.

Though there are not many cases where physical coercion is involved to keep them in bondage, the fact remains that most of them are born in debt and die in debt. We came across four such labourers who met with accidents while working in the fields. Two of them inhaled insecticide/pesticide while spraying the crop and two others suffered serious physical injuries - one hurt his backbone when he fell from an electric pole and the other fractured his leg while repairing a tube well inside the well. None of these labourers were compensated. The brother of the labourer, who died, is now working in his place to clear the debt.

Children in the age group of eight to ten years are also engaged to work with the same employer where father has been engaged so that there is some relief from the debt. Their wages are adjusted against the interest of the pre-existing debt, accumulated by their parents. Women from the same families are also engaged in cleaning the farmer's cattle sheds to work of the debt, which may have started as a loan of Rs. 2000/- to 3000/-

Other main findings of the survey of 2005 are:

1. It is estimated that there are still nearly one lakh attached labourers in Punjab, and not less than one-third of them are migrants.
2. Out of the total workers, 84 per cent are illiterate.
3. Out of the total attached labourers, 79 per cent work more than 15 hours a day. Among the attached labourers more than 55 per cent labourers are those who daily work for more than 18 hours, which itself is indicative of the element of bondage involved in the attachment.
4. One of the most important sources of bondage is provided within the terms and conditions of attachment as circulated in the official Gazette Notification on Minimum Wage. It is clearly mentioned in the Gazette that an attached agricultural worker means 'full time worker', which means that he is always at the beck and call of his 'master'.
5. The most startling figure is of those labourers whose income falls between Rs.12000/-to 18000/- per annum. The percentage of these workers is 64.37. If we analyze the annual income from wages in the light of the long hours of work, it can safely be concluded that the status of all these workers is closer to bonded labourers than otherwise.
6. It was found that in the case of both attached agricultural labourers and casual labourers, the average wage received with an unlimited number of hours of work was still marginally below the statutory minimum wage. If the working hours are adjusted to eight hours day the respective deficit in the payment of minimum wage enhanced to Rs.- 608/- per month and Rs.- 434/- per month.
7. There were 262 indebted households among the attached labourers who had taken a loan over and above the advance wage of six months/ one year. The most worrying fact that came to light was that nearly 30 per cent of the households were those whose debt had piled up to more than Rs.50000/- each. All of them were in a debt trap and could be called debt bonded labourers.
8. Out of the total 262 indebted households, 88.5 per cent are indebted to a non-institutional source of debt such as a moneylender or employer. The labourers from the district of Bathinda seem to be more vulnerable and prone to bondage compared to labourers from the district of Jalandhar.
9. The details of the reasons of indebtedness reveal that expenses on marriage are a prime cause of indebtedness. Expenses on medical treatment are the second most important reason for indebtedness. Expenses on marriage and medical treatment emerged as the major reasons behind indebtedness whereby 70 per cent of households were affected.
10. Sociology of debt gives an insight into the social dimensions of indebtedness and bondage. Out of the total indebted households, 84 per cent are Scheduled Castes, two per cent are Scheduled Tribes, 10.7 per cent Backward Classes and only three per cent indebted households belongs to the general castes.

Case Studies of local attached labourers conducted during December 2005

Case - I

Joginder Singh S/o Jangir Singh, caste *Mazabi Sikh*, age 60 years, village Jhama Singh, district Sangrur has worked as a *siri* for the last 40 years, with different employers in the area. For the first 20 years of his attachment he worked with one employer from his own village named Resham Singh, where he started at a wage of Rs.500/- per annum and retired from there at the end of 20 years when he received a wage of Rs.10,000/- per annum (with food). At the end of 20 years of work Joginder had accumulated a debt of Rs.15,000/-, which

he owed to Resham Singh. Resham Singh released him after receiving the due amount of Rs.15,000/-, which Joginder Singh borrowed from the subsequent employer Atma Singh. In other words, Joginder Singh simply transferred his debt bondage when he changed employers. In addition to Rs.15,000/- he also borrowed another Rs.5000/- from Atma Singh at the beginning of his attachment. Joginder Singh worked with Atma Singh for two years, but at the end of the two years tenure he still owed Rs.10,000/-. He then decided to join another employer, Jangir Singh from whom he borrowed Rs.12,000/- out of which he cleared the previous employer's outstanding debt of Rs.10,000/-. There were two reasons for the piling up of his debt: one, the rate of interest charged on the debt was 60 per cent per annum, which was quite high and second, he kept on borrowing small amounts of money to meet his family's daily needs. Also in case he was absent from work, he was fined between Rs.50-100/- per day. It is important to mention here that there is no provision of paid leave for the attached agricultural labourers and any absence from work is often charged at double the rate paid to the worker. For these reasons, it seems that once an attached labourer is indebted, he is indebted for ever. Joginder worked with Jangir Singh for three years and at the end of the term his debt amount increased to Rs.50,000/-. In order to clear this debt, Joginder approached another employer, namely, Mohinder Singh from whom he borrowed an advance of Rs.25,000/- and promised to work for him as an attached labourer at the rate of Rs.14,000/- with food. Once again, at the end of three years the debt amount further increased to Rs.20,000/-, which Joginder had to pay before he thought of switching employers. Joginder then borrowed Rs.30,000/- from the fifth employer and promised to work for him as an attached labourer at the rate of Rs.15,000/- per annum (with food). This time Joginder did not borrow any money from his employer during his work tenure of two years. In principle the entire debt of Rs.30,000/- should have been cleared after continuously working for two years. However, the employer told Joginder that he still owed him Rs.5,000/- which he has to clear before quitting. Joginder joined the sixth employer Bheem Singh from whom he borrowed Rs.15,000/- right in the beginning, out of which Rs.5,000/- was paid to the previous employer to clear the outstanding debt. Bheem Singh promised to pay him Rs.15,000/- per annum (with food) towards his annual wage. After working for one year with Bheem Singh, Joginder found that Rs.2000/- was still outstanding against him as debt, which had piled up due to the interest charged at the rate of Rs.60/- per cent per annum on the advance that had been taken. The above details show that the chain of indebtedness among attached labourers is a never ending process. It keeps getting transferred from one employer to another, but the debt dependence continues for ever. Joginder worked for another 10 years as an attached labourer with four different employers, namely, three years with Jit Singh, one year each with Jagdev Singh and Rajinder Singh and the last employer Kuku Singh for five years. From the last employer Joginder borrowed an amount of Rs.20,000/- in the beginning of his tenure of attachment and he was promised a wage of Rs.18,000/- per annum with food. This debt bondage continued for five years, but one-day Joginder slipped and broke his arm. He could not work for one year. For the first two months, the medical expenses were provided by the employer, which were later deducted from his wages. At the time of injury, Joginder owed Rs.9,000/- to Kuku Singh to which he added another Rs.2,000/-, which the employer had paid to the doctor towards his medical treatment. Now, Kuku Singh has engaged Joginder as a watchman in a nearby village Fagoowal where he had to work on an average for 12-14 hours, which could some time extend even to 20 hours a day. His wage has been reduced to Rs.1000/- per month. Suddenly Kuku Singh's wife visited Joginder's house and told him to clear the debt of Rs.14,000/-, which included the expense on his medical treatment and the obnoxious rate of interest charged on the loan. Joginder was shocked and could not digest the undue demand for money by Kuku's family. Six months back he contacted Volunteers for Social Justice (VSJ), a NGO fighting for the release of bonded labourers and filed a writ petition to be freed from his debt. VSJ has accommodated Joginder in its Transit Camp where he has been staying for the last six months. He did not have enough money to reach Phillaur. He had Rs.10/- out of which he spent Rs.5/- to reach Kotla and the remaining Rs.5/- he spent on food and after walking 14 hours on foot, reached Phillaur. On reaching Phillaur, VSJ took

the responsibility to provide him medical treatment and also accommodation in the Transit Camp. He also works as a casual labourer to supplement his income while staying in the Transit Camp. His case is pending in court.

Case No.2

Balwinder Singh son of Shri Dalbara Singh, age 35 years, Ramdasia Sikh by caste, resident of village Vajeedpur, post-office Mallpur, tehsil, Dhuri, district Sangrur, started working as an attached labourer at the age of 16. His first job was with a local landlord, Joginder Singh, Jat by caste from whom he took an advance of Rs.10,000/- for meeting the expenses of his sister's marriage. He started working at a wage of Rs.4000/- per annum. He worked continuously for nine years with the same employer. During these nine years, Balwinder continued to borrow small amounts as and when the need arose. However, at the end of nine years of continuous work Balwinder owed Rs.20000/- to his employer, which was double the amount he started with nine years back. In order to come out of debt bondage, Balwinder borrowed Rs. 25,000/- from another landlord, namely Balbir Singh, out of which he paid the previous employer Rs.20,000/- . He used the remaining Rs.5,000/- to meet household expenses. Balwinder was promised a wage of Rs.10,000/- per annum (with food). At the end of two years work with Balbir Singh, Balwinder still found himself indebted by Rs.13,000/-. Now Balwinder shifted to a third employer namely Surjit Singh, Jat by caste, from whom he borrowed Rs.20,000/- and cleared the debt of Rs.13, 000/- that he owed the previous employer. Surjit Singh promised him a wage of Rs. 15,000/- per annum. Balwinder worked continuously for seven years with Surjit Singh. Since Balwinder was married by this time he felt the need for a house. For this purpose he borrowed Rs.15,000/- and built a small house for himself. During these seven years Balwinder also had three children and sometimes he had to take leave to take care of the family. As has already been mentioned since there is no provision for any paid leave for attached labourers, the fine for being absent from work kept on adding to his debt burden. Though Balwinder started with a wage rate of Rs.15,000/- per annum his annual wage was increased to Rs.18,000/-. Intermittently he also kept borrowing some cash from his employer to feed the family. At the end of seven years when the entire account was adjusted Balwinder found himself buried under a debt burden of Rs.50,000/-. No clear account had been settled over the seven years between the employer and Balwinder Singh. Surjit kept on postponing the full account settlement on one pretext or the other. One day Balwinder went home to attend to some urgent personal work. On his return Shinda Singh Surjit Singh's son started abusing him. When Balwinder objected to it, Shinda assaulted him physically and gave him a good thrashing. Balwinder returned home and did not go to work for a couple of days. In the mean time a milk vendor from his village told him about the Dalit Dastan Virodhi Andolan (DDVA), an NGO working with VSJ. He managed to reach Phillaur and contacted the VSJ workers. He filed a suit against the employer under the Bonded Labour Act, 1976. For the last two and a half months he is staying in VSJ's Transit Camp and waiting for the settlement of the debt dispute along with getting justice against the atrocities perpetrated on him. His wife, however, is still staying in the village along with her three children. She is working as a cow shed cleaner with Dev Singh, a local landlord, and earning an amount of Rs. 300/- per month. Balwinder's employer has threatened his wife many times, but finds it difficult to harm his family, as he is aware of the legal implications. He is also aware of VSJ's protection to Balwinder.

Case No 3

Sigren S/o Pyara Munda, a tribe from Jhrakhand, age 17, hails from a village called Barebeda, P.S. Banmo, District Gumla. He came to Punjab two years back in the company of an agent who belongs to his own village. His father thought there were better job opportunities in Punjab and decided to send him with the labour agent, Mattu. After reaching Punjab, Mattu passed on Sigren to Tirllok Singh, the labour contractor living in Fatehpur Kalan, in Garhshankar (Hoshiarpur). Sigren was immediately passed on to a landlord, Gian Singh, caste Jat, village Khanpur, district Fatehgarh Sahib for Rs. 1800/-. The landlord fixed his wage at Rs.700/- per month. He was basically employed to look after five buffaloes

owned by Gian Singh. His day started at five 'o clock in the morning and ends by 6.00-7.00 pm. He was also provided food three times a day along with tea three to four times. Sigren worked with Gian Singh for 3 years and 10 months. Whenever Sigren asked for his wages, the landlord always postponed the payment on one pretext or the other. He was given some advance money to visit his home after a long stretch of time and the landlord promised to pay the remaining amount of his wages when he returned. After two months Sigren came back and once again asked for his account to be settled. The landlord kept on making excuses and never paid his wages for another four months. Now the landlord also started misbehaving with Sigren and once he also physically assaulted him. One day Sigren told the entire story to his brother working in Delhi on the telephone. The employer also got to know about this episode and he filed a complaint against Sigren in the local police station. Now the police also joined the employer in harassing Sigren. The police snatched the address and telephone number of Sigren's brother from him. The police also gave him a thrashing once. In the meanwhile VSJ workers happen to spot him in the village when they had come to meet some workers.

At present Sigren is staying in the Transit Camp at Phillaur and waiting for a decision on his complaint in the court.

Case No. 4

Sukhchain Singh son of Karnail Singh, age 25 years, caste Mazabi Sikh, resident of village Todarpur, district Patiala started working as an attached labourer at the age of eight years. His wage was Rs.700/- per annum. Such young children are called *pali* (cattle tender) whose job is to look after cattle, cut fodder for them, feed them, and look after them. He worked for two years at a wage of Rs.700/- per annum. By the time he was 10 years, he changed his employer. The new employer offered him a wage of Rs.800/- per annum. He worked with the second employer for only a year. However, the third employer, Baag Singh fixed his wage at Rs.900/- per annum. Here too Sukhchain looked after the cattle. His daily working hours were from 6.00 a.m. to 7-8 p.m. and he was provided a space to live in the cattle shed itself. After working here for two years he shifted to another landlord, Joginder Singh. Caste Jat. His story of indebtedness starts from here. Sukhchain worked for two years with Joginder Singh at a wage of Rs.900/- per annum. Sukhchain took an advance of Rs.1000/- from Joginder before starting his work. At the end of two years hard labour the debt still stood at Rs.1000/-. Sukhchain borrowed an amount of Rs.2000/- from the next employer, out of which Rs.1000/- was paid to his previous employer to clear the outstanding debt. His wage was now fixed at Rs.1200/- per annum. The name of the employer was Mukand Singh. Sukhchain worked for two years over here as well only to discover that at the end of two years his debt was Rs.1500/-. Now Sukhchain turned to Ajaib Singh, another Jat landlord, and borrowed Rs.2000/- from him. He worked here for one year at a wage of Rs.1500/- per annum. However at the end of one year his debt piled up to Rs.10,000/-. In order to clear the huge amount of Rs.10,000/- Sukhchain borrowed Rs.20,000/- from a shopkeeper and started working for him at a wage of Rs.1000/- per month. He worked here for four years. Once again he joined Joginder Singh for a wage of Rs.15,000/- per annum. Now he was a full fledged attached labourer and had to work long hours. This time Sukhchain worked for two years with Joginder and at the end of the term carried a debt burden of Rs.7, 000/-. He now approached Giani Singh another Jat landlord, from who he borrowed an amount of Rs.30,000/-. He borrowed this huge amount to meet his marriage expenses, as also to clear the previous debt. Giani Singh, however, enhanced his wage to Rs.18,000/- per annum.

Since all the attached labourers can be called for work any time as per the need of the agricultural operations, he was not allowed to go back home at night and was forced to stay on the farm. His marriage failed for two reasons, one he was absent from home most of the time and two his wife was told that he is an addict. She deserted him shortly after the marriage. One day his employer expressed his wrath against him and after abusing him,

chained him. After two hours the employer's younger son freed him. On his release he escaped from the farmhouse and reached Phillaur. He has also filed a case against his employer. At the time of interview in December, 2005 Sukhchain had been staying in the Transit Camp for the last four months. His wife is still staying with her own parents. After his wife deserted him, there is nobody in the family to look after his aged parents. At Phillaur, Sukhchain goes out to work as a daily wager and is earning Rs.1500-2000/- per month. Once in a while he secretly visits his village and gives some money to his old parents. At present he is waiting for the court's decision on his case so that he can return safely to his village. He is not going back to his village as he apprehends physical harm from his last employer to whom he is in debt.

Case No.5

Gurdev Singh, son of Jarnail Singh, age 35, caste *Mazabi Sikh*, resident of village Chorath Khedi, post office Tandhol, tehsil Samana, district Patiala, started working as an attached labourer when he was 17 years. He started his first attachment with Didar Singh, for an annual wage of Rs.7000/-. Gurdev worked as an attached labourer for nearly nine years and at the end of that his wage had been increased to Rs.12,000/- per annum. There was another attached labourer with the same employer and both of them were working on his employer's 18 acre farm. At night both of them slept in the tube-well shed on the farm.

At the end of nine years Gurdev found that he was already buried under a heavy debt burden of Rs.25,000/-. In order to clear this debt Gurdev had to borrow Rs.30,000/- from Kaka Singh of village Pahadpur whom he joined as an attached labourer at a wage of Rs.15,000/- annually. Here too there was another attached labourer with him, namely, Bhindri who hailed from the same village Pahadpur. Both the attached labourers were looking after 20 acres of land. After five years of continuous work, both of them found themselves burdened with large debts; Gurdev's debt amounted to Rs.80,000/- whereas Bhindri's debt was to the tune of Rs.55,000/-. When Gurdev asked the employer for details of his account, he was told that his debt has piled up due to the penalty for the leave he had taken, an interest rate of 60 per cent per annum on the due debt and also the cash he had borrowed intermittently. Gurdev recollects that the only amount he had borrowed from Kaka Singh was a sum of Rs.10,000/- at the time of the birth of his daughter Gurdev claimed that the same had been returned by mortgaging his wife's gold ornaments.

Once when his daughter fell sick, Gurdev had not been granted leave to attend to his ailing daughter. His daughter expired within three days. He was not even allowed to go in time for her cremation. Next day Gurdev's mother also expired and again his employer did not allow him to attend her funeral.

Under such circumstances Gurdev decided to escape from the village and he reached Phillaur, along with his family, four years back. He filed a case against Kaka Singh through VSJ. Bhindri, the second labourer, also escaped to VSJ's Transit Camp in Phillaur. Kaka Singh raided the Transit Camp with the help of the police and caught Bhindri, but Gurdev escaped. Ever since that time Gurdev has decided to stay at Phillaur and work here. His wife is working as a domestic maid and earns Rs.300/- per month. He has finally settled in Phillaur for the last four years, but Kaka Singh still hopes that he will return and join him as an attached labourer again.

Case No. 6

Maghar Singh son of Narat Singh, age 30, village Chabba, post office Guhla, district Kaithal (Haryana) has worked with seven different landlords for 18 years as an attached labourer. He started working as a *Pali* (cattle tender) at the age of 12 with Jit Singh for Rs.700/- per annum. After two years, he joined Avtar Singh who increased his annual wage to Rs.1000/-. Maghar worked with him for three years and then moved on to Jarnail Singh who further enhanced his annual wage to Rs.1500/-. Now his additional job, besides cattle tending, was

to work in other agricultural operations. After one year he joined Atma Singh on a 1/10th share of his total produce. In other words, the cash wage was converted into crop share. Though Maghar worked with Atma Singh for three years, he still found himself falling into debt. At the end of three years, Maghar found himself with a debt of Rs.5000/-. This is how Maghar's perpetual state of indebtedness began. Now he took an advance of Rs.10,000/- from Tek Singh out of which he cleared the debt of Rs.5000/- that he owed the previous employer. However Tek Singh promised him a wage of Rs.8000/- per annum.

After working for three years with Santokh Singh, Maghar was further indebted up to Rs.15,000/-. Now he joined another landlord Santokh Singh who advanced him Rs.20,000/- out of which he cleared the Rs.15,000/- owed to Tek Singh, and the rest was used at home. Santokh Singh had further increased his annual wage rate to Rs.10,000/-. After three years of working with Santokh Singh, Maghar's debt was Rs.18,000/-.

He again took an advance of Rs.20,000/- from Subeg Singh and cleared the previous debt of Rs.18,000/-. He joined Subeg Singh at a wage of Rs.12,000/- per annum., He borrowed a sum of Rs.20,000/- from Subeg Singh for family needs and his own marriage. After continuously working for one and a half-year, Maghar met with an accident and fractured his arm. At this stage, Subeg Singh settled all the accounts and found that Maghar was indebted by Rs.50,000/-. Subeg started pressurising Maghar to clear his outstanding debt and after some resistance Maghar succumbed to the pressure. He sold one plot of land and cleared the debt. Maghar was rendered disabled, but there was no one to look after him. He worked as a casual labourer on an irregular basis, but also kept on borrowing money adding to his debt. There was no other way to come out of this indebted state except by mortgaging his labour for a year. It was Subeg once again who came to his 'rescue' and advanced a loan of Rs.20,000/- which was used to clear the debt. However, Subeg promised him a wage of Rs.24,000/- per annum. Once again the cycle of perpetual indebtedness started. At the end of two years of work as an attached labourer at a wage of Rs.24,000/- per annum Maghar found himself burdened under a debt of Rs.40,000/-. When Maghar asked for the details of the expenditure, Subeg started threatening him and also assaulted him physically. He escaped to Phillaur and filed a legal suit for his freedom from bondage through VSJ. His wife is back at home with three children. Subeg Singh is threatening him through his family. He is working in Phillaur as a casual labourer.

His wife is presently working with a landlord in the village who pays her Rs.300/- per month for cleaning the cattle shed and removing dung. Maghar rarely visits his family and most of the time he is at Phillaur, away from Subeg Singh's gaze.

Chapter IV

BRICK KILN WORKERS

A. Labour process

Our field survey has given us the following picture of the functioning of the brick kilns in different districts of Punjab and the nature of the labour process involved. Generally, the total time period of the functioning of the brick kilns extends between October (after Diwali) and the end of June. The closing of the kilns also depends on the weather. In case the weather is good and hot it is good for the kilns and the industry's season may extend up to the end of June. In case there is an early monsoon, the kilns may close a couple of weeks earlier. The prolonged hot weather helps the brick kilns produce large numbers of bricks, but it is equally harsh for the labourers as well as the marketing of the bricks, i.e. peasants. So while brick kiln owners are happy to produce large number of bricks, cost effectively, during the dry hot weather, at the same time they are also worried about the market in case the prolonged dry spell ends up into the failure of the crops.

In fact, the whole activity of brick kilns starts right from the days of departure of labour which is usually migrant labour from Rajasthan, Uttar Pradesh and even Bihar and Madhya Pradesh. Some trusted old labourers are elevated to the level of *Jamadars* who act as mediators between the brick kiln owners and the labourers who are already in their respective villages of origin during the rainy season. The *Jamadars* first, make a round of their known labourers and distribute small amounts of cash in return for the labourer's promise to work through him for a particular brick kiln owner. The initial amount is token money, which may be from Rs.1,000-5,000/- per household lest they go somewhere else in search of better wages. Once again in the month of October, usually around Diwali, the *Jamadars* take big cash advances, which may range between one lakh to two lakh rupees and make this cash advance to the different labourers whom they had approached earlier. Since the labourers do not have regular employment during the lean period, they find themselves already indebted to various persons or shopkeepers from which they want to get relief by taking an advance from the *Jamadar*. The advance by the *Jamadar*, which may range between Rs.10000-15000 per household, is used towards clearing the pending debt as well as towards bearing the cost of the journey to the work site from their place of residence. After joining the workforce at the brick kiln the labourers, particularly the brick layers, spend a few days (often nearly a week) preparing the ground, levelling it and making water channels from the source of water to the brick moulding floor for which they are not paid. It is *begaar* (unpaid labour) which is customarily provided by the labour before setting to work. Very soon in December, as winter sets in, the brick moulding slowly comes to a grinding halt for want of sufficient sunlight, as bricks do not dry up for days together. Practically, brick kilns stop working for nearly two months, i.e., from the middle of December to the middle of February. During these two months the already in debt labourers do not have anything with them for survival and they depend on the cash advanced to them by the employer every fortnight. It means the already indebted labourers get further burdened with debt for want of work.

Once again work starts picking up from the middle of February and continues normally till the end of June. This is the peak season for brick kilns. It is interesting to note that all these months the labourers do not know what wages they will be paid at the end of the season as it depends on the negotiations between the trade unions, administration and the employers and the labour department. These negotiations in Punjab take place in May as the trade unions think it is easy to pressurize the brick kiln owners due to the peak period of labour demand in that month. During all these months of work the labourers are paid no wages, but are given a fortnightly advance for the maintenance of their family members. Work stops during the second half of the day, before the day they receive the fortnightly advance from

the employer. The day the labourers receive the advance they go to the nearby market for shopping. The brick kiln owners claim that the workers also drink heavily the day they receive their advance. The brick kiln industry, like agriculture, is a seasonal industry and the labourers work like bonded tenants for the landlords. The labourers' contract is not per month but per season, and the payment of wages is made on the basis of the bricks moulded, removed or placed in the oven by the workers. It is akin to the contract of a tenant with the landlord whereby they share the produce at the end of the harvesting of the crop. It is also true on two accounts that the people who are working as labourers are distressed peasants or labourers from the rural areas of different states of India. Interestingly, in agriculture the attached labourers also take advances from the landlords like brick kiln workers.

The living conditions of the workers are awful. At some of the brick kilns the dwellings of the workers do not have even access to electricity. They are living in temporary hutments with very low roofs, and each family is given one small tenement usually of the size of 10-12 feet. Our visit to different brick kilns has given us an understanding that no rent is charged for those tenements by the employers. However, the worst victims of this pattern of labour use and nature of labour process are the children. Since most of the brick kiln labourers are migrants they do not continuously stay at one place and cannot send their children to regular schools whose timings do not tally with the timings of the busy and lean period of the brick kilns. It means special attention with special schools needs to be provided, which can cater to the needs of the brick kilns labourers whose timings should match the seasonal demand of labour at the place of work. As far as general cleanliness and general hygiene is concerned, the less said the better. Some of the employers were asked as to why they advance cash to the labourers when they know that the Bonded Labour System (Abolition) Act, 1976 prohibits such enticement. The general response of the employers was that the labourers are not ready to come and join work in the brick kiln industry without an advance, and it has become part and parcel of the mobilization of labour for the brick kilns.

B. Survey of Brick Kilns in Summer, 2005

Out of the total 249 brick kilns in Bathinda and Jalandhar we surveyed nearly one-third of them and collected data from more than 800 households.

Main findings

1. There are nearly 2.5 lakh brick kiln workers in Punjab.
2. It is found that, barring *Nikasiwala* workers, no worker from other categories received even the statutory minimum wage fixed by the state. Further, when the piece rate wages are commuted to eight hours a day they still fall short of the minimum wage.
3. If the actual monthly wage earned by the workers is calculated for those who extend their working day to 11-12 hours, and then when adjusted to the normal eight hour shift, it was found that no worker in the brick kiln industry receives the recommended wage for an unskilled labourer.
4. *Pather* workers, who constitute the major chunk of the brick kiln workforce, are not paid even half the minimum wage of an unskilled labourer.
5. As far as bondage is concerned, the brick kiln industry cannot be declared free of bondage. The very nature of the industry's labour process is such that the workers are not ready to work without taking advance wages. Once the advance wages are taken for more than two months, the wage and work contract slips into the purview of the Bonded Labour (Abolition) Act, 1976. However, there is no bondage of the type whereby work is taken forcibly from the workers even against their wish.
6. It was found that more than 75 per cent of the workers are migrants in origin.
7. Field research showed that a large number of workers keep on working without any knowledge of the terms, amount and mode of payment of wages. Nearly half of the total workers interviewed had no knowledge of the wages they would be paid at the end of the season.

8. Out of the total workers, only nine per cent worked up to eight hours a day. The remaining 91 per cent were working daily for more than eight hours. A further break up of the daily number of hours worked by the workers of different categories shows that there were 64.5 per cent workers who worked daily for 13-15 hours, 3.13 per cent for 16-18 hours, and 1.08 per cent for more than 18 hours a day.
9. In case some workers want to quit work without completing the entire season, they have to forego their wages if they are due. In case they owe any money they have to clear the debt with interest and also have to pay rent for the shack, electricity charges, etc. These penalties deter the free movement of brick kiln workers.

C. Case Studies: Survey December 2005

Case No.1

Barsati Lal son of Lakhan Ram, age 20 years, resident of village Gokulpura, police station Nampada, district Bahraich, Uttar Pradesh is working as a *Nikasi* (brick remover from the oven) worker for the last two years. It is his third consecutive year on the brick kiln. He is working along with his parents at a brick kiln, namely, Puri Bricks, Mahilanwali district Hoshiarpur. All three members of the family are staying in a shanty provided by the brick kiln owner where free water and electricity is also provided. The family is landless.

All the three family members work from seven 'o clock in the morning to seven 'o clock in the evening. Barsati Lal is earning Rs.70/- a day at the end of back breaking work of 12 hours. Barsati removes 2000 bricks on an average each day and is paid Rs.35 per1000 bricks.

The family started work after taking an advance amount of Rs.10,000/- from the employer through the *Jamandar* at their village in Uttar Pradesh. This entire amount was spent to clear their pending debt. On arrival at Mahilanwali they took another Rs.1500/- for meeting daily expenses. The *Nikasi* work starts a month later compared to other types of work and consequently they had to sit idle and borrow more to meet their expenses for food etc. The family has no knowledge about bondage and if there is any Act to abolish it. All the three members are so hard pressed to meet their basic need for food that they have no time to think of freedom from debt.

Case No.2

Ram Dayal son of Ram Sawaroop, age 25, caste Ravidas, resident Agoha Ghat, district Rai Bareilly, Uttar Pradesh is working as *Jalaiwala* (worker firing the bricks) for the last three years. Earlier he was working in the district of Moga, but this year he decided to accompany a '*Mistry*' (highly skilled labourer who regulates fuel and fire) from his own village who brought Ram Dayal here to Bajwa Brick Co., Jattpur, Hoshiarpur. As a tradition brick kiln workers are paid always on a time rate basis. Ram Dayal was promised Rs.3000/- per month and he has to work for nearly 12 hours a day. His wife and a son of two years have stayed behind in his village in Uttar Pradesh. He too took Rs.5000/- advance through the '*Mistry*', which he left with his wife to meet her daily needs. Like all the other workers on the brick kiln, Ram Dayal takes cash for meeting his daily requirements every fortnight. Though his wage is Rs.3000/- per month he is paid a total amount of Rs.2000/- every month. It is worth mentioning here that nowhere in the brick kiln industry in Punjab are workers paid regular wages. They are paid only an amount just enough to meet their needs. The wage account invariably is settled at the end of the season in the last week of June. The cash for meeting daily needs is advanced to him through the *Mistry*. Every fortnight the employer gives them one kilogram of sugar and one kilogram of milk along with cash for buying groceries etc. The special 'perks' also include 125 grams of tea per month. Since the *Jalaiwala* workers sleep on the hot brick oven itself even during the months of May-June, they are also provided with lemons during the summer, which helps them from getting dehydrated. Ram Dayal has no knowledge whatsoever about bondage or the Bonded Labour Act.

Case No.3

Mohinder son of Daman Mahita, age 19, resident of village Kaharia, Post Office Harda, district Purnia, Bihar is working at Raj Bricks, village Bharowal, tehsil Garhshanker, district Hoshiarpur. He has come to this brick kiln for the first time and is working in brick moulding. His family took an advance of Rs.25,000/- from Murli, the *Jamandar*.

The family had to wait for 10 days without any work after reaching Raj Bricks. During these 10 days, they mended their hutment and repaired it to make it liveable. Also, the employer always makes the labourers work for free to prepare the ground for the brick kiln. This is a preparatory exercise which is done every year before starting the brick kiln. However, no payment is made for this labour. Yet, the family has to survive during these days of free labour contribution and consequently they had to borrow Rs.2000/- to meet daily expenses. All three family members work together and earn on an average Rs.200/- per day by moulding 1500-2000 bricks in a day. The daily moulding of bricks increases to 2500-3000 during the summer season as the days are longer and sun dries the bricks faster. As already mentioned, these workers will be paid some amount every fortnight to meet their daily needs including food, but the full and final account of the wages would be settled only at the end of the season. Mohinder is educated up to the 5th standard and maintains a daily record of the number of bricks moulded in a day. The brick moulding is recorded by the accountant (*Munshi*) twice a week and the same is also maintained by the *Jamadar*. The family was told that they would be given Rs.500-600/- fortnightly for meeting their daily needs. The so called accommodation provided is nothing but a small shed made of metal sheets, which heats up like an oven during May-June.

Case 4

Ram Harsh son of Sh. Chhote Lal (age 28 years), Patel by caste, resident of village Sangram of district Partapgarh, Uttar Pradesh, is working as *Jalawala* for the last four years in various brick kilns in Punjab. This time he has come to the present brick kiln namely ABC Bricks at Jattpur, district Hoshiarpur along with a Sh. Harish Chand, a *Mistry* from his own village. He has two younger brothers, wife and both the parents who have stayed behind in the village. He has to work for 12 hours a day and he earns Rs.2800/- per month. His major work is to transport head loads of coal from the store to the top of the brick kiln oven. Ram Harsh is also paid a fortnightly cash advance to the tune of Rs.500/- per fortnight. Like other workers, Ram Harsh also cooks his food on the brick kiln oven and lives in a room constructed on the oven itself where the fire burns continuously underneath. He is also given one kilogram of sugar every fortnight and some lemons during the summer as a part of compensation for working in this hazardous occupation. Ram Harsh, too, took an advance of Rs.10000/- from the *Mistry* before leaving his home for the present work. The *Mistry* in turn had been provided this advance amount by the employer that was to be distributed among all the workers who are mobilized to work for the entire season.

Case No. 5

Ram Kishore son of Sita Ram, age 35 years, caste Mauria, village Lassi district Bulandshahr, Uttar Pradesh has been working for the last nine years as a brick moulder (*Pather*) on different brick kilns in Punjab. He is accompanied by his wife and two small sons aged nine years and eight years. All of them work together to eke out their livelihood. It is his first year at this brick kiln, namely, Billa Bricks at Bassi Kikkran, district Hoshiarpur. Every year, Ram Kishore works on a new brick kiln as per the wish of his *Jamadar*. By now, Ram Kishore has worked on nearly 10 brick kilns in Punjab and has also changed his *Jamadar* many times. The current *Jamadar* had advanced him Rs.15000/- before Ram Kishore agreed to come along with him to the present place. On asking that what he did with the Rs.15000/- advance taken through the *Jamadar*, Ram Kishore said that Rs.10,000/- was given to a grocery shopkeeper from whom rations had been taken on credit. After clearing the dues of the grocery shop the remaining Rs.5000/- was used to clear the debt

borrowed from another person in the village. That is why after reaching here at the brick kiln he had to immediately borrow Rs.1500/- to meet his daily needs. Like at other brick kilns he too has been provided a shanty for accommodation and a free supply of water and electricity. During the winter, he was able to mould nearly 1500 bricks daily with the help of his wife and children. During the extreme winter when the sun's heat is too weak, brick moulding has to be suspended for nearly one and a half-month. During this period, the workers keep on borrowing cash to meet daily their needs, whereas they do not earn a single penny due to the suspension of work. The worker said that after working for seven to eight months during the season they would be lucky if they could save Rs.5000-7000/- at the end of the season. At times they fail to save even this much because of bad weather. On asking that does he want to continue with this work in the future he responded affirmatively, but also wondered that what else he could do.

Chapter V

EFFECTIVENESS OF INTERVENTIONS

In order to make the Bonded Labour (Abolition) Act, 1976 a reality, there could be possible interventions from various agencies. Some of them are NGOs, the State, Human Rights Commissions (both at the state and national level), media, and civil society. The information collected in the course of fieldwork is presented below.

There is not much NGO culture in the state of Punjab due to various reasons. The only effective NGO on the issue of bonded labour is Volunteers for Social Justice (VSJ) that came into existence in 1985. So far VSJ has succeeded in 'releasing' 1675 labourers from bondage. It has its strengths as well as limitations. The main form of VSJ's intervention is that, after locating a bonded labourer, it campaigns to the various appropriate district officers at the district level for the labourer's release and rehabilitation. The copies of the complaint are also dispatched to other related agencies. The judicial/ legalistic procedure is time-consuming and is not favourably disposed towards labourers. The labourers do get a reprieve from their debt, but not from those conditions that force them into debt-bondage.

I. Volunteers for Social Justice (VSJ), an NGO

a. History

Volunteers for Social Justice (VSJ) came into existence in 1985 through the initiative of Shri Jai Singh. In 1982, he established the Brick Kiln and Construction Workers Union, and succeeded in revising wage rates for brick kiln workers. Slowly he extended his work to agricultural labourers in Punjab. Jai Singh himself being a Dalit came in close contact with agricultural labourers who are invariably dalits. He also started organising agricultural labourers into the Khet Mazdoor Union.

Jai Singh floated the Volunteers for Social Justice in 1985. VSJ got its first shot in the arm when the Supreme Court ordered the payment of compensation to all those labourers who lost their limbs while handling agricultural machinery in response to the writ petition filed by Jai Singh. The Punjab Mandi Board was made responsible for paying the compensation in proportion to the damage to the workers during the accident. In 1998, VSJ organised a Peoples' Vigilance Committee whose focus was to fight against child labour and bonded labour. Jai Singh also opened up a Transit Camp for labourers in 1998 where bonded labourers stay till they are rehabilitated after their release from bondage.

In 2001, VSJ intensified its activities in releasing bonded agricultural labourers where help from Action-Aid was also taken. A campaign of Awareness against Bondage was launched in Punjab that finally ended in Chandigarh in 2001. At the end of the campaign a rally was held in Chandigarh and a memorandum on the condition of bonded labour was submitted to the Governor of Punjab, whereby he was requested to end the tradition of bondage.

Another similar bicycle campaign was launched in August 2003 from the village Dalel Singh Wala in district Mansa. The campaigners passed through the districts of Bathinda, Mukatsar, Moga, Amritsar, Kapurthala, Ludhiana, Patiala, Chandigarh Ambala, Kurukshetra, Panipat, Sonapat and finally terminated it in Delhi on the 15th September 2003 where, once again, a memorandum on the plight of bonded labourers was submitted to the President of India. Further on 28-29 February 2005, VSJ also organised a National Conference of bonded labourers at Chandigarh in which there was widespread participation from different parts of the country. Under Jai Singh's leadership a team of workers has been constituted, including a project coordinator, a legal advisor, activists and volunteers. He also maintains office staff: documentation officer, typist and a supervisor for the Transit Camp, computer operator, an accountant, office assistant, driver and a cook.

b. Working of VSJ

The volunteers of VSJ keep in touch with the ground reality either through released bonded labourers or through the personal visits to different villages. Whenever the VSJ come to know of some bonded labourers, they file a writ with the High Court at Chandigarh from where a Warrant Officer is appointed to raid the place where the bonded labourer is. The Warrant Officer records the statements of the bonded labourer, and after going through the legal procedure the labourer is 'freed' from bondage and is brought to the Transit Camp at Phillaur. The 'released' labourer stays at the Transit Camp till he/she is rehabilitated in an alternative place/occupation.

There are also some labourers who run away from their employers and reach Phillaur for protection. VSJ files a legal suit in the district courts on the prescribed form for their release and rehabilitation, the copies of which are also dispatched to the Punjab State Human Rights Commission and other legal quarters. In the meanwhile the victim of bondage is kept at the Transit Camp where he is educated on his rights and empowered to fight back. A labourer can stay in the Camp for 15 to 60 days and is slowly encouraged to look for alternative employment.

The prime function of the Transit Camp is to prepare and encourage the victims (labourers) psychologically through education. Since the legal battle often turns out to be protracted, and is time consuming, the labourer in the Camp has to be prepared to face the same. The Camp is a confidence building place. The victim labourers are also provided medical aid in case they need it. In the company of other labourers, the released labourer learns his real social position. During their stay in the Camp, the labourers also extend a helping hand in the routine work of the VSJ's office. For instance, jobs such as moving around the office files and other office related work is taken over by released labourers of the Camp. Similarly the female labourers, besides looking after their own children in the Camp, also mop and clean the VSJ office. At the Camp all the inmates work in cooperation with each other in order to learn the importance of collective ideology. They also work to spread the objectives of VSJ by various means and work together with VSJ's regular team. Eventually the Camp inmates end up becoming a part of VSJ's campaign. Many of the camp inmates, after their reorientation on social and legal issues, are helped to rehabilitate in their own respective village from where they have been released from bondage. There are others who fear a back lash from the village elite and do not dare to enter their own village. They look for alternative places/ avenues of employment. However, all of them are given an assurance that nobody would harm them during the pendency of the legal suits. During their orientation at the Camp they are trained and told what to do in case they have to face any backlash in the rural areas. VSJ also keep in touch with 'freed' labourers so that they are not victimised after going back to their respective village, and do not face discrimination at the hands of the employers. There are also a few labourers who refused to go back to their respective village for the fear of reprisal and rather 'settled' down at Phillaur. Our interviews with some of them revealed that they have finally decided to earn their livelihood in alternative occupations/ places.

VSJ has succeeded in 'releasing' 1675 labourers from bondage, who have received a reprieve from debt. However, to prove that they are bonded labourers and get them 'Release Certificates' from the respective District Magistrate is an uphill task. A large number of cases are pending with the NHRC, National Commission for SC/ST, Punjab State Human Rights Commission, High Court and District Courts. Also a large number of them could not be proved as 'bonded' labour in the past and their pleas were rejected by the Commission/ Courts.

Though VSJ's major area of operation is in the rural areas of south and south east Punjab (Malwa) it has also identified bonded labourers in other parts of Punjab, including in the

neighbouring States of Himachal Pradesh., Jammu and Kashmir and Haryana. At present Patiala, Mansa, Sangrur and Ferozepur districts of Punjab are the hub of activity of VSJ.

c. Evaluation of the Effectiveness

1. In the absence of any other NGO or trade union taking up the issue of bondage in the region, VSJ has played an important role in highlighting the prevalence of bondage in the Green Revolution belt of North West India.
2. The awareness generation campaign, backed up by media advocacy, has also helped to 'loosen' the chains of debt bondage.
3. However, as VSJ's major focus is to fight legal battles in order to end the tradition of bondage, it is not very successful due to the intricate and time-consuming process of the judiciary. There is hardly any case that has been proved in the court in favour of labourers. Courts are oriented to protect the dominant interests at the cost of bonded labourers.
4. Consequently, the freed bonded labourers do get a reprieve from debt, but not from the social and economic conditions that encourage, protect and perpetuate bondage. In other words, the labourers are freed from the immediate burden of debt and not from the conditions that led them to fall into debt bondage.

d. Suggestion

1. There is a need to identify social, economic and cultural practices that are loaded against the interests of labourers and remedy the same.
2. The strategy of NGOs, such as, that of VSJ, should be three pronged.
 - a) To identify sources, means and areas of empowerment for the labourers prone to bondage. The State should not be left out, and must be impressed upon to discharge its own duty towards the downtrodden. A concerted effort of the various government departments, along with the NGOs/ trade unions, can change the circumstances leading to debt bondage/ forced labour.
 - b) To work on the unionisation of all the workers - bonded and potentially prone to bondage - so that they not only devise ways and means to fight their own unequal conditions, but also follow a proactive strategy fulfilling their social-economic needs.
3. Continue with the practice of identification of individual cases, release them from debt bondage and use the same to fight an ideological battle through the media and other awareness generating activities.

II. The Role of the State

a. Understanding Bondage by the District Administration

The district head quarters of Jalandhar and Bathinda were visited to collect a response on the presence of bondage in their respective districts. We were successful in contacting the Deputy Commissioners of the respective district who further provided necessary help and guidance. Extended meetings were held both at Jalandhar and Bathinda district head quarters. At both the meetings all the officers from top to bottom were sure that 'there is not a single bonded labourer in their district'. How do you know, was our immediate question at both the places. And with equal ease and confidence the most common response was that since they have not received any complaint from their officers from the concerned department, it shows that the district is free of bonded labourers. On being questioned as to what do they mean by bondage? There was a uniform answer that 'if a labourer is not allowed to move around freely, and is made to work under surveillance, and at the slightest defiance he is assaulted by the employer,' he is clearly a bonded labourer. The notion of bondage at the level of the officers is what they have received from the books of history about chattel slavery or indentured labour during British rule. A little deeper quizzing revealed the fact that most of them were not aware about the detailed defining characteristics of bondage explained in the Bonded Labour System (Abolition) Act, 1976. Or else they were not convinced about the definition of bondage given by the Act, and instead

were going by their own vague notion of bondage. This position, partly determined by the 'convenience' and path of 'least resistance', and partly by the bias of their own social position vis-à-vis labourers, was the safest from the point of view of their own self-interest. A little deeper and serious probing revealed that no where had Vigilance Committees been constituted, and if they were there on paper no meeting had been held on the issue of the identification of bonded labour. One Deputy Commissioner suggested that the issue not be highlighted as it might cost both the political bosses in the state and the district administration within the district. Like most of the employers, the district authorities did not consider debt bondage, the most common modern form of bondage, as the defining variable of bondage. Generally, the district authorities' attitude is either of avoidance or just brushing the issue under the carpet. In Jalandhar district the Deputy Commissioner flatly refused the prevalence of bondage in his district. In defence to his position he also rejected the claims of bondage made by some of the NGOs. And thus he announced his verdict: 'there is no need for any survey on bonded labour, whatsoever.' However, when we asked for the basis of his claim of 'No Bondage Certificate' he did not know how to respond. We explained at length the statutory meanings of bondage and, finally, he was convinced on the need to identify bondage.

The above details are not an accusation of any one part of the system. Rather it is a means of apprising the state officials on how there is a gap between those who are victims of the bonded labour system, and those who are part of the system responsible for identifying, releasing and rehabilitating them.

b. The Role of the State Labour Department

The State Labour Department always works under the pulls and pressures of its political bosses. Since it is the duty of the district Vigilance Committees to meet regularly under the chairmanship of their respective Deputy Commissioner, and identify bonded labourers, the lack of response at the district level provides the State Labour Department immunity. The common reason put forward by the state functionaries is that unless they get any such complaint from the districts, they have no provision to act on their own. In a way, the State Labour Department is right. According to the Act, it is the District Magistrate's responsibility to identify bonded labourers and issue them release certificates, and provide Rs.20,000/- for their rehabilitation. Though we have continuously informed the State Labour Department since 1981 about the prevalence of severe bondage among agricultural labourers, it was only once in 1997 that the Labour Commissioner, Punjab agreed to the presence of bondage in rural Punjab. He got 107 bonded labourers released, but no certificate was issued to them. Therefore, the rehabilitation amount could not be provided to the freed bonded labourers. That was the only instance when the state labour department agreed to the prevalence of bonded labourers in Punjab agriculture. After that there is now continual denial of the same, as if with one stroke of action the historical social relation of bondage has been wiped off the countryside of Punjab.

III. The Role of the Judiciary and Human Rights Commission

The experience of VSJ, whose main means of redressal is judicial and the NHRC shows that it is frustrating and time-consuming. Since the NHRC / PSHRC and the courts work on complaints after collecting evidence from the district administration, that evidence is never made available from the district. Official records containing complaints of bonded labourers at the district level were perused and the following found.

The standard procedure for the disposal of one after the other complaint is that an appropriate officer deputed by the labour department or D.C. would visit the place and meet the employer. He will ask the employer to write his own version of the dispute, which often negates the claims of the complainant. If the case is serious, and is in a village, the panchayat would also be mobilised by the landlord, as the landowning community in rural areas often dominates the panchayat. The village sarpanch may call both the parties and enter into some agreement between them, often in the interest of the employer. The most

important trick that would be played in the so-called community panchayat would be that the complainant worker would be summoned and made to 'sign'/ put his thumb impression on papers that he cannot read. A written statement would be squeezed out of the worker explaining at length that there was never any dispute between him and his employer. He was living a very happy life. He was never a bonded labourer. Now his account has been settled and nothing due is left towards the employer. This is a standard format repeated almost in the same words every time as it fulfils the legal requirement. The village sarpanch counter signs the same. If the case is of a more legal nature, a stamp paper is used for the above statements forced out of the labourer. In the process the only gain a labourer has is his release and sometimes also the waiving of his debt, if not whole of it, at least part of it.

Under such a self negating system, in which rural caste and class play an important role, it does not seem plausible to extract evidence against the 'slave masters', and in favour of bonded labourers through the official bureaucracy. In order to appreciate the limitations of the courts and the bias of the district administration please see Appendix 4.

Suggestions

The bondage of workers in India, as also that of Punjab, is related to their general deprivation. For instance the study of six villages of Punjab has shown that 58 per cent of the dalit households are indebted and the average amount of debt of an indebted household is Rs. 28,048/-. It shows that the overall prosperity of a region does not mean development is also percolating to the lower rungs of society. Under such circumstances two types of strategies are necessary, that is, for the short run and long run.

Short Run

1. Strengthen networking of the existing efforts being made in the South Asian countries.
2. Use all sorts of media to highlight the issue of bondage and educate both the public and the minions of law.
3. Organise training courses and educate the district administration on the newer forms of bondage, particularly debt bondage.
4. Conduct small and quick studies on a continuous basis and propagate the findings far and wide in order of mobilise global opinion against bondage.

Long Run

1. Take measures to bridge uneven social, economic and regional development in India.
2. Spread education (not simply literacy), the real source of empowerment, to all corners of India.
3. Organise labourers, whether through NGOs or trade unions, and provide them training to acquire a decent place in an unequal society.

1 'Master' is a name given to the labour contractor, for want of any other appropriate term, who happened to be Jat Sikh landlord in this case. Migrant labourers call him 'Sardar'.

2 We have avoided giving names and addresses of the people involved as traders or victims of the trade.

3 The real name changed.